



MERCED COUNTY
CIVIL GRAND JURY REPORT
2018-2019

COVER ACKNOWLEDGEMENTS

MERCED COUNTY BEHAVIORAL HEALTH AND RECOVERY SERVICE CENTER

The 2018-2019 Merced County Civil Grand Jury (MCCGJ) expressed an interest to meet the Director and staff at the new Merced County Behavioral Health and Recovery Services (BHRS) facility located at 301 East 13th Street in Merced to learn about the services provided to the community. The MCCGJ met with the Director and members of the leadership team on February 1, 2019.

The BHRS's presentation focused on the following areas:

1. Facility costs and ongoing budget
 2. Homeless and housing services
 3. Law enforcement collaboration and crisis services
 4. Crisis service expansion
 5. Additional services - Innovative Strategist Network
-
1. The new facility was built with a variety of resources, none of which was funded through the Merced County General Fund. Monies were provided by the California State Mental Health Services Act, 1991 Realignment tax revenues, bond allocations, insurance proceeds, and various grants.
 2. The BHRS is proactive as a coordinating agency and provider of services to the mentally ill homeless population. There are currently five (5) housing programs available for homeless placement.
 3. The BHRS engages in meeting with the leadership and patrol staff for training, coordination of services, and risk assessment. The Community Access Recovery Services (CARS) consists of three (3) crisis programs that partner with law enforcement and health care providers to provide services to individuals in need of crisis intervention.
 4. The BHRS is proactive in its objective of expanding and providing for the needs of mentally ill people. The Crisis Services Expansion plan includes the following projects:
 - a. On-site crisis residential unit. A thirty (30) day, sixteen (16) bed intensive residential program for the severely mentally ill. referred through BHRS consumer system. Opening Spring 2019
 - b. On-site eight (8) bed Triage services, part of CARS: Opening May 2019.
 - c. New four (4) bed Children's Crisis Stabilization Unit: Opening May 2019.
 5. Additional Services - Innovative Strategist Network—effective January 2019, BHRS expanded their delivery system of services to the community by providing comprehensive holistic care and eliminating unnecessary barriers to treatment. Services are coordinated not only at the Outpatient BHRS facilities, but at settings throughout Merced County to ensure quality of life linkages for BHRS consumers. Services include,

but are not limited to, individual counseling, recovery services, care management, narcotic treatment, and withdrawal management. These services are available face to face, by phone, or through Telehealth.

The BHRS presented to the MCCGJ an overview of their programs related to the five (5) areas, pointed out above, that reflect their proactive efforts and ambitious stance in providing services to the Merced County residents at their new facilities and through outreach programs within the County.

MAP OF MERCED COUNTY

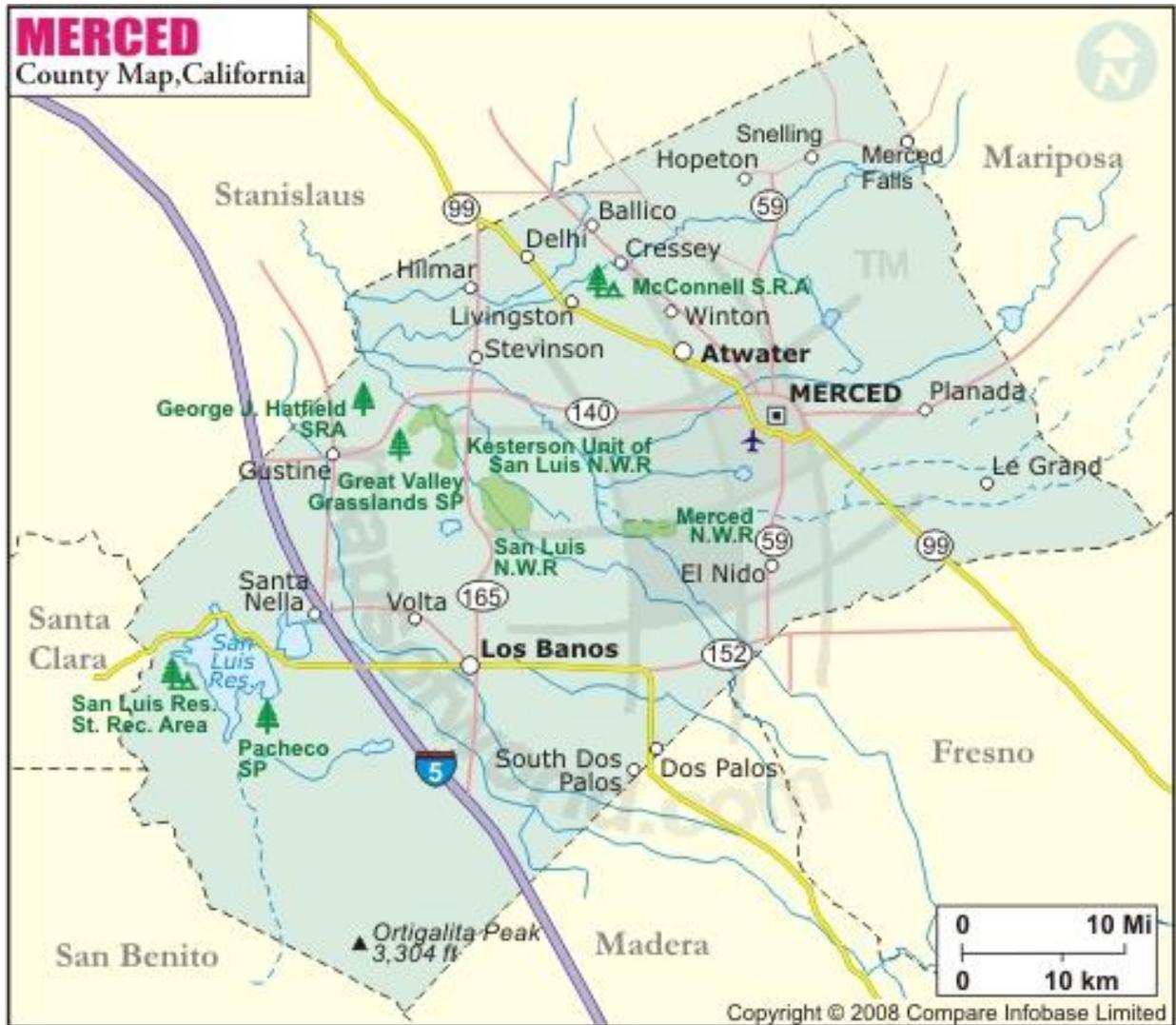


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CIVIL GRAND JURY

PO Box 2034
Merced, California 95344
<http://www.co.merced.ca.us/grandjury>

The Honorable Jeanne E. Schechter
Presiding Judge of the Civil Grand Jury
Merced County Superior Court

Dear Judge Schechter:

The 2018-2019 Merced County Civil Grand Jury (MCCGJ) respectfully presents our final report to the Merced County Superior Court and the citizens of Merced County in accordance with California Penal Code, section 933.05.

Merced County citizens may express their concerns regarding the operation of their county and city governments by submitting complaints to the MCCGJ. All complaints received were reviewed by MCCGJ. The review process determined whether the complaint was within its jurisdiction and if the complaint met the standards for review. For various reasons, not every complaint warranted an investigation; however, every complaint submitted to the MCCGJ was given full consideration.

MCCGJ received six (6) complaints from citizens during the year. One (1) was from an anonymous source. Four (4) were determined to be outside the MCCGJ jurisdiction and no action was taken on one (1) complaint.

As required by law, the MCCGJ inspected the County's detention facilities: Merced County Sheriff's Department Main Jail Facility, John Latorraca Correctional Center, and the Los Banos Police Department Detention Facility. It should be noted that the Los Banos facility is no longer used for detention.

While not required by law, we did visit the Iris Garrett Juvenile Correction Complex and the Superior Court holding facility that houses inmates who are awaiting trial, and all city police departments within the county. The Superior Court facility is owned by the State but operated by the Merced County Sheriff's Office.

The MCCGJ considered every investigation and inspection seriously. They used their experience and collective knowledge to study policies and procedures within the governing bodies of Merced County. Each report contains findings, reasonable recommendations, and requests for responses from appropriate elected officials and departmental administrators.

The MCCGJ extends a huge “thank you” to the agency and departmental personnel within Merced County. We appreciate their cooperation and acknowledgment of the importance of the role of the Civil Grand Jury in service to the residents of Merced County. The acceptance, findings, and implementation of recommendations of the 2018-2019 MCCGJ report is now the responsibility of the elected officials and administrators of departments and agencies. The time and hard work from the members of this jury has been significant. The goal of the jurors is that these reports will lead to improvements in the operation and effectiveness of local government throughout Merced County.

The 2018-2019 MCCGJ appreciates the opportunity and privilege of contributing to Merced County’s future.

Respectfully submitted,

Joel Moses, Foreperson
2018-2019 Merced County Civil Grand Jury

**2018 – 2019 Merced County
Civil Grand Jury Members**

1. Brenda Jean Calbert (Secretary)
2. Mayra Ceja Del Toro
3. David Cunca*
4. Karen Lisa Deeming
5. Alexander Duran * (Vice Foreperson)
6. Rennise T. Ferrario
7. Ryan Foote
8. Mary Esther Gomez
9. Michael Phillip Green
10. Portia R. Green
11. Leland P. Haugen*
12. Bryce Allen Howard*
13. Stoney W. Jackson Jr.
14. Joe F. Martins
15. Victoria McKim
16. Edna Montes de Oca*
17. Joel Moses (Foreperson)
18. Toby Neal Soares
19. Mai Yer Vang
20. Salvador Navarrete
21. David Rodriguez

*Members unable to complete their term

The 2018 -2019 Civil Grand Jury members resided in the following communities in Merced County.

Atwater
Los Banos
Merced
Planada
Winton

MANDATED INSPECTIONS OF JAIL FACILITIES

INTRODUCTION

California Penal Code 919(b) requires the Merced County Grand Jury (MCCGJ) to inspect and inquire into the management and conditions of the jails within the County. During the year, the MCCGJ inspected the following facilities:

Merced County Sheriff's Department Main Jail

Merced County Sheriff's Department John Latorraca Correctional Facility (JLCF)

Merced County Superior Court Holding Facility

The Los Banos Police Department and Jail facility are exempt from the above list based on the discontinuation by the City of its holding facility. Arrestees from Los Banos, Dos Palos, California Highway Patrol, and Fish and Game are transferred to the Merced County Main Jail. The Grand Jury inspected all three facilities but decided not to write reports on the Merced County Sheriff's Department Main Jail and Merced County Superior Court Holding Facility.

