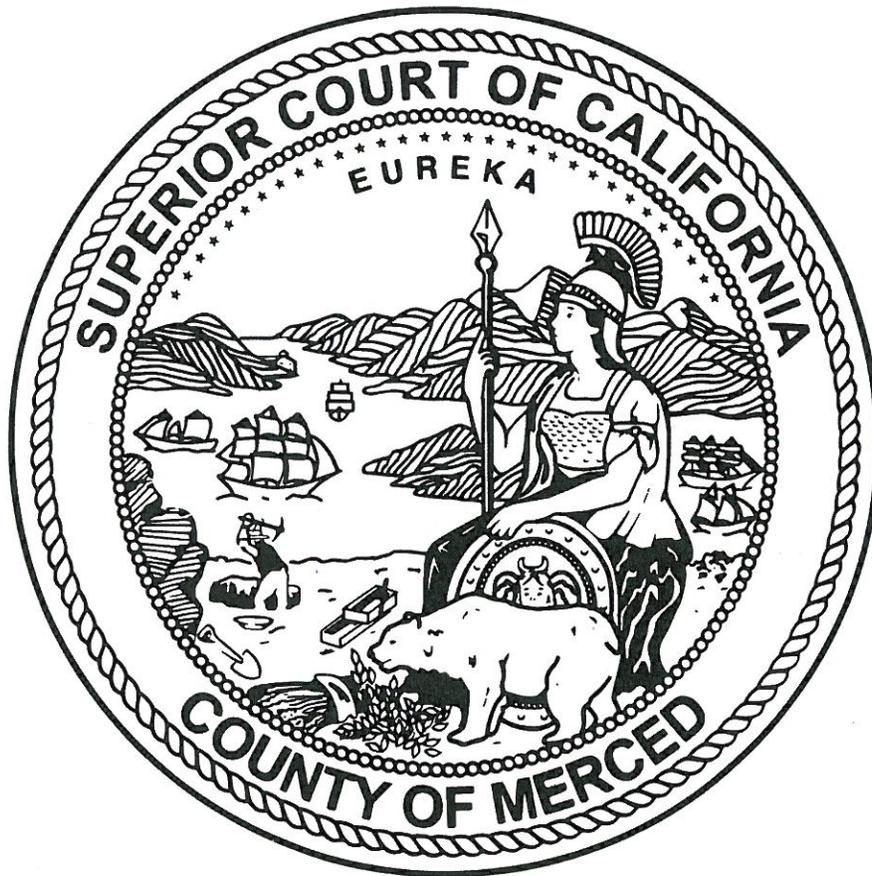
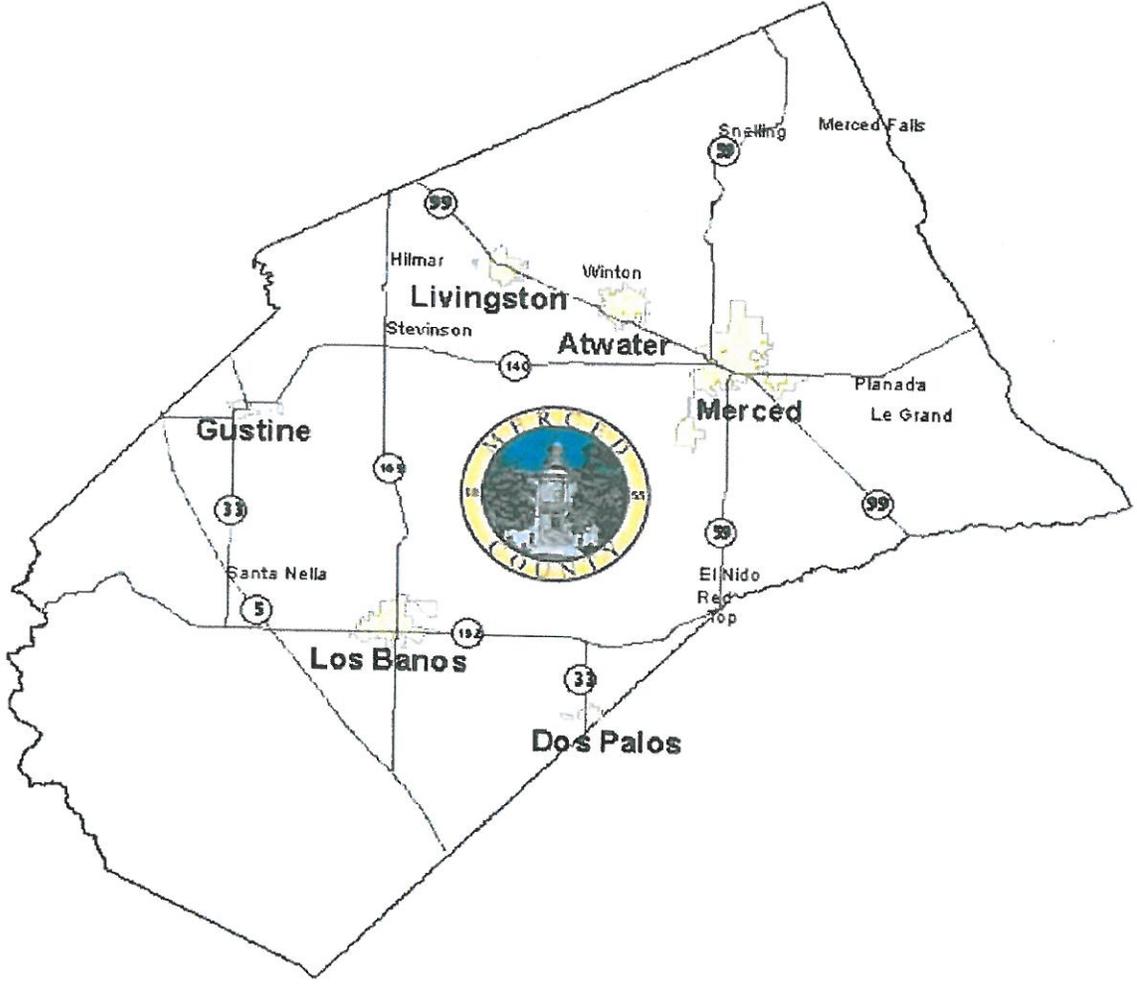