JOHN LATORRACA CORRECTIONAL FACILITY

SUMMARY

The John Latorraca Correctional Facility (JLCF) is located at 2584 West Sandy Mush Road south of the City of Merced. The facility is located on approximately 100 acres adjacent to the Iris Garrett Juvenile Justice Center. The rated holding capacity of the facility is 564 inmates. Average daily population for May 2019 was 447. The facility is staffed by thirty-three (33) correctional officers, five (5) sergeants, ten (10) administrative staff comprised of sheriff systems operators, cooks, and facility assistant clerks, and two (2) day shift maintenance staff that work Monday-Friday. The facility is the main jail facility for the County and local jurisdictions. It was originally built in the 1990's as a short-term facility for weekend alternative sentences but now houses short-term and long-term inmates. Prisoners are located in separate areas depending on the crimes they committed, their current risk assessment, and their behavior. This facility is currently under the supervision of the Sheriff and Probation Departments and holds both male and female offenders.

BACKGROUND

During its investigation of the JLCF, the MCCGJ received complaints concerning general maintenance of the facility, lack of water in the cells, lack of hot water in the showers, price gouging by the commissary, withholding of medications from inmates, and lack of adequate medical and dental services.

METHODOLOGY

Over the course of three (3) separate investigative site visits, the MCCGJ conducted interviews with Merced County Sheriff's administrative and correctional facility staff, on site medical staff, county public works maintenance staff assigned to the facility, facility inmates, county administrative staff, and California State Board of Corrections staff. The MCCGJ reviewed documentation on maintenance, medical procedures, and commissary pricing.

DISCUSSION

The facility is laid out with four (4) bunk buildings (Buildings 300, 400, 500, and 600). Building 300 has three (3) cells: one (1) medical dorm with eight (8) available bunks, and two (2) female cells with occupancy at twenty (20) per cell. Building 400 has six (6) cells with occupancy at twenty (20) per cell and contains sensitive needs cells only. Building 500 has eight (8) cells: two (2) cells with occupancy of eighteen (18) per cell, one (1) general population cell and one (1) Norteno cell; five (5) cells with occupancy of twenty-three (23) containing sensitive needs; and one (1) cell with occupancy of twenty-four (24) containing sensitive needs. Building 600 has seven (7) cells with occupancy at twenty (20) per cell; one (1) program dorm (for inmates involved in rehabilitation and education programs), four (4) general population dorms, one (1) dorm for inmates over thirty-five (35+), and one (1) worker dorm. The bunk buildings enclose a court area with grass and paved surfaces for recreational use. The facility also contains administrative buildings, classrooms, medical clinic and other support facilities.

The JLCF has been updated over the years to accommodate the growing prison population but is showing a great deal of decay not related to vandalism. Individual bunkrooms are separated by drywall which has holes and mold. Maintenance logs showed numerous problems with mold. Maintenance of the JLCF is under the responsibility of the County Public Works Department. Maintenance personnel report daily to Public Works Department before traveling to JLCF and can be assigned to any work site based on countywide needs. During the first inspection by the MCCGJ, the facility had only one maintenance person working on site for six (6) hours a day. On a second visit, it was noted that a second maintenance worker was working on site.

While touring the facility the MCCGJ inspected the water temperature and flow in selected bunkrooms. Out of two showers inspected, one shower was not functioning, and the second shower had low water flow and no hot water. The handwashing sink had no water flow. The MCCGJ was shown by staff that the water system pipes are plugged with mineral build up and restricting water flow. Staff explained that piping is being replaced only when problems become acute because of the impending remodeling project. Hot water is sometimes not available in bunkrooms because of hot water boilers breaking down. Several boilers are so old replacement parts cannot be purchased, so they must be specially fabricated for repairs. The facility maintenance records show numerous problems with water line breakage within walls and water service interruptions.

Inmates are issued one blanket each for use in the bunkrooms. Inmates with special needs may be provided an additional blanket on request. It should be noted that during the visit in November, the bunkrooms the MCCGJ inspected were at a comfortable temperature.

During the inspection, the MCCGJ investigated prices at the commissary. The commissary provides a number of items including personal hygiene items, snacks, and convenience foods. The County outsources commissary operation to an outside vendor who provides items and sets the price of individual items. The County does review and approve items sold at the commissary. Inmates can order items online, but only through specifically approved vendors. In reviewing the commissary list and prices, some seemed higher than paid at community stores, however, the prices maybe higher due to the costs of providing items to a jail facility. The MCCGJ reviewed the new contract and it requires any request for a price increase by the contractor to be substantiated with documentation from the contractor, a manufacturer, supplier, local market, or governmental agency and must be submitted in writing at least thirty (30) days prior to the effective date of the increase. It also provides that the County and contractor shall mutually agree to prices for any and all items to be provided to inmates. No price of any product may be set and/or changed without the express written approval of the County. Approval for increases will not be unreasonably withheld by the County.

The MCCGJ investigated the medical services including prescription dispensing. The MCCGJ interviewed medical staff and the onsite clinic facilities to review medical procedures and facilities. Opioid medications are not allowed in the facility, nor are they distributed to inmates even if prescribed. Alternative medications are provided.

Intake procedures require detainees to surrender any prescription drugs to the medical staff. The County's medical databases are checked and personal physicians are contacted for current

prescription information. Approximate time for verifying medications was reported to take between one (1) and three (3) days. Once verified, medication is distributed by medical personnel under the supervision of correctional officers. Under some circumstances, medications are administered in the medical clinic offices. If an inmate refuses to take their medication it is noted in the file. All distributions of medications are controlled and logged in the medical records of the clinic.

The MCCGJ inquired about dental care in the facility. The MCCGJ was informed due to availability of qualified dentists, treatment was not frequently available. Emergency cases are handled outside the facility. The County is negotiating an updated addendum to the contract with the medical provider that would increase the availability of dental services.

In November 2015 the County received a \$40 million grant to upgrade the facility from the California Board of State and Community Corrections and a contribution of \$5 million from Merced County. To date none of the funds have been used. The State is waiting to release funds pending the completion of grant conditions by the County. Currently the County is working with the State Fire Marshall, General Services Agency, Department of Finance, and others to complete the requirements for the Real Estate Due Diligence Report.

The County does have plans to implement a three-phase plan to correct problems at the current facility and to build new facilities. Unfortunately, the County has not yet secured the release of the \$40 million dollar grant approved four (4) years ago and has not determined a source of funds for Phases two (2) and three (3).

FINDING(S)

- F1:** That the JLCF is in an advanced state of decay.
- F2:** That the county has received a \$40 million grant in 2015 for the phase one (1) upgrading of the facility and the County has allocated \$5 million in funds to upgrade the facility.
- F3:** That no funds have been released to begin the project based on unfulfilled conditions of approval.
- F4:** That no sources have been identified for the implementation of phase 2 providing for the replacement of the Main Jail and facilities at JLCF.
- F5:** That the County has new, or modified, contracts for the commissary and medical services.

RECOMMENDATION(S)

- R1:** That the maintenance staff be increased to maintain facility and address issues in a timely manner.

R2: That the County put the highest priority on completing the grant requirements needed for release of the funding so construction can begin on Phase one (1).

R3: That the Board of Supervisors identify funding sources for the implementation of Phase two (2). Phase two (2) will replace jail facilities at both the JLCF and the Main Jail in downtown Merced.

REQUEST FOR RESPONSE(S)

Pursuant to Penal Code Section 933.05, the following responses are requested:

- Merced County Board of Supervisors respond to F1, F2, F3, F4, R1, R2 and R3 within 90 days.
- Merced County Sheriff Vernon Warnke respond to F1, F2, F3, F4, R1, R2, and R3 within 60 days.

Responses are to be submitted to the Presiding Judge of the Merced County Superior Court in accordance with Penal Code Section 933.05.

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

POLICE DEPARTMENTS WITHIN MERCED COUNTY

Only a few police departments in Merced County contain jail facilities, but the 2018-2019 Merced County Civil Grand Jury (MCCGJ) chose to visit all departments in the County with a focus on policies regarding the growing homeless population. The MCCGJ understands that our police officers are an integral part of the safety network in Merced County.

ATWATER POLICE DEPARTMENT

The City of Atwater has a current population of approximately 31,470 according to the most recent California Department of Finance population projections for 2019. Atwater includes an incorporated area of 6.12 square miles containing residential, commercial and industrial properties. There are two (2) high schools, one (1) junior high school, one (1) Community Day School, and seven (7) elementary schools in the Merced and Atwater Unified School Districts. The 2018-2019 Merced County Civil Grand Jury (MCCGJ) inspected the Atwater Police Department, located at 750 Bellevue Road in Atwater, on November 27, 2018, and April 29, 2019.

At the time of inspection, the Department employed a total of thirty-four (34) employees including one (1) chief, three (3) sergeants, twenty-two (22) sworn officers, two (2) detectives, two (2) community service officers (CSO) with one (1) CSO responsible for animal control, and five (5) dispatchers. Atwater Police Department also dispatches for the Atwater Fire Department. The facility has two (2) cells for holding purposes, with a capacity for six (6) detainees. The average holding time is six (6) hours before detainees are booked at the Merced County Main Jail facility.

The facility is overcrowded and in need of expansion or replacement. The Atwater Police Department and City Hall share a reception area. The server room is tightly packed with computer equipment and is not properly air conditioned. Box floor fans are used to keep the equipment cool. The evidence room is not large enough to secure the evidence and materials must be stored in multiple areas. The conference room is a shared space with City Hall. The dispatch center is outdated and needs upgrading. The Department detectives have offices in another location. The MCCGJ was told by multiple personnel that the air conditioning system is in need of replacement.

The Department has policies for addressing the needs and issues associated with mental illness and homeless persons. The policy encourages commitment to protecting the rights, dignity, and property of homeless members of their community. All officers are provided with body camera equipment for their safety and the safety of the public. The MCCGJ inquired if the Department currently supplies overdose reversal drugs for their officers to use in the field and for their own protection and they indicated that they do not.*

*At a followup interview it was reported that the Atwater Police Department has included the overdose reversal drug dispensers as standard equipment and provides training.

The facility is regularly inspected by the State of California, Health Department, Fire Department and Juvenile Justice System.

FINDING(S)

F1: That the Department has a commitment to provide for the needs of the homeless and mentally ill community in their city.

F2: That the facility is inadequate for the needs of the Department.

F3: That the officers are provided with overdose reversal drug dispensers as standard equipment.

RECOMMENDATION(S)

R1: That the Atwater City Council actively search for additional funding to relocate or rebuild a facility to adequately meet the needs of the police department.

REQUEST FOR RESPONSE(S)

Pursuant to Penal Code Section 933.05, the following responses are requested.

- Atwater City Council respond to F2 and R1 within 90 days.
- Atwater Police Department respond to F2 and R1 within 60 days.

Responses are to be submitted to the Presiding Judge of the Merced County Superior Court in accordance with Penal Code Section 933.05.

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

DOS PALOS POLICE DEPARTMENT

The City of Dos Palos has a current population of approximately 5,541 according to the most recent California Department of Finance population projections for 2019. Dos Palos includes an incorporated area of 1.32 square miles with a combination of residential, commercial and industrial development. There is one (1) high school, one (1) middle school and two (2) elementary schools in the Dos Palos Oro Loma Joint Unified School District.

The 2018-2019 Merced County Civil Grand Jury (MCCGJ) inspected the City of Dos Palos Police Department located at 1546 Golden Gate Avenue, Dos Palos on December 11, 2018. The facility was originally built in 1963 and has had several additions and remodels since then. The department shares its building with the City Council Chambers.

At the time of inspection, the Dos Palos Police Department employed a total of fifteen (15) employees including: one (1) chief, one (1) sergeant, seven (7) sworn officers, one (1) School Resource Officer (SRO), and five (5) dispatchers. The facility consisted of multiple rooms including the evidence room, office spaces, dispatch, and an exercise room. All spaces were well ordered and clean. The facility does not have any holding cells. All detainees are transported directly to the Merced County Main Jail facility. Officers wear body cameras for the protection of the community and themselves. The Dos Palos Police Department was the first in Merced County to provide overdose reversal drug dispensers as standard equipment. The equipment was obtained using monies from a grant.

Several improvements have been made including updating the dispatch station and securing the parking lot with fencing and a locked gate. The Dos Palos Police Department has recently procured an animal control pet transport bed through barter with another department. Additionally, they have been very successful in writing grants and budgeting to obtain needed equipment.

The facility is regularly inspected by the State of California, Merced Health Department, Dos Palos Fire Department and State Juvenile Justice System.

FINDING(S)

- F1:** That the Dos Palos Police Department facility is continuing to improve utilizing innovative barter and grant writing to fund projects.
- F2:** That the Dos Palos Police Department is well ordered and is adequate to serve the needs of the current community.
- F3:** That the MCCGJ is impressed that the Department is the first to provide overdose reversal drug dispensers as standard issue equipment for their officers.

RECOMMENDATION(S)

None

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

GUSTINE POLICE DEPARTMENT

The City of Gustine has a current population of approximately 5,884 according to the most recent California Department of Finance population projections for 2019. Gustine includes an incorporated area of 1.55 square miles containing residential, commercial and industrial properties. There are two (2) high schools, one (1) middle school, and two (2) elementary schools in the Gustine Unified School District. There is also one (1) K-8 school under the auspices of Our Lady of Miracles Catholic School.

The 2018-2019 Merced County Civil Grand Jury (MCCGJ) inspected the Gustine Police Department located at 682 3rd Avenue in Gustine on April 4, 2019. The facility was built in the late 1960's and has been updated and improved to adapt to their needs. Gustine has the distinction of being the site of the first 9-1-1 system in California, installed in March 1970.

At the time of inspection, the Department employed a total of nine (9) employees including: one (1) chief, one (1) sergeant, six (6) sworn officers, and one (1) community services officer who serves as the animal control officer as well. Dispatching services for the Department are contracted with the Livingston Police Department. There are two (2) sworn officer positions open but Gustine Police Department reports having difficulty in maintaining staff levels due to more competitive salaries, better benefits and advancement opportunities offered by other departments both within and outside Merced County.

The facility consisted of multiple rooms including the evidence room, locker rooms, a booking room, and office spaces. The Department has no holding cells and sends all detainees directly to the Merced County Main Jail facility. At the time of the inspection, the facility was clean, organized, well-maintained and had adequate space for needed functions of the officers.

The MCCGJ was given a written policy for addressing the needs associated with homeless and mentally ill individuals and are committed to protecting their rights, dignity, and property. Members of the Gustine Police Department are encouraged to interact and integrate into the community during their shifts by dropping into events, businesses, and taking time to talk with youth in their city. The MCCGJ was informed that all officers are provided with body camera equipment for their safety and the safety of the public. The video footage is stored and used for possible evidence and incident review. The MCCGJ inquired if the officers were provided with overdose reversal drug dispensers as standard equipment and they responded it is not yet available to their officers.*

*At a followup interview it was reported that the Gustine Police Department has included the overdose reversal drug dispensers as standard equipment and provides training.

The facility is regularly inspected by the State of California, Health Department, Fire Department and Juvenile Justice System.

FINDING(S)

- F1:** That the Department has a policy for providing assistance with homeless and mentally ill individuals.
- F2:** That the facility is well organized and adequate for the needs of the Department.
- F3:** That the officers interact positively with their community.
- F4:** That the officers are provided with overdose reversal drug dispensers as standard equipment.

RECOMMENDATION(S)

None

REQUEST FOR RESPONSE(S)

None

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

LIVINGSTON POLICE DEPARTMENT

The City of Livingston has a current population of 14,811 according to the most recent California Department of Finance population projection for 2019. Livingston includes an incorporated area of 3.7 square miles containing residential, commercial and industrial properties. Livingston Unified School District contains one (1) middle school, three (3) elementary schools, and two (2) child development centers. Livingston High School is in the Merced Union High School District but receives services from the Livingston Police Department.

The 2018-2019 Merced County Civil Grand Jury (MCCGJ) inspected the Livingston Police Department located at 1446 C Street in Livingston on March 26, 2019. The facility was built in 1998 and is suited to the needs of the Department. The facility consists of multiple, well-organized spaces that are suitable for the Department's needs.

The Livingston Police Department is the largest General Fund department in the city. At the time of inspection, the Department employed a total of 37 employees: 34 full-time and 3 part-time personnel. Full time employees include one (1) chief, two (2) lieutenants, three (3) sergeants, three (3) corporals, one (1) detective, one (1) intelligence officer, eleven (11) patrol officers, five (5) dispatchers, one (1) animal services officer, one (1) police services assistant, one (1) records assistant, one (1) evidence and special projects officer, one (1) director of professional services and one (1) executive assistant to the chief. Part-time employees include one (1) dispatcher, one (1) reserve officer, and one (1) volunteer.

The Department has no holding cells and sends all detainees directly to the Merced County Main Jail facility. The Livingston Police Department dispatch center also dispatches for Gustine Police Department. The Department does have municipal ordinances and resolutions in place to address the growing problem of homelessness in the City. In addition, the Department has an informal policy and practice of providing services to the homeless through the local churches. The Department will also provide courtesy rides to shelters in Merced. The Department currently supplies overdose reversal drugs for their officers to use in the field and for their own protection.

The facility is regularly inspected by the State of California, Health Department, Fire Department and Juvenile Justice System.

FINDING(S)

- F1:** That the facilities are well organized and adequate for current needs of the Department.
- F2:** That the Department does have policies in place to address issues and needs of the homeless population.
- F3:** That the Department does have overdose reversal drugs as standard issue equipment.

RECOMMENDATION(S)

None

REQUEST FOR RESPONSE(S)

None

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

LOS BANOS POLICE DEPARTMENT

The City of Los Banos has a current population of approximately 41,898 according to the most recent California Department of Finance population projections. It is an incorporated area of 10.12 square miles with a combination of residential, commercial and industrial development and is the second largest city in Merced County and is considered the west side hub of the county. There are four (4) high schools, two (2) junior high schools and nine (9) elementary schools in Los Banos.

The 2018-2019 Merced County Civil Grand Jury (MCCGJ) inspected the Los Banos Police Department and jail facilities located at 945 5th Street in Los Banos on December 11, 2018. The facility was built in 1969 and has been remodeled several times; most recently in 2013. The jury did not inspect the Department's annex facility at 444 J Street, which contains the office for the Police Activities League (PAL) and hosts public events such as Citizen's Police Academy, gift wrapping for Kops for Kids program and other community programs. The Los Banos PAL program is very successful and has provided low to no cost programs for more than 15,000 local youth since it began in 1989. Programs provided include Flag Football, Junior Giant's Baseball, Girl's Softball, Sober Graduation, and Kops for Kids. This program has two main objectives. The first objective is to foster a closer relationship between law enforcement and youth to build understanding and respect. The second objective is to reduce youth crimes, violence and substance abuse in the community through positive interaction with law enforcement.

At the time of inspection, the Los Banos Police Department employed a total of sixty-eight (68) employees including one (1) chief, forty-one (41) sworn officers, eleven (11) dispatchers, five (5) community service officers (CSO), two (2) K-9 units, four (4) detectives, one (1) sergeant, three (3) school resource officers (SRO) and approximately four (4) volunteers. The CSO officers include the animal control functions. The Department has openings for two (2) additional CSO's, one (1) code enforcement officer and two (2) dispatchers. The dispatch responds to approximately 60,000 calls per year and work as jail staff as needed.

The jail facility now processes detainees within 24 hours. They are either cited and released with a court date or transported to Merced County Jail. All detainees from the Highway Patrol, State Fish and Game, and the City of Dos Palos are immediately transported to Merced and the county jail. Only Los Banos detainees are booked at the Los Banos facility. The current facility has seven (7) cells, including a padded cell, with a total holding capacity of twenty (20) persons. Any medical needs for detainees at the Los Banos facility are provided by outside contractors, hospital, or other necessary professionals. Food preparation is done on site and consists of simple nutritional meals that meet state and federal standards. The jail facility has a supply closet that is fully stocked with bedding, snacks, personal health items, and emergency clothing items for detainees in need.

Los Banos does not have a homeless shelter or mental health facility; however, local community organizations provide some food and clothing. Los Banos does have official policies in place regarding how to interact and help the homeless find assistance. The Department works closely with the Continuum of Care through Merced County Mental Health Department.

All officers wear body camera equipment for the safety of both the public and the officers. All video recordings are stored and used for evidence and incident review. The MCCGJ inquired if the Department currently supplies overdose reversal drugs for their officers to use in the field and for their own protection and they indicated that they do not. Dispatch currently has approximately twelve (12) cameras located in the City of Los Banos for public safety but they are not connected to the school system cameras as other County jurisdictions have done. Cameras connecting police departments to schools adds security and safety for students and the general public, allowing Police Departments to monitor immediately in the event of a school incident.