MERCED COUNTY
CIVIL GRAND JURY
FINAL REPORT

2013-2014





**MERCED COUNTY CIVIL GRAND JURY
2013-2014 FINAL REPORT
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CIVIL GRAND JURY

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

June 28, 2014

The Honorable Mark V. Bacciarini
Presiding Judge of the Civil Grand Jury
Merced County Superior Court

Dear Judge Bacciarini:

The 2013-2014 Merced County Civil Grand Jury (MCCGJ) is privileged to be selected to serve as jurors and respectfully present this Final Report to the Court and the citizens of Merced County in accordance with California Penal Code, Section 933.

The MCCGJ extends its sincere appreciation to each of the city and county agencies for their cooperation, patience, and prompt responses to all requested information. The acceptance of the findings and implementation of MCCGJ's recommendations now is the responsibility of the city and county agencies and departments detailed in the 2013-2014 MCCGJ Final Report.

Of the thirty-two (32) logged entries, twenty-two (22) complaints were declined, six (6) complaints were anonymous complaints and four (4) complaints were connected to other matters in the court system. Five (5) complaints were held over for the 2014-2015 Civil Grand Jury

As mandated by law, the Civil Grand Jury inspected three detention facilities: Merced County Sheriff's Department Main Jail Facility, John Latorraca Correctional Center, and Los Banos Police Department Detention Facility. The Iris Garrett Juvenile Correctional Complex, Dos Palos Police Department and the Trident Center were visited.

The 2013-2014 Merced County Civil Grand Jury members used this opportunity to utilize their expertise to study the systems within this County that were either brought to our attention by a complaint or an internal investigation directed by the Civil Grand Jury. Our service to this County has given each of the jurors an

opportunity to learn the detailed administrative processing activities, make reasonable recommendations to foster improved efficiency and simultaneously participate in giving back to each city and the County of Merced.