The size of the current main police station building does not meet the needs of the Department. It is small and cramped with areas being utilized for multiple purposes. The City has purchased property and has plans to break ground on the new \$25 million, 30,000 square foot facility in 2020 with anticipation of completion in 2023. The new facility will provide adequate room for the growing Department. The new location will be at 1111 G Street in Los Banos.

The facility is regularly inspected by the State of California, Merced Health Department, Los Banos Fire Department and State Juvenile Justice System.

FINDING(S)

- F1:** That the Department has plans to break ground on a new \$25 million, 30,000 square foot facility in 2020 with completion anticipated in 2023.
- F2:** That the Department has policies in place to assist homeless and mentally ill residents.
- F3:** That the Department's growing Police Activities League (PAL) program continues to work toward reducing crime, violence and substance abuse among youth through positive interaction.
- F4:** That the officers are not provided overdose reversal drug applicators as standard issue equipment.
- F5:** That dispatch has camera surveillance of the City at approximately twelve (12) strategic points but has no direct camera surveillance of the fifteen (15) schools in Los Banos.

RECOMMENDATION(S)

- R1:** That the Department include overdose reversal drug applicators to every officer as standard equipment and provide training. (F4)
- R2:** That existing school video surveillance be connected to the dispatch network system. (F5)

REQUEST FOR RESPONSE(S)

Pursuant to Penal Code Section 933.05, the following responses are requested.

- Los Banos City Council respond to F4, F5, R1, and R2 within 90 days.
- Los Banos Police Department respond to F4, F5, R1, and R2 within 60 days.

Responses are to be submitted to the Presiding Judge of the Merced County Superior Court in accordance with Penal Code Section 933.05.

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

MERCED POLICE DEPARTMENT

The City of Merced has a current population of approximately 87,110 according to the most recent California Department of Finance Population Projections and serves as the county seat. It is an incorporated area of 23.23 square miles with a combination of residential, commercial, and industrial development. There are four (4) high schools, four (4) middle schools, fourteen (14) elementary schools, and one (1) preschool program in the Merced Unified and Merced Union High School District. There are adult education campuses, a community college, and a University of California campus in the area as well.

The 2018-2019 Merced County Civil Grand Jury (MCCGJ) inspected the Merced Police Department located at 611 West 22nd Street in Merced on November 28, 2018. The facility was built in 1956 and is outdated and not up to current standards. The building on West 22nd Street houses investigations, dispatch, records, gang violence suppression unit, evidence/property, and administration. The Department utilizes a second location identified as the South Station, located at 470 West 11th Street. The MCCGJ did not inspect this location but it houses their animal control unit, parking enforcement, and volunteers.

The current police station is inadequate for the needs of the Department. Some staffing areas are not within proximity of supervising officers. Dispatch supervisors are on the second floor and the dispatch center is on the first floor. The locker rooms are not large enough to store all officers personal belongings as well as department equipment. Due to the lack of space, filing cabinets containing case files are stored in hallways. Staff indicated that some restroom stalls were not large enough to accommodate wheelchairs. The City is in the process of funding a new facility.

The Department runs an excellent Citizens Police Academy twice a year in spring and fall. This program is an eleven (11) week course that consists of one (1) three-hour session per week. The program is intended to give citizens an overview of their police department's functions and operating procedures. It exposes the participants to some of the training required of officers and develops a partnership with citizens. The Department obtains valuable feedback from the participants to make the community safer.

At the time of inspection, the Merced Police Department employed a total of 136 sworn and non-sworn employees. Sworn officers consist of one (1) Chief of Police, three (3) captains, three (3) lieutenants, twelve (12) sergeants, and 79 officers. Non-sworn personnel consist of two (2) parking control officers, two (2) analysts, eleven (11) records clerks, two (2) supervisors, fifteen (15) dispatchers, and eight (8) Community Resource Officers. They have two (2) dispatch positions open but are otherwise fully staffed. The Department has two (2) dispatch work stations that perform dispatch services for the Police Department as well as the City's Fire Department.

The facility has two (2) holding cells that are used for holding detainees for a maximum of six (6) hours prior to being sent to the John Latorraca Correctional Facility. Both youth and adult offenders are processed in the facility but they must remain separate due to a federal mandate. Officers wear body cameras. Video footage is stored and used as evidence and incident review. The MCCGJ inquired if the Department currently supplies overdose reversal drugs for their

officers to use in the field and for their own protection and they indicated that they do not. Merced Mental Health works closely with the Merced Police Department to find solutions to the needs and issues that occur in the homeless community.

The facility is regularly inspected by the State of California, Health Department, Fire Department and Juvenile Justice System.

FINDING(S)

- F1:** That the facilities are inadequate for efficiently running and managing the Department.
- F2:** That some restroom stalls are not large enough to accommodate wheelchairs.
- F3:** The MCCGJ is impressed with the great work the Department does with the Citizens Police Academy program and believes they should make it more widely publicized.

RECOMMENDATION(S)

- R1:** That the City find funding for a new building as soon as possible. (F1)
- R2:** That the main Police Department make the restrooms accessible to wheelchairs. (F2)
- R3:** That the Department publicize their Citizen’s Police Academy more widely. (F3)

REQUEST FOR RESPONSE(S)

Pursuant to Penal Code Section 933.05, the following responses are requested.

- City of Merced respond to F1,F2 and R1 and R2 within ninety (90)days
- Merced Police Department respond to F3 and R3 within 60 days.

Responses are to be submitted to the Presiding Judge of the Merced County Superior Court in Accordance with Penal Code Section 933.05.

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

IRIS GARRETT JUVENILE JUSTICE COMPLEX

The 2018-2019 Merced County Civil Grand Jury (MCCGJ) conducted a facility inspection of the Iris Garrett Juvenile Justice Complex located at 2840 West Sandy Mush Road in Merced County on December 5, 2018. This facility is a complete complex for the juvenile justice system in Merced County.

At the time of the inspection, the juvenile complex housed forty-five (45) youths (thirty-six (36) males and nine (9) females). It has a maximum bed capacity of 120. There are forty (40) individual cells and forty (40) double cells. The juvenile facility is supervised and funded solely by the Probation Department. This facility houses the Juvenile Court where all cases are adjudicated, including first-time offenders. The Juvenile Court operations include intake facilities consisting of 48-hour holding cells and long-term cells during processing. The court area includes a courtroom, a clerk's office, and conference rooms for attorneys to meet privately with their clients.

The MCCGJ inspected the medical facility and the intake areas. These areas were found to be clean and organized. The medical area provides basic medical care but youth must be transported out for major medical and dental care. The intake area, specifically the monitoring area, has been reorganized and updated with new monitors and a larger work space.

The youth appeared well-groomed, healthy, and were wearing clean clothing. Laundry is done at the John Latorraca facility located directly across the parking lot. A washer and dryer unit for special items is located in the intake area to ensure those items remain at the youth facility. The cells were clean and orderly. All meals are prepared at the John Latorraca Correctional Center; however, the juvenile meal plan has been changed to food preferred by the juvenile residents and differs from the diet at the adult facility. The food vendor (Trinity) remains the same but the price per meal increased due to the new selection of foods offered. The youth are provided with three nutritional meals per day and additional snacks which can be purchased with points earned for good behavior.

The MCCGJ also toured the classrooms. The classrooms were clean and orderly. The students were very respectful of the teachers and staff. The juvenile facility provides multiple programs for the youth. The Bear Creek Academy Youth Treatment and Long-Term Program ensure the youth are enrolled in a regular academic curriculum and programs designed to promote successful integration back into society. The academy is structured in phases and students must earn a required amount of points through participation and proficiency to successfully complete each part of the program. The schedule includes programs that have been in place for many years such as the Recovery Assistance for Teens (RAFT) to address substance abuse issues, Cognitive Behavior Therapy (CBT) to help the youth deal with their emotions, and standard school programs (math, science, English, physical education, etc.). Additional new programming has been introduced such as Moral Reconciliation Therapy (MRT) to encourage integrity, the arts program (ART) which allows for creative expression, El Joven Noble, and Peaceful Warrior which allow the young men and women to discuss issues relevant to their life experiences and hardships. El Joven Noble has a community interaction component to promote positive role models and create

outside networks for success. The goal is to break old patterns that have resulted in negative and destructive behavior and provide tools to set and reach life goals. The juvenile facility holds high school graduation ceremonies for those meeting the requirements.

The MCCGJ spoke directly with the youth in the classroom environment. MCCGJ members observed an area where they grow vegetables and herbs and were told that students made their own salsa from the garden. Additionally, the youth were in good spirits and indicated their aspirations for the future in a positive way. The relationship between the youth and probation was positive and some verbalized they wanted to go into that field themselves. The youth indicated they enjoyed the improved food quality but stated the portions were smaller; some indicated they were still hungry after meals.

A nature excursion to Yosemite National Park is another opportunity for low-risk youth who have earned the privilege. This program is conducted through Sacred Rok, a Yosemite-based nonprofit. The mission of Sacred Rok is to support youth in nature, helping youth to learn to respect nature and through that, to respect themselves. The youth learn leadership and life skills immersed in the sanctuary space and natural beauty of Yosemite. The number of excursions is based on the budget for the year. This year four (4) trips are planned including three (3) day trips and one overnight trip. One trip has already happened with another in the near future.

FINDING(S)

- F1:** That the facility, including cells and classrooms, was clean and orderly.
- F2:** That the youth appeared well nourished, well-groomed and were wearing clean clothes.
- F3:** That the Bear Creek Academy Program provides a well-rounded program that includes both academic and personal growth opportunities as well as community interaction.
- F4:** That the facility has changed the choices of their meal packages and the increase in cost has resulted in a decrease of quantity and some students report they are still hungry.

RECOMMENDATION(S)

- R1:** That the Probation Department reevaluate the portion size of the meals provided for the youth and make increases as needed. (F4)

REQUEST FOR RESPONSE(S)

Pursuant to Penal Code Section 933.05, the following responses are required:

- Merced County Board of Supervisors respond to F4 and R1 within 90 days.
- Merced County Probation Department respond to F4 and R1 within 60 days.

Responses are to be submitted to the Presiding Judge of the Merced County Superior Court in accordance with Penal Code Section 933.05.

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

MERCED COUNTY BOARD OF SUPERVISORS COMPENSATION

SUMMARY

In November 2007, the Merced County Board of Supervisors (MCBOS) initiated Ordinance 1825, which changed the computation of their annual salaries. Instead of determining salary levels by conducting multi-county job title comparison surveys and voting on their own salary packages and increases, Ordinance 1825 specifies that the Board's salary will be a percentage of Superior Court Judges' salaries and that all future increases would be solely based on Cost of Living Adjustments provided to the Judges of the State of California outside of the Supervisor's control.

BACKGROUND

Prior to the adoption of Ordinance 1825, Ordinance 1647 (adopted September 12, 2000) established the salary for the members of the MCBOS as the average of the base salary paid to county supervisors in the counties of Fresno, Kern, Kings, Madera, San Joaquin, Stanislaus, and Tulare.

The Grand Jury received an inquiry questioning why the MCBOS' salaries are based on a percentage of Superior Court Judges compensation and no longer determined by job comparison surveys as all the other Merced County employees' salaries are computed. The original complaint asked whether there was a comparison of duties or qualifications of the MCBOS compared to Superior Court Judges.

METHODOLOGY

The Grand Jury conducted interviews with Merced County Administrative staff and Merced County Human Resources personnel, collected agenda documentation and minutes of the pertinent meetings of the MCBOS, and gathered information online at publicpay.ca.gov, transparentcalifornia.com, the website for the MCBOS, and the websites for the Board of Supervisors of the seven counties listed in Ordinance 1647 (2000).

DISCUSSION

The MCBOS changed the way their base salaries, benefit package, cell phone, car, and expense allowances were computed by adopting Ordinance 1825. Ordinance 1825 was first discussed on August 21, 2007. A presentation, requested by the Board, outlined four possible pay options. The public was given the opportunity to provide input and public noticing requirements were met for each of several subsequent public meetings as the MCBOS considered the four options. Ultimately, a majority of the Board voted for the option that established their pay at 54.2 percent of a Superior Court Judge's salary. This was the amount of compensation received by MCBOS at the time compared to the salary established by the State of California for Superior Court Judges. Ordinance 1825 eliminated expense allowances and added an additional \$400 per month salary for the Chairman. Ordinance 1825 states that all future increases of MCBOS salary shall track

increases adopted by the State as Cost of Living Adjustments provided to Judges to allow the MCBOS salary to remain at 54.2 percent of salary paid to California Superior Court Judges.

It is worth noting that neither Ordinance 1825 nor the accompanying staff reports attempted to compare the job duties or qualifications of the member of the MCBOS to those of Superior Court Judges. As stated above, the relationship between the two was simply a calculation of the amount of the salary that members of the MCBOS were receiving compared to the salary established at that time by the State of California for Superior Court Judges.

Salaries are set by a variety of methods throughout the State. Many other counties tie Board of Supervisors pay to that of Superior Court Judges. The rate of 54.2 percent is unique to Merced; some counties are lower but most Counties are higher. The practice of setting Board of Supervisors' pay as a percentage of salary paid to Superior Court Judges would allow adjustments to Board of Supervisors' salaries determined by an independent cost of living analysis each year.

Changes in state laws triggered by public outcry to salaries paid in the City of Bell, California, in the late 1990's, resulted in greater transparency of salaries for public officials. Now, salaries for Board Supervisors for every County in the State can be easily accessed through websites like publicpay.ca.gov and transparentcalifornia.com. In addition, the websites for the Board of Supervisors of many counties provide easy access to salary information; however, we did not find easy access to such information on the website for MCBOS. Therefore, Merced County Civil Grand Jury (MCCGJ) recommends the County of Merced revise its website to provide easy public access to the current salaries of all county officials and employees.

Once we confirmed that the adoption of Ordinance 1825 conformed with all state mandated public notice provisions, we reviewed whether the pay for MCBOS pursuant to Ordinance 1825 is in line with the pay that would be paid if Ordinance 1647(adopted September 12, 2000) had remained in place and not replaced by Ordinance 1825. As discussed above, Ordinance 1647 established the salary for the members of the MCBOS as the average of the base salary paid to county supervisors in the counties of Fresno, Kern, Kings, Madera, San Joaquin, Stanislaus, and Tulare. We reviewed the current average of the base salary paid to county supervisors in the counties of Fresno, Kern, Kings, Madera, San Joaquin, Stanislaus, and Tulare and concluded that Merced County MCBOS' pay is pursuant to Ordinance 1825 is actually lower (about 1.5%) than would be if Ordinance 1825 had not been adopted and Merced County still followed Ordinance 1647.

Finally, as to the concern that MCBOS existing salary adjustments pursuant to Ordinance 1825 fail to satisfy the requirement of public input and transparency, we conclude that is not the case. First, multiple public meetings were publicly noticed for the discussion, introduction, and ultimately adoption of Ordinance 1825. Second, the public was able to provide input at each of the MCBOS meetings regarding their pay. Third, pay information is readily available through several websites; however, as noted above, we did not find easy access to such information on the website for the MCBOS, and, therefore, recommend that County of Merced revise its website to provide easy public access to the current salaries of all county officials and employees.

FINDING(S)

- F1:** The public was given the opportunity to provide input and public noticing requirements were met for each of several subsequent public meetings as the MCBOS considered Ordinance 1825.
- F2:** Neither Ordinance 1825 nor the accompanying staff reports attempted to compare the job duties or qualifications of the member of the MCBOS to those of Superior Court Judges. The relationship between the two was simply a calculation of the amount of the salary that members of the MCBOS were receiving at that time compared to the salary established at that time by the State of California for Superior Court Judges.
- F3:** Future salary increases pursuant to Ordinance 1825 are solely based on Cost of Living Adjustments provided to the Judges of the State of California.
- F4:** Websites of the Board of Supervisors of many counties provide easy access to salary information. However, salary information is not easily accessible from the website for the MCBOS.
- F5:** Salary information for all county employees and officials is not easily accessible from the main website for Merced County.
- F6:** MCBOS pay pursuant to Ordinance 1825 is slightly lower (about 1.5%) than it would be if Ordinance 1825 (2007) had not been adopted and Merced County still followed Ordinance 1647 (2000).
- F7:** In 2007 when Ordinance 1825 was adopted it did satisfy the requirement of public input. Specifically, multiple public meetings were publicly noticed for the discussion, introduction, and adoption of Ordinance 1825.

RECOMMENDATION(S)

- R1:** Include on the MCBOS' website prominent notification of any change in pay within 10 calendar days of the effective date of that change. That notification should remain prominent. (F4, F5)
- R2:** Include on the MCBOS' website a summary of salary and benefits paid to the Merced County MCBOS. (F4, F5)
- R3:** Provide user-friendly access on the website for the Merced County MCBOS. (F4, F5)
- R4:** The home page of the main website for County of Merced should provide the current salaries and benefits of all Merced County officials and employees. (F4, F5)

REQUEST FOR RESPONSE(S)

Pursuant to Penal Code §933.05, the grand jury requests responses as follows:

From the following individuals:

- The Merced County Board of Supervisors respond to F4, F5, R1, R2, R3, and R4 within 90 days.

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

MERCED COUNTY PUBLIC ROADS FUNDING REPORT

SUMMARY

Merced County Public Works Department has six separate departments, including a Roads Department, that oversees the maintenance and development of 1,754 miles of roads both paved and unpaved. The Department oversees the distribution of a budget derived from federal, state and local resources. The Merced County Civil Grand Jury (MCCGJ) became aware of some possible shortfalls in the collection and irregularities in the distribution of funds derived from the Counties Road Impact Fee Contracts.

BACKGROUND

The MCCGJ received an inquiry questioning the condition of County roads and the funds used to build and maintain County roads. The original complaint asked about the placement and maintenance of road signs and the sources, use and non-payment of funds for road maintenance throughout Merced County.

METHODOLOGY

The MCCGJ conducted interviews with Merced County Public Works Administrative staff, collected and reviewed County Impact Fee Contracts, County budget documentation and other documents provided by the Roads Department staff and reviewed the County Roads Department portion of the County website.

DISCUSSION

The Merced County Public Works Department oversees the development and maintenance of County roads. The Department receives and collects fees from a number of sources including State of California Gas Tax Funds and grant funds from federal, state and local agencies. Funds collected as Impact Fees are assessed in seven (7) specified geographic areas of the County to provide funding for specific projects identified in those areas. Additional funds are collected to mitigate impacts caused by specific development projects. These projects are identified through the County's entitlement and environmental review processes and made a condition of the project's approval.

During fiscal years 2012-2016 the County only received sufficient funds for maintenance, improvements, resurfacing and reconstruction of approximately ten (10) miles of County roads. With the passage of Senate Bill 1 (SB 1) the County receives funding for an additional estimated thirty (30) to thirty-five (35) miles of road. This combined with other resources will now provide funding for an estimated forty (40) to fifty (50) miles of the 1,754 (1,600 paved) miles of County roads. Funds are distributed yearly through a Capital Improvement Plan and a Pavement Management Plan that is done through the County's yearly budget approved by the Board of Supervisors.

County Road Impact Fee Contract amounts vary according to conditions contained in the contract and probable impacts to the conditions of the road(s) in question. Contracts have different due dates for the submittal of yearly traffic counts and payments of fees. Some contracts require direct development of specific road improvements. Other contract provisions include a process for adjusting fees every five (5) years based on the construction cost index as published in the Engineering News Record. Contracts also have differing terms for the payment of fees ranging from one-time payments to multiple payments to ongoing indefinite time frame payment structures.

While reviewing documents provided by County Roads Department staff purporting to show funds collected from Impact Fee Agreements, MCCGJ determined that out of the contracts selected for review, twenty (20) may be delinquent in reporting traffic counts and paying their yearly fees. Assuming documents are correct, traffic reports and payments may be behind by as much as six (6) years. Of the possible delinquent accounts, nine (9) showed no recorded fees paid. Based on staff interviews, construction cost index as published in the Engineering News Record increases have not been applied to any contracts. Based on the above information, the MCCGJ determined that the County may be owed as much as \$400,000.00. The exact amount of fees could vary widely based on the varying fees per trucks per year, continued operation of the business, the total number of contracts and the accuracy and completeness of the information provided.

According to interviews, fees collected are simply placed in the countywide road maintenance account and used for projects throughout the County and not for the mitigation of the specific designated road impacts. Additionally, it was discovered that turnover of staff resulted in no one person being accountable for keeping track of these monies and their collection and use for a period of at least six (6) years.