Thank you for your confidence and support of this important service.

Sincerely,



Rosee H. P. Jackson, Foreperson

2013-2014 MERCED COUNTY CIVIL GRAND JURY

Civil Grand Jurors

1. Mary Brooks
2. Albert Cardenas
3. Tracy Clarot
4. Leonard Contreras*
5. Lyle Davis – Foreperson Protem
6. Jose Delgadillo
7. Katherine (Susan) Graf
8. William (Bill) Gray
9. Dennis Hanks
10. Roscoe (Jack) Jackson – Foreperson
11. Robert (Bob) Matthews
12. Harry Mays
13. Albert Mendoza#
14. Gisele Nagy
15. John Petrone
16. Victor Reyes*
17. Timothy Rohrer
18. Rick Scurich
19. James (Jim) Sutherland
20. Michael Toste#
21. Madelyn Valdez

Jurors resided in the following communities of Merced County

Atwater
Gustine
Los Banos
Merced

*Deceased

#Unable to complete term

MANDATED
INSPECTIONS OF
MERCED COUNTY
DETENTION FACILITIES

MANDATORY DETENTION FACILITIES INSPECTIONS

SUMMARY

The 2013-2014 Merced County Civil Grand Jury (MCCGJ), in accordance with the requirements of the California Penal Code Section 919(b), has conducted inspections of the detention facilities in Merced County. The purpose of these inspections is to “inquire into the conditions and management of the public prisons within the county”, as stated in California Penal Code Section 919(b). Under these provisions, members of the MCCGJ toured and inspected the following facilities:

- Merced County Sheriff’s Department Main Jail
- Merced County Sheriff’s Department John Latorraca Correctional Center
- Iris Garrett Juvenile Correctional Complex
- Los Banos Police Department Jail Facility
- Dos Palos Police Department (no longer a detention center)
- In addition to the mandatory inspections, the MCCGJ toured the Trident Center, which is a facility that houses a program designed to reduce recidivism as a result of Assembly Bill 109 (a reduction of prison population).

INVESTIGATIVE METHODS

The 2013-2014 Civil Grand Jury utilized an inspection form suggested by the California Grand Jurors’ Association and California Corrections Standards Authority (CSA), which entails the observations of physical condition and management of the facility, staffing, condition of grounds, condition of exterior/interior of buildings, meals/nutrition, educational/vocational programs, discipline and inmate grievances, inmate orientation and classification, types of cells/housing, visitation policies and correspondence available to inmates. All video systems were reviewed for effectiveness. In addition, the Civil Grand Jury reviewed previous Grand Jury Reports, interviewed staff members, reviewed operation of Health Care Services, reviewed the most recent inspection reports prepared by the California Standards Authority, the local fire authority and the local Health authority and communicated via email and telephone with facility management throughout the inspection process.

JAIL INSPECTION REPORTS

MERCED COUNTY SHERIFF’S DEPARTMENT/ MAIN JAIL FACILITY

The Main Jail Facility, located at 700 W. 22nd Street in Merced originally had the state rated capacity of 189 inmates, but mandates restrict capacity at 170 inmates. The jail usually runs at capacity and transfers inmates to John Latorraca detention facility to avoid violating the capacity limit. The building is approximately sixty years old and outdated. The facility is linear by design and is unsafe for adequate supervision of inmates. Modern facilities utilize “Pod” construction. Prior to AB109, the county jails housed inmates serving terms of 1 year or less. Currently, there is a shortage of maximum security beds, as the facility was not built to house maximum-security or long-

term inmates. Sixty-seven percent of all inmates in Merced County jails are “pre-trial” and there are over 80 inmates serving more than one year terms. The Main Jail maintains minimum staffing levels, normally through the use of overtime. The jail does not offer anger management or other vocational services at this time. The Interior and exterior of facility were clean and well maintained.