FINDING(S)

- F1:** That the County in the future will have an increase in funds to use for road maintenance due to the increase in state funds generated by the increase in gas taxes. The (SB 1) fees forwarded to the County, along with other resources, will provide an increase from ten (10) miles to fifty (50) miles of improvement to the 1,754 miles of County roads.
- F2:** That the County has an adopted a Capital Improvement Plan and Pavement Management Plan guiding the allocation of funds on a yearly basis as a part of the County's budget process.
- F3:** That based on the documents provided, the County may be owed as much as \$400,000.00 in Road Impact Fees.
- F4:** That any Road Impact Fees collected are being combined with overall County Road Maintenance Fees and not assigned or used for the mitigation of specific projects as required by individual contracts.

- F5:** That the County has not increased individual Road Impact Fees by the construction cost index as published in the Engineering News Record as allowed by the contracts.
- F6:** That no one person has been accountable for the tracking of road impact fees for at least six (6) years. This accounts for the lack of documentation and accurate record keeping by the County Roads Department.

RECOMMENDATION(S)

- R1:** That an Audit of all County Road Impact Contracts and Funds be made within six months. (F1, F2, F4, F5)
- R2:** That separate trust fund accounts be established for the tracking of the collections fees and use of fees from Road Impact Fee Contracts. (F2, F4)
- R3:** That the Roads Department establish a specific set of yearly procedures for the collection and use of Road Impact Fees along with collecting all past due fees. The procedures should be overseen by one (1) department member and the Auditor’s Office. (F1, F2, F6)
- R4:** That the Roads Department establish procedures for the expenditure of Road Impact fees in accordance with the approved Road Impact Fees Contracts on a yearly basis. (F2, F4)
- R5:** That the Road Department review all Road Impact Fees to determine if increases are warranted based on the construction cost index as published in the Engineering News Record as allowed by each contract and attempt collection for any delinquent accounts. (F5)

REQUEST FOR RESPONSE(S)

Pursuant to Penal Code §933.05, the grand jury requests responses as follows:

From the following individuals:

- Merced County Public Works Director/Roads Commissioner respond to F3, F4, F5, F6, R1, R2, R3, R4, and R5 within 60 days.

From the following governing bodies:

- Merced County Board of Supervisors respond to F3, F4, F5, F6, R1, R2, R3, R4, and R5 within 90 days.

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

USE OF MERCED CITY COUNCIL CHAMBERS

SUMMARY

The Merced City Hall has spaces available for rent to the public. These include Conference Rooms, an Exhibition Hall, the Sam Pipes Room, and Council Chambers. The 2018-2019, Merced County Civil Grand Jury (MCCGJ) received a complaint that questioned whether an elected official had been given special privileges in violation of City policies regulating the use of City Hall Facilities. After investigating, the MCCGJ concluded that the use of the Council Chambers by a local non-profit group on a Saturday did not violate City policies and no special privileges were given. However, the MCCGJ did find that City staff were not following official City policies regulating the use of City Hall Facilities and that those policies are poorly managed, not well communicated, and outdated. The MCCGJ recommends the City of Merced update its policies regulating the use of City Hall Facilities and ensure City employees are well-versed on the revised policies.

BACKGROUND

The 2018-2019 MCCGJ received a complaint that questioned whether an elected official was given special privileges in violation of City policies and procedures regulating the use of City Hall facilities. According to the complaint a ceremony had been held by a group in City Council Chambers on a Saturday. This event led the complainant to question whether the ceremony evidenced special privileges to an elected official.

METHODOLOGY

Members of the MCCGJ spoke with City staff and solicited information regarding the public's ability to rent facilities at Merced City Hall. Members of the MCCGJ also solicited an application from City Staff to rent such facilities. Thereafter, the MCCGJ interviewed City officials to obtain additional information on City policies and procedures for the rental of facilities at City Hall. Documents provided for review included a current Application and Agreement for Use of Facilities, the Samuel C. Pipes Meeting Room Information Sheet, and Merced Administrative Policies and Procedures. Additional information was obtained from the Merced City Parks and Facilities website, which provided general information and current fliers.

DISCUSSION

City staff informed members of the MCCGJ that City Hall spaces are not available to rent on weekends. They also told members of the MCCGJ that they were not aware of any related policies or procedures regarding the leasing of facilities. In addition, the "Application and Rental Agreement for Use of Facilities" lists no facility at City Hall as available for rent or reservation by a member of the public. The Samuel C. Pipes Room handout lists only the Samuel Pipes Room (no other facility) and specifically states the room is available "Monday through Friday 8:00 a.m. – 10:00 p.m." with no mention of availability on weekends.

The information provided by City staff and the available forms supported the complainant's contention that City facilities were not available to rent on weekends. During a later interview a City official presented to the MCCGJ a copy of a policy dated October 17, 1994, entitled "Administrative Policies and Procedures: Rules For Use of Civic Center, Conference Room, Meeting Rooms, Exhibition Hall, and Council Chambers" that indicated rooms are available Monday through Sunday 8 a.m. to 11 p.m. The 1994 policy also states that arrangements and approval to use the Chamber are made through a City employee and a fee is to be charged for the use unless an exception applies. The exception that would apply reads as follows: "City of Merced or groups or organizations conducting meetings or events in which an employee or official of the City is participating in their official capacity." Under that exception, "No fee or deposit required." Therefore, the weekend use of the Council Chambers without a fee by a group in which an official or employee was acting in their official capacity did not violate official City policies. No special privileges were provided beyond those adopted by City policies regulating the use of City Hall facilities.

The City official confirmed that public works department and employees are available to unlock and lock the facility after hours and on weekends. The MCCGJ found, and the City official agreed during the interview, that the 1994 policy is outdated. At the time of the interview the policy had not been updated to conform to recent changes in law that limit the amount that Cities may charge for use of City-owned facilities. Fees adopted should comply with Proposition 26, codified a California Article XIII C, section 1(e). A fee may not exceed the estimated reasonable cost of providing the service for which the fee is charged. During this interview, the City official stated that the policy was outdated and that a new Administrative Policy and Procedures will be drafted after a review of such policies adopted by other Central Valley cities. The official stated that the revised policy will be presented to the Merced City Council in spring 2019.

The revised policy was received by the MCCGJ in spring 2019. The MCCGJ was provided an updated policy entitled "RULES FOR USE OF CIVIC CENTER, CONFERENCE ROOMS, MEETING ROOMS, EXHIBITION HALL, AND COUNCIL CHAMBER effective 5/20/2019 that replaced the policy dated 10/17/94. The MCCGJ reviewed the updated policy and determined that it fails to address some of our concerns with the 1994 policy.

For example, Section 1 of the updated policy states fees "for entities other than city employees or elected officials are governed by the rates set forth in the most current City Council Resolution approving Facility Use Fees." This implies that the fees are not applicable to city employees or elected officials but does not expressly say so and does not clarify when such fees are to be waived for city employees or elected officials. Also, Section 1 states that "use of all City Hall rooms, except the Sam Pipes meeting room and Exhibition Hall, will normally be limited to meetings involving municipal business or interests and be handled by a city employee or city elected official." The policy does not clearly state whether the listed rooms may only be used for "meetings involving municipal business or interests" or whether the meetings in the listed rooms must "be handled by a city employee or city elected official."

Section 2 of the updated policy appears to make certain fees discretionary: "use of facilities on weekends and holidays and for special events by the general public will be subject to additional fees to cover staffing costs, as determined by the City Manager." In addition to adding an

element of discretion to the fees, this statement implies facilities are available on weekends and for special events by the general public, in contrast to Section 1 that stated certain rooms are only for “meetings involving municipal business or interests” and in contrast to other sections of the updated policy that state certain rooms are only available Monday through Friday.

Section 3 of the updated policy makes any City employee or elected official “involved” in a meeting “responsible for the conduct of the individuals using the room.” It is unclear how that responsibility would fall on such employees or elected officials that are simply participating in a meeting and not the organizer of such.

Lastly, language in the updated policy states that the use of some rooms is “subject to prior approval” without clarifying whose approval is required or factors to be considered in denying or approving the requested use.

FINDING(S)

- F1:** That the use of the City Hall facilities by a group on a Saturday did not violate City policies and an elected official was not given special privileges.
- F2:** That City employees are unaware of the policies regarding the usage of the City Hall. Misinformation has been given to citizens.
- F3:** That the City’s *Application and Agreement for Use of Facilities* does not include the facilities available at Council Chambers.
- F4:** That the policy dated October 17, 1994, entitled “Administrative Policies and Procedures: Rules for Use of Civic Center, Conference Room, Meeting Rooms, Exhibition Hall, and Council Chambers” was outdated.
- F5:** That the policy dated May 20, 2019 fails to address some of the concerns put forth in this report as detailed above.

RECOMMENDATION(S)

- R1:** That the current Administrative Policies and Procedures should be updated and presented to the City Council for approval and implementation within 90 days of this Report. Provide confirmation of the new policy adopted by Council to the Grand Jury within 120 days of this Report. (F2, F3, F4, F5)
- R2:** That the City staff responsible for disseminating information regarding usage of City Hall facilities must be properly trained with current information within 30 days of the adoption of policies by the City Council. (F2)
- R3:** That the policies and procedures related to use of City Hall facilities must be reviewed on a regular basis and updated as needed. (F4, F5)

R4: That an update to all materials pertaining to the rental of City facilities including but not limited to rental agreements, website, and fliers to ensure all information is consistent with policy and procedures and provide the public with accurate information. (F3, F4, F5)

REQUEST FOR RESPONSE(S)

Pursuant to Penal Code Section 933.05, the following responses are requested.

- Merced City Council respond to F2, F3, F4, F5, R1, R2, R3, and R4 within 90 days.
- Merced City Manager respond to F2, F3, F4, F5, R1, R2, R3, and R4 within 60 days.

Responses are to be submitted to the Presiding Judge of the Merced County Superior Court in accordance with Penal Code Section 933.05

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

One (1) juror recused from this investigation.



MERCED COUNTY CIVIL GRAND JURY
CONTINUITY REPORT

A follow up for the
2017-2018 Report

MERCED COUNTY CIVIL GRAND JURY COMPLIANCE AND CONTINUITY REPORT

Civil Grand Juries are governed by California Penal Code Section 933 (a) which requires the Jury to submit a report to the presiding judge of the Superior Court of the findings and recommendations that pertain to county government matters. Section 933 (c) requires responses from the governing body, elected county officials or department heads to the presiding judge of the Superior Court on the findings and recommendations within the required period of time. Governing bodies of public agencies are required to respond to the judge no later than 90 days after the Grand Jury submits a final report. Department heads are required to respond within 60 days of the final report.