RECOMMENDATIONS

1. The Merced County Sheriff’s Department and the Merced County Board of Supervisors should develop a plan to remedy the shortage of correctional officers in the Main Jail, so the plan can be implemented as funds become available.
2. The Merced County Sheriff’s Department and the Merced County Board of Supervisors seek additional funds to implement anger management program(s), as a means to reduce inmate assaults.
3. The Merced County Sheriff’s Department and the Merced County Board of Supervisors should submit an application for \$40 million dollars in the 2014-2015 California State Budget for Jail construction.

MERCED COUNTY SHERIFF’S DEPARTMENT/JOHN LATORRACA CORRECTIONAL CENTER

The John Latorraca facility is located at 2584 W. Sandy Mush Road in Merced County. It has a state rated capacity of 564 inmates. Average capacity is 485, but occasionally exceeds maximum capacity. The Center was originally built as a minimum security facility. However, since the implementation of AB109, the jail now houses medium to high risk inmates. This facility is approximately 24 years old. The cells and the interior and exterior of buildings are in need of repair. Graffiti is present and appears to be gang-related. There are no anger management programs available to inmates, other than “weekly socialization” provided to mental health patients in Administrative Segregation and Isolation, although there were 315 documented “inmate on inmate” assaults in the past 2 years. The center maintains a minimum level of staffing, normally through the use of overtime. The Merced County Sheriff’s office has lost 22 corrections officer positions since 2010. The shortage of correctional officers hinders the individual care and progress of inmates and overburdens the current correctional officers. There were 10 incidents of escape in the past year. The fencing surrounding the facility is inadequate and not conducive to maintaining medium to high risk inmates.

RECOMMENDATIONS

1. The Merced County Sheriff’s Department and the Merced County Board of Supervisors should develop a plan to remedy the shortage of correctional officers in the Main Jail. This would allow the plan to be implemented as funds become available.
2. The Merced County Sheriff’s Department and the Merced County Board of Supervisors seek additional funds to implement anger management program(s), as a means to reduce inmate assaults.

3. Install or modify security fencing surrounding the facility that would allow a higher level of security.

IRIS GARRETT JUVENILE CORRECTIONAL COMPLEX

The (2013-2014) MCCGJ foreperson and the Law and Justice Committee chairperson contacted the Chief Probation Officer for the Iris Garrett Juvenile Correctional Complex and arranged a date and time for a tour of the facility. Five members of the Civil Grand Jury, including the foreperson, met the Chief Probation Officer and the Assistant Chief Probation Officer, who conducted the tour of the complex. The staff answered questions and provided information. As an example, the question was asked as to why the housing population is declining each year. The opinion is that a law passed in the year 2000 changed the focus to not housing young offenders with seasoned offenders. The results after 14 years have been a reduction in the number of juvenile crimes.

The Iris Garrett Complex is located at 2840 W. Sandy Mush Road in Merced County. This facility is a complete complex, housing the core of the juvenile Justice System for Merced County. It is the site for Juvenile Court, where all juvenile cases are adjudicated, including first time offenders. The decision by the judge determines where the case and the offender go from there. The juvenile facility is supervised and funded by the Probation Department, not the Sheriff's Department. . The facility houses the Court operations. This includes 48-hour holding cells for the court, long term cells for offenders sentenced by the Court, intake facilities for those sentenced, storage area for the property of those sentenced, dining area, recreation areas, school rooms, and medical facilities with contract arrangements to provide for serious cases. The Court has a courtroom, a clerk's office and conference rooms for attorneys to meet privately with their clients. The most outstanding observance was the mental attitude of the staff, exhibited by their answers to questions and attested to the same attitude, "We try to serve the needs of the child". The complex is 10 years old and has been well maintained, both inside and out. Cleanliness stands out everywhere throughout the facility.

LOS BANOS POLICE DEPARTMENT JAIL FACILITY

The Los Banos Police Department Jail is located at 945 5th Street in Los Banos. The Department operates a Type 1J jail facility, which allows the Department to house no more than 20 inmates for up to 96 hours, excluding holidays. Community Service Officers (CSO) are used to monitor inmates, under the supervision of an on-duty sergeant. When a CSO is not available, the jail area is under constant surveillance by police dispatch personnel.

The facility is utilized by the California Highway Patrol, Dos Palos Police Department, California Fish and Game, Merced County Sheriff's Department, and the Gustine Police Department for booking purposes, in accordance with mutual agreement. The jail is part of the Police Department facility and was designed according to the standards in effect at the time of its construction in 1969. The jail has passed all required inspections, including those of the Health Department, the Fire Department and juvenile

justice agencies. There is one cell designed to hold inmates who may be in danger of injuring themselves. The jail has a kitchen, where basic meals and snacks are prepared for inmates.

All personnel entering the jail area are required to place all dangerous devices in a secured locker. This facility will not hold violent or mentally disturbed detainees. These are considered unique inmates and are immediately transported to the appropriate Merced County facilities. The 2013-2014 Civil Grand Jury found the facility in excellent condition, considering its age of 45 years.

RECOMMENDATIONS

R1. Continue the present program. The Chief and his commanders are on top of present needs and resources and are looking ahead to continue the plan in a lean revenue period.

R2. Expand on current security system to allow surveillance of entire exterior of buildings.

DOS PALOS POLICE DEPARTMENT

The Merced County Civil Grand Jury toured the Dos Palos Police Department for the purpose of reporting on the operations and performance of the Dos Palos Police Department Detention Center. The detention center no longer exists and any offenders are now immediately transported to Los Banos Police Department or Merced County Sheriff's facilities.

Dos Palos is a city of approximately 5,000, with a police force of 8 and a well-informed Chief of Police, attuned to past, present and future needs of the city and is well-appreciated by the Chief, City Council, and City Manager. The Chief is a dog owner and trainer and provides his K-9 services to other cities in the county. In addition, he utilizes his K-9 to interact with the community. The diversity of the employees is noticeable; they appear comfortable and happy with their jobs.

Dos Palos Police Department is a professionally run department that appears to be getting positive results.

COMMENDATION

The City Manager, Police Chief and Department employees are to be commended for their support of complete modernization of the Department in spite of budget cuts.

TRIDENT CENTER

The Trident Center is located at 777 W. 22nd Street in Merced. The Center opened in January 2013, as a result of the realignment phase of Assembly Bill 109, which aims at reducing prison overpopulation by allowing non-serious, non-violent, and non-sexual offenders to serve their time with the counties as opposed to the state prison. The purpose of this center is to act as a one-stop shop to assist inmates in transitioning back into society through the education of basic skills.

The Center is staffed by a multi-agency organization. The Merced County Sheriff's Department, Merced County Probation Department, Mental Health, and the Merced County Human Services Agency run the program.

The Sheriff's Department and Probation Department account for more than 24 positions and approximately five million dollars in state funding for the Center. The primary responsibility for the staff is the supervision of program participants. Much of the supervision is conducted through "Electronic Supervision", but more fundamental methods of surveillance are utilized.

The Merced County Mental Health component of the Trident Center contains judicial supervision with community mental health treatment and other support services. The initial contact takes place at the screening and assessment stage. Mental health, through the efforts of a dual-diagnosis specialist and a mental health clinician, give clients alcohol and other drug screening, individual and group counseling and medication evaluation and assistance. They also provide mental health consultation with probation, sheriff's office and H.S.A staffers at the Trident Center.

The Human Services Agency is the fourth and last program contributing to the Trident Center. The H.S.A staff consists of a facilitator, an eligibility worker and one-third of a social workers' work load. Applicants are screened by the facilitator and eligibility worker to determine if the participants will qualify for the program and any available social services assistance.

The program, "Leadership for Life", is designed to teach important parenting skills including communications, honesty and responsibility. Employment and child support are stressed as well as many other subjects relative to achieving a successful family. Many of the skills also apply to participants without children. The facilitator is critical to the success of the program. Participants buy into the "Leadership for Life" curriculum because the facilitator has walked in their shoes and survived the system. It is estimated that approximately 85-90% of all participants successfully complete the program.