Section 933.05 (b) requires that in the response to the Grand Jury report, elected officials or department heads must provide one of four possible responses to each recommendation:

1. The recommendation has been implemented, with a summary of the action taken.
2. The recommendation will be implemented, with a summary of the action taken.
3. Further analysis is required, with an explanation and timeframe for the response of up to six months from the release of the report.
4. The recommendations will not be implemented because it is not warranted or is not reasonable, with an explanation.

When responses have been received, it is the responsibility of the clerk of the court to forward a true copy of the report and the responses to the State Archivist, who retains the report in perpetuity. The Grand Jury Reports are available to the public by request from the State Archivist in Sacramento. The reports can also be obtained from the Merced County website.

Included in this report are the investigations conducted by the 2017-2018 Merced County Civil Grand Jury (MCCGJ). A brief summary of each report is provided, along with findings and recommendations of the MCCGJ. Verbatim responses to the reports from the government agencies or departments are also provided.

ELECTION PROCEDURES PREVENT FRAUD

Internal Investigation 17-12-05

The 2017-2018 Merced County Civil Grand Jury (MCCGJ) received concerns from citizens regarding voting procedures in Merced County with the potential for fraud within the election process.

FINDING (S)

- F1.** That the Voter Registrar's office is working proactively to educate first time voters to ensure they are aware of registration and voter procedures.
- F2.** That any irregularities found in the registration process are forwarded to the jurisdiction of the California Secretary of State for review.
- F3.** That there is no capability for any connection between ballot counters and outside electronic interference.
- F4.** That new mail-in ballot envelopes have additional security with a new signature window and are hoped to be used in the future.
- F5.** That cross-checking system for the three types of ballots prevents voters from voting more than once.

RECOMMENDATION (S)

- R1.** That the County Voter Registrar continue its outreach programs to local high schools, colleges and universities to educate new voters with regard to voter registration requirements and processes.
- R2.** That the County Voter Registrar and staff continue to receive training as it is available regarding electronic security for the voting process.

REQUESTED RESPONSE (S)

Pursuant to Penal Code Section 933.05, the following responses are required.

- Merced County Board of Supervisors respond to F-1, and R-1 and R-2 within 90 days.
- Merced County Registrar of Voters respond to F1-F-5, and R-1 and R-2 within 90 days.

Response #1

“The Board of Supervisors appreciates the Civil Grand Jury’s interest in the Merced County elections process and elections security. The Registrar of Voters has done a commendable job of proactively educating local youth and other first-time voters of the registration process and elections procedures. The Board is aware of the Office’s efforts to participate in high school information weeks as well as educate students at Merced College and UC Merced. The Board agrees with the Civil Grand Jury’s recommendation to continue these outreach programs and is encouraged to know that plans to continue this are already in place by the Registrar of Voters Office.

Regarding the recommendation to continue staff training for electronic security and voting process purposes, the Board agrees with the Civil Grand Jury and understands that this is already underway by the Department. The Registrar of Voters and her staff regularly participate in educational opportunities and review information from a variety of State and Federal agencies to ensure best practices and standards are implemented and used.”

(Merced County Board of Supervisors, September 18, 2018)

Response #2

“I have received and reviewed the 2017-2018 Grand Jury Report. As requested therein, please accept this as my response to the report regarding election procedures.

F1. *That the Voter Registrar’s office is working proactively to educate first time voters to ensure they are aware of registration and voter procedures.*

Re: Finding F1 - I concur.

F2. *That any irregularities found in the registration process are forwarded to the jurisdiction of the California Secretary of State for review.*

Re: Finding F2 - I concur. California has a statewide voter registration data base as required by the Help America Vote Act of 2002. All new voter registrations and all changes to existing voter registrations are processed appropriately as per existing laws and rules. All notifications of changes and updates processed electronically are received in ‘near real time’ and are processed accordingly. Irregularities noted that cannot be resolved between counties may require assistance from the Secretary of State office.

F3. *That there is no capability for any connection between ballot counters and outside electronic interference.*

Re: Finding 3 - I concur. None of the tabulation equipment utilized in Merced County is ever connected to the internet nor are any of the units accessible remotely.

F4. *That new mail-in ballot envelopes have additional security with a new signature window and are hoped to be used in the future.*

Re: F4 - I concur. Merced County utilized, as a test, new vote by mail return envelopes for the 2017 UDEL election. The envelope offered additional security measures in that it included a pull tab that, once the signed envelope was sealed by the voter, concealed the voter signature. In this way, the signature could not be viewed as the envelope made its way back to the Elections office through the mail. For processing and signature verification by the Elections staff, the pull tab was removed. We are exploring the possibility of utilizing this type of envelope in future elections.

F5. *That cross-checking system for the three types of ballots prevents voters from voting more than once.*

Re: F5 - The processing procedures for Vote-By-Mail and for Provisional ballots ensure that for any given voter only one ballot is counted. Procedures adhered to at the polling locations, whereby a Provisional ballot is issued to a voter who has lost or cannot present a previously issued Vote-By-Mail ballot, also ensure that a voter will have only one ballot counted.

R1. *That the County Voter Registrar continue its outreach programs to local high schools, colleges and universities to educate new voters with regard to voter registration requirements and processes.*

Re: Recommendation R1 - The recommendation has been implemented. The Merced County Registrar of Voters office has been actively seeking, and participating in, outreach activities throughout Merced County since early 2017. The Registrar office regularly participates in High School Voter Information Weeks which are designated in April and in September of each year. Additionally, throughout the year we actively participate in numerous outreach and engagement activities with our local Community College campuses and the University. Outreach efforts include early voter registration and voter registration, student poll worker, bilingual poll worker, and Student Intern recruitment opportunities.

R2. *That the County Voter Registrar and staff continue to receive training as it is available regarding electronic security for the voting process.*

Re: Recommendation R2 - The recommendation has been implemented. For the past five years, the Merced County Registrar of Voters office has been actively seeking educational opportunities and resources regarding security for voting processes. The Merced County Registrar of Voters and staff regularly participate in educational opportunities and reviews information provided by entities including the California Association of Clerks and Election Officials, the Department of Homeland Security and the Secretary of State. Resources and information regarding security and system integrity are routinely reviewed and evaluated and are shared with the Merced County Chief Information Officer. Security measures are changed or implemented as needed.

In closing, I would like to thank the Grand Jury for their work including the acknowledgement of the measures that we take to protect the voting rights of our citizens and our proactive work in regard to education and security.”

(Office of County Assessor-Clerk-Recorder- & Registrar of Voters, August 24, 2018)

MANDATED INSPECTIONS OF JAIL FACILITIES

2017-2018

Per California Penal Code (CPC) Section 919 (b) Merced County Civil Grand Jury (MCCGJ) conducted inspections of the jail facilities in Merced County. Inspections were conducted at the following facilities:

- Merced County Sheriff's Department Main Jail
- Merced County Sheriff's Department John Latorraca Correctional Facility
- Los Banos Police Department and Jail Facilities

FINDING (S)

- F1.** That the Sheriff's Main Jail facility is outdated and is not safe for inmates or employees.
- F2.** That the modernization and expansion of the John Latorraca Correctional Facility has not been funded by the County.

RECOMMENDATION (S)

- R1.** That Merced County Board of Supervisors should allocate the necessary matching funds for John Latorraca construction in the 2018-2019 fiscal year.

REQUEST FOR RESPONSE (S)

Pursuant to Penal Code Section 933.05, the grand jury requests responses as follows:

From the following governing bodies:

- Merced County Board of Supervisors respond to F1 to F2 and R1 within 90 days
- Merced County Sheriff's Office response to F1 to F2 and R1 within 60 days

RESPONSE (S)

Response #1

“The Civil Grand Jury reported on Merced County’s jail system and noted that the Main Jail facility is outdated and unsafe for employees and inmates. The report claims that the “modernization and expansion” of the John Latorraca Correctional Center (JLCC) has not been funded by the County, and recommends that the Board of Supervisors allocate matching funds for the project in the 2018-2019 fiscal year.

The Board of Supervisors agrees that the Main Jail is outdated, which is a primary reason for the reconstruction of the JLCC. The finding in the report claiming the County has not allocated funding toward the project is incorrect. The Board of Supervisors has budgeted \$4 million in County match and \$1 million in County unkind match toward Phase I of the project to augment the \$40 million of State funding through Senate Bill 863. Additionally, the Board allocated \$2 million in Fiscal Year 2017-2018 to be used toward Phase II of the project and allocated another \$2 million in Fiscal Year 2018-19. The preliminary estimate of the Phase II portion of the project is \$30 million. The Board's response to the Civil Grand Jury's recommendation that the Board allocate the matching funds echoes the response to the finding: the funding has already been budgeted.

The County is continuing to work with the State as the project moves closer to breaking ground. Planned improvements will help address security and infrastructure concerns at the JLCC while improving the capacity to house programs that reduce recidivism. The plan also includes mental health treatment facilities and assessment programs in an effort to better address inmate needs and help reduce the number of re-offenses upon release.

More specific plans to renovate the facility include remodeling the existing dormitory space to bring the structures up to current code, providing additional exercise yard space, a new 10,000 square foot programming/classroom building, a medical/mental health unit with 30 beds, new laundry and kitchen facilities, a new intake/release building and administration building with video visitations, and security upgrades and enhanced fencing for the entire site.”

(Merced County Board of Supervisors, September 18, 2018)

Response #2

“F1 Requested Response:

To clarify, the Grand Jury Report states:

“The Grand Jury will not report specifically on the Main Jail and Latorraca facilities that were inspected, as this is not required by law. However, it is noted that expansion and modernization of the John Latorraca Correctional Facility still has not begun. **The purpose of the construction is to provide additional space for housing inmates, and ultimately closing the Sheriff's Main Jail on 22nd Street.**”

It is important to point out that the purpose of the John Latorraca Correctional Center remodel and new construction under the SB863 Grant is **unrelated** to the replacement of the Merced County Main Jail Facility, which will be a project solely funded by the County of Merced unless another source of funding is located.

The replacement project of the Main Jail Facility is currently called the “Phase II Project” and the Merced County Board of Supervisor's has approved and awarded a contract with

architectural firm CGL for the preliminary design of the Phase II building. CGL is also currently on contract for JLCC SB863 Project as the Architect, Project Managing Firm and Construction Managing Firm.