COMMENDATION

The Trident Center is unique. The contributing agencies have not historically been willing to work as a cohesive unit to alter the revolving doors of our current criminal justice system, but through the strong leadership and commitment of the agencies involved in the program it may prove to be a positive step in the right direction and bring much needed change to our criminal justice system. The program has not been in existence long enough to establish a strong statistical base and supportive data should be available in a year or two.

INVESTIGATIVE REPORTS

MERCED COUNTY REGIONAL WASTE MANAGEMENT AUTHORITY
Internal Investigation 13-17-10

SUMMARY

The Finance and Administration Committee of the 2013-2014 Merced County Civil Grand Jury decided to look at the operations of the Merced County Regional Waste Management Authority (the Authority) based on newspaper articles relating to the ongoing operations of the solid waste disposal sites run by the Authority.

BACKGROUND

Newspaper articles appearing last year indicated that significant changes were being instituted by the Authority and the Committee wanted to review the Authority as part of its responsibility to review the operations of government. The changes described included reduction of manpower, disposal of equipment, and the hiring of a new Regional Waste Director. The review of the Authority disclosed changes in the operations based upon significantly different methods of handling waste deposited at the sites.

METHODOLOGY

The review of the Authority benefited from presentations made by the Executive Director of the Merced County Association of Governments (MCAG) and the Regional Waste Director to the Civil Grand Jury. In addition, meetings were conducted with the Merced County Auditor Controller, the MCAG Executive Director, the Regional Waste Director, and the Financial Services Manager of the Authority. Also, interviews were conducted with the MCAG Executive Director and the Chief Financial Officer of MCAG. In addition, the Committee reviewed the financial records of the Authority, as included in the Comprehensive Annual Financial Reports of the County of Merced, for the years 2007 through 2012. As well as the presentation made by the Authority to the MCAG Board of Directors which detailed some of the past operations, the proposed changes, and effect of these changes going forward.

DISCUSSION

The MCAG contracted with an outside consultant who was brought in last year to serve as acting Regional Waste Director. In addition, the consultant was to look at the operations of the Authority's disposal sites, conduct a thorough review of waste handling procedures, and make recommendations for their improvement. The consultant also assisted the MCAG's Executive Director in conducting a search for a new Regional Waste Director for the Authority.

FINDINGS

F 1 Following the engagement of a new and experienced Regional Waste Director, many changes were implemented in the operations of the solid waste sites. These changes represented methods and procedures employed by other operators of disposal sites. Multiple changes were instituted following the arrival of the new Regional Waste Director on July 1, 2013. Because of the new procedures, disposal site staff was reduced, surplus waste handling vehicles were sold, and vehicle fuels and maintenance costs were reduced. In addition, supervisors were no longer allowed to drive Authority vehicles home at night.

F 2 Through an analysis of fee charges, the “tipping fees”, i.e., charges to users of the sites, were increased to reflect the volume of waste, rather than utilizing a flat fee per visit, as in the past.

F 3 The new procedures not only allowed a significant reduction in expenses and an increase in revenues, they will allow for a considerably longer usable life span for the Highway 59 site by concentrating the dumping of waste and using of a thinner covering layer of material on the refuse.

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MERCED COUNTY TRANSPORTATION SYSTEM - THE BUS

Internal Investigation 14-03-14

SUMMARY

The Merced County Civil Grand Jury (MCCGJ) 2013-14 received no complaints to investigate in the transportation area, so the Environment/Transportation Committee chose to look into The Bus. That system covers the entire county, serves various communities, terrains, peoples, ages, and industries, and is a connector to all of these. Since "The Bus" is so prominent in the lives of the whole county, it encounters many jurisdictions. The State of California simplifies the administration of such operations by the creation of Joint Powers Authorities (JPA). For Merced County that JPA is the Merced County Association of Governments (MCAG) in which every city in the county and the county itself is represented in one unit. MCAG administers Yosemite Area Rapid Transit System (YARTS) as well as other county wide projects. The MCAG personnel appeared before the MCCGJ 2013-14 in September 2013 and explained the projects in which it is involved.

GLOSSARY

Standard Marketing Statistical Area (SMSA) indexes required usage for expenditure of federal funds.

BACKGROUND

On March 3, 2014, and again on March 17, 2014, the Environment/Transportation Committee approached the MCAG for data allowing the Committee to familiarize themselves with the operation. The Committee received five (5) copies of all data so a simultaneous study could be conducted with coordinated meetings throughout the study. The investigation included visits to the main centers of The Bus System, specifically, the offices at MCAG, the Merced Transportation Center, the Dispatcher's Office, the Bus Barn and some bus shelters along the bus routes. Jurors actually rode some buses to experience the event the rider must go through so the Committee could present this report from that standpoint. The process of operating a county wide bus system is broad in its scope. Elements of this scope will be reviewed in our discussion.

METHODOLOGY

The MCCGJ decided to review "THE BUS" for its transportation report on March 10, 2014. On March 17, 2014, the Transportation Joint Powers Authority (TJPA), which is the MCAG, was asked for data to be studied by the MCCGJ to plan its approach to review The Bus System. To expedite and to hold any disruption of the operation to a minimum, a simultaneous visit was conducted to familiarize the jurors to the wide scopes of activities performed daily by the county wide bus system. The Committee observed the Transportation Center, the Bus Barn, the Dispatch Office and three bus stops along a route. In addition committee members rode a bus and observed riders

and drivers. After the familiarization process, we started the analysis stage. We summarized the extensive documentation supplied by the MCAG; the fiscal year plan, budgets, audits, requirements and risk assessment schedules, dial-a-ride procedures, safety records, public relations plans, ridership data, fuel use, and various other data.

The fact that public relations and ridership satisfaction is paramount to the modernization program that has been and is now underway.

DISCUSSION

A Five-Year Plan is in mid-course of its term. It is a financially adequate plan as evidenced by the approval of the U.S. Department of Transportation for the capital and operation grants that fund the project and by the local funds available to qualify for the grants. These plans, budgets and audit reports are available for review at the office of the grantee (MCAG). With good planning and skillful implementation, we find The Bus, in mid-course of the five-year plan, well established, well financed, and well operated. Regular planning is implemented to continue both the necessary capitalization and the daily operation.

With planning and financing sufficient to provide fiscal needs, routing and Public Participation (Title VI Plan) become the major benchmarks for measuring success.

Routing consists of twenty-three (23) fixed routes and para-transit to provide for special needs. The trunk route, which also has the largest ridership, is Route M-3. This trunk route intersects as many routes as possible allowing convenient transferring at intersecting points as well as the Transportation Center. The Transportation Center not only allows for intra-system transfers; but also allows connections with over the road buses to out of county destinations utilizing YARTS, VIA, and Greyhound. While most of the routes are in the City of Merced (60% of the ridership is there), this is a countywide system and connects with Stanislaus and Madera County systems at Turlock and Chowchilla, respectively.

The Public Participation (Title VI Plan) is more than a marketing program. This program addresses the needs of the public beyond ridership. The Title VI Plan, required as a grant covenant, provides a systematic approach to assessing public needs for transit countywide, coordinating this with bicycle lanes, bus pull outs, bus shelters, cameras, and other safety devices. Safety concerns the public. Bus riders want to feel safe. The Bus is widespread with heavy interaction within the system, and with a viable safety program for its employees and the public.