Preliminary estimates completed by CGL utilizing current construction rates and fees that the cost of the Phase II Project that will replace the Main Jail Facility will be approximately \$30,000,000.00. The replacement building will be a direct supervision, two tier facility which will have four separate housing units with 32 two person cells in each unit with a total housing capacity of 256 inmates. This building will allow for all services to be brought to the inmate, instead of moving the inmate to the services which significantly enhance inmate and staff safety.

Merced County has set aside approximately \$2.5 million out of the \$30,000,000 needed for the project. At last discussion, the CEO's office has elected to fund the project through a Public Safety Bond Measure which in all likelihood will not be balloted until the year 2020 which if approved, will most likely result in construction beginning in mid to late 2021.

With all this said, the Merced County Sheriff's Office is aware of the shortcomings of the Main Jail due to its age. It was built in the 1960's and is a linear style jail, which does not meet today's Board of State and Community Corrections (BSCC) standards for newly constructed jail facilities. Significant deferred maintenance, repair and legal costs will continue to accrue at the current Main Jail Facility until it is replaced.

F2 Requested Response

That the modernization and expansion of the John Latorraca Correctional Facility has not been funded by the County.

The Merced County Sheriff's Office does not have actual control of the budget for the SB863 Remodel Project. According to the Merced County Executive Office, the matching funds for the SB863 have in fact been budgeted and currently remain in the County Budget. The CEO's office has informed the Sheriff that they will address this issue in their response to the Grand Jury Report.

R1 Requested Response:

That the Merced County Board of Supervisors should allocate the necessary matching funds for the John Latorraca construction in the 2018-2019 fiscal year.

The Merced County Sheriff's Office does not have the actual control of the budget for the SB863 Remodel Project. According to the Merced County Executive Office, the matching funds for the SB863 have in fact been budgeted and currently remain in the County Budget. The CEO's office has informed the Sheriff that they will address this issue in their response to the Grand Jury Report.”

(Merced County Sheriff's Office, August 28, 2018)

LOS BANOS POLICE DEPARTMENT

18-24-01

The 2017-2018 Grand Jury inspected the Los Banos Police Department and jail facilities located at 945 5th Street in Los Banos. This location houses offices, a 911 dispatch center, and jail holding facilities.

FINDING (S)

- F1.** That the department has a problem retaining staff due to low pay and advancement potential.
- F2.** That the current facility lacks adequate space and adequate ventilation.
- F3.** That the city is currently reviewing and negotiation for the purchase of land and construction of a new facility.

RECOMMENDATION (S)

- R1.** That the City of Los Banos seek funding for a more competitive employee compensation package.
- R2.** That the City of Los Banos continue its process of securing property and completing construction of a new police facility within the next three years.

REQUEST FOR RESPONSE (S)

Pursuant to Penal Code Section 933.05, the following responses are requested.

- Los Banos City Council respond to F1 to F3 and R1 to R2 within 90 days.
- Los Banos Police Department respond to F1 to F3 and R1 to R2 within 60 days.

RESPONSE (S)

Response #1

“Finding F-1 That the Department has a problem retaining staff due to low pay and advancement potential.

The City Council disagrees with this finding. The City has not seen any data indicating that the staff turnover at the Department is high when compared with other departments or employers. Nor has the City seen any data showing a pattern of employees leaving because of “low pay and advancement potential.” The City has a number of long term employees working

for the department. Approximately 62% of the department has worked for the City for five years or more.

The City Council believes that the total compensation package (i.e. salary and benefits) it offers Department employees is consistent with the comparable labor market. The City commissioned a salary compensation study four years ago, which stated that the City was slightly behind market rate in total compensation for similar entities. Since the study, the City agreed to significant raises for its police officers and sergeants who received 5% salary increases in 2015, 2016, and 2017. With each raise the City also increased the employee's share of CalPERS costs by 1%. Similarly, the City also gave 2.5% raises to Dispatchers and Community Service Officers (CSO) in 2016, plus an additional 2% increase for CSO's, and a one time-payment for CSO's and dispatchers for \$1000 in 2017.

Using the salary compensation study from four years ago as a starting point, earlier this year the City reviewed how its current compensation packages compared with analogous cities. The City determined that the raises for police officers and sergeants brought its total compensation package to a level slightly lower than the median packages offered by comparable cities.

The report draws an unreasonable comparison between Los Banos and larger (unnamed) Bay Area cities. It is not appropriate to evaluate Los Banos' compensation against municipalities that are not similar in size, need, or funding. The compensation consultant retained by the City determined that appropriate comparators are primarily Central Valley agencies with some smaller Bay Area cities, specifically Atwater, Ceres, Clovis, Gilroy, Livingston, Lodi, Los Altos, Madera, Manteca, Merced, Morgan Hill, Oakdale, Patterson, Salinas, Sanger, Tracy, Turlock, and Los Gatos.

Finding F2 That the current facility lacks adequate space and adequate ventilation.

The City agrees with this finding in part. The Department has outgrown its current space and is currently in the process of building a new facility. The City disagrees that the Department's current facility is not adequately ventilated. The building's ventilation is adequate and well maintained.

Finding F3 That the City is currently reviewing and negotiation (sic) for the purchase of land and construction of a new facility.

The City Council agrees with this finding.

RECOMMENDATION (S)

Recommendation R1 That the City of Los Banos seek funding for a more competitive employee compensation package.

The City thanks the Grand Jury for its recommendation. Currently, the City is in the process of negotiating a new Memorandum of Understanding with its labor organizations, which will address salaries, benefits, and other conditions of employment.

Recommendation R2 That the City of Los Banos continue its process of securing property and completing construction of a new police facility within the next three years.

The City agrees with this recommendation and has already implemented it. The City will continue to work with the Police Department to complete construction of a new policy facility as soon as possible.”

(City of Los Banos, September 5, 2018)

RESPONSE #2

“Finding F1 That the Department has a problem retaining staff due to low pay and advancement potential.

The Department understands that the City is in the process of negotiating a new Memorandum of Understanding with its labor organizations, which will address salaries, benefits, and other conditions of employment.

Finding F2 That the current facility lacks adequate space and adequate ventilation.

The Department agrees with this finding in part. The Department has outgrown its current space and is currently in the process of building a new facility. The Department disagrees that its current facility is not adequately ventilated. The building’s ventilation is adequate and well maintained.

Finding F3 That the City is currently reviewing and negotiation (sic) for the purchase of land and construction of a new facility.

The Department agrees with this finding.

Recommendation R1 That the City of Los Banos seek funding for a more competitive employee compensation package.

The Department thanks the Grand Jury for its recommendation. The Department understands that the City is in the process of negotiating a new Memorandum of Understanding with its labor organizations, which will address salaries, benefits, and other conditions of employment.

Recommendation R2 That the City of Los Banos continue its process of securing property and completing construction of a new police facility within the next three years.

The Department agrees with this recommendation and has already implemented it. The Department will continue to work with the City to complete construction of a new police facility as soon as possible.”

(Los Banos Police Department, 2018)

ATWATER POLICE DEPARTMENT

On January 25, 2018, the Grand Jury inspected the Atwater Police Department.

FINDING (S)

- F1** That the current police department facilities are cramped and in need of expansion and redesign to improve safety and air circulation.

RECOMMENDATION (S)

- R1** That the Atwater City Council actively search for funding to relocate or build the police department to provide a safe and functional facility.

REQUEST FOR RESPONSE (S)

Pursuant to Penal Code Section 933.05, the following responses are required.

- Atwater City Council respond to F1 and R1 within 90 days
- Atwater Police Department respond to F1 and R1 within 60 days

RESPONSE (S)

RESPONSE #1

“The Atwater City Council acknowledges and agrees with the Grand Jury finds that the Police Department is too small and is in need of improvements.

That being said, the City like others continue to undergo the financial distress created by the rising costs for PERS AND OPEB liabilities, as well as a soft economic/building market. Although Atwater’s General Fund budget for 2018-19 was balanced, we still maintain a General Fund deficit of \$2.5 million and General Fund debt to the City’s Sewer Fund in the amount of \$2.3 million.

The City appreciates the Grand Jury Findings and has identified the improvements as a future significant expense that needs to be identified and addressed, and will continue to look for funding to relocate or rebuild the police department to provide a safe and functional facility.

The City of Atwater currently has a Measure H sales tax for public safety that is set to expire in 2023, with expenditures already earmarked for the revenue. The City will actively seek to secure grant funding or other potential funding sources available to make the necessary improvements to the existing facility.”

(City of Atwater, Office of the City Manager, January 24, 2019)

RESPONSE #2

“The current facility utilized by the Atwater Police Department has been deemed to be insufficient by the Grand Jury on several levels. The Grand Jury’s assessment is accurate, our facility is in need of upgrade or movement to another facility. The City of Atwater will seek grant funding or other funding sources to upgrade the existing facility. However, there is a general lack of funding available outside either bonding or a facility use fee options. Department reorganization may alleviate some of the lack of organization. Future FY’s funding could be used to upgrade existing portions of the facility to address the areas of concern.”

(Atwater Police Department, January 29, 2019)

LIVINGSTON POLICE DEPARTMENT

On February 1, 2018, the 2017-2018 Grand Jury inspected the Livingston Police Department at 1446 C Street in Livingston.

FINDING (S)

- F1** That the current police department facilities are adequate for the community.
- F2** That the parking for storing the Regional Emergency Command trailer needs to be improved to be an all-weather paved surface.

RECOMMENDATION (S)

- R1** That the City of Livingston allocate funding to pave the storage lot at the rear of the department.

REQUEST FOR RESPONSE (S)

Pursuant to Penal Code Section 933.05, the following responses are requested.

- City of Livingston respond to F1 to F2, and R1 within 90 days
- Livingston Police Department respond to F1 to F2, and R1 within 90 days

RESPONSE (S)

RESPONSE #1

“With respect to F1, we agree the current facility is adequate for the community. In response to F2 and R1, the Livingston Police Department has allocated a funding source to pave the storage lot at the rear of the department. The required materials and work will arrive and commence prior to the end of the calendar year 2018. Thank you again for your time and energy for public safety in Merced County.”

(City of Livingston, August 30, 2018)

RESPONSE #2

“With respect to F1, we agree the current facility is adequate for the community. In response to F2 and R1, the Livingston Police Department has allocated a funding source to pave the storage lot at the rear of the department. The required materials and work will arrive and commence prior to the end of calendar year 2018. Thank you again for your time and energy for public safety in Merced County.”

(Livingston Police Department, August 29, 2018)