FINDINGS

- F1 The Bus appears to be following the Five-Year Plan
- F2. The Public Participation Plan appears to be sufficient.
- F3 Morale of employees, riders and public appear to be above normal

RECOMMENDATIONS

R1 Establishing an advertising program like the Title VI Program would help to keep the public informed

R2 When contracting, favor bids in the valley Standard Marketing Statistical Area (SMSA) when possible; this provides lower rates and local employment

ENVIRONMENTAL HEALTH FOOD SERVICE INSPECTIONS
Internal Investigation 13-09-08
Citizens Complaint 13-11-25

SUMMARY

The 2013-14 Merced County Civil Grand Jury (MCCGJ) voted to follow up on prior year's MCCGJ investigation of the food inspection process in Merced County. Reports were requested from the Environmental Health Division to determine whether recommendations made by prior year MCCGJ were implemented. The reports revealed food inspections continue to be behind schedule.

BACKGROUND

Prior year, 2012-13 MCCGJ members investigated the food inspection process and reported various weaknesses in the process. Recommendation was made to use temporary staff to perform duties that would allow more time for Environmental Health Specialists to conduct their inspections. Additional recommendations were made for controls to be implemented to ensure inspections are done on a yearly basis. Further recommendations included that inspectors complete training for use of laptops in the field, and to look into the possibility of updating the Envision Software System. The prior year investigations revealed that food inspections were behind by 40%. As of May 6,, 2014, sixteen (16) facilities were rated unsatisfactory with follow-up inspections due in 30 days. A May follow-up report reflected 88 food inspections remain past due from 2012 and 2013. There are 906 facilities to be inspected.

METHODOLOGY

Utilizing Merced County's website for the Environmental Health Food Inspections, an extensive review and study of the food inspection reporting system was conducted. This included a review of 900+ food facilities cited in the report. Our findings revealed that there was significant cause for the committee to interview staff in an effort to show why food inspections continue to be behind schedule in 2014.

DISCUSSION

The Health Education and Welfare Committee interviewed six (6) staff members from January 28th through March 27th. Interviews revealed that the Envision Program has received various updates over a span of years. Software problems, however, have continued to make it challenging for staff to satisfactorily retrieve food inspection data in the field. Subsequently, a request for in-house training was made to Decade, who is the developer of the Envision Software. The investigation also revealed that the "tablets" initially acquired, did not adequately support food inspection reporting. Consequently, Fujitsu tablets have been purchased and are currently being programmed. The new "tablets" will be made available for staff use before year's end. Most recently, the software was updated to encompass a new format that should be less cumbersome for

staff inputting information into the system. It should be noted that the current updates and training occurred recently.

FINDINGS

F1. Environmental Health Specialists were directed to inspect ten (10) food establishments bi-weekly. The Committee was informed that the Environmental Health Division will complete all food inspections that are currently overdue by June 30th. Furthermore, it was stated by the current Director that changes are being made to continue improvement in all phases of the food inspection process. As of March 28, 2014, 12% of food inspections remain overdue.

F2. In addition to the issue of overdue inspections, the Committee found a lack of follow-up on those businesses that were rated highly unsatisfactory. For example, one business had 52.5 points in violations noted and no follow-up inspections have been conducted to determine if these violations have been corrected to date.

F3. While our primary focus was on overdue food inspections, the Committee noted that there may be a general sense of distrust between management and line staff within the Division.

RECOMMENDATIONS

1. We are recommending that forthcoming MCCGJs monitor and review the Division of Environmental Health to attain the goal of zero percent overdue inspections, while continuing to maintain all other inspections as "current". It is the desire of this MCCGJ that improvements are implemented by the Environmental Health Division to ensure the safety of the public in Merced County.

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4. Merced County Permanent Food Facility List/Last Inspection Dates, printed March 28, 2014

MERCED COUNTY HIRING AND SCREENING PROCESS

Internal Investigation 14-02-18

SUMMARY

The Administration and Finance Sub-Committee of the 2013-2014 Merced County Civil Grand Jury decided to investigate the current hiring and screening policies of the County of Merced. The recent newspaper articles on this subject spurred this investigation.

BACKGROUND

The initial newspaper article spoke of a Personal Assistant of a County Board member being stopped by the Merced Police Department, and the board member attempting to intercede with the police on her behalf. Subsequent newspaper articles inquired into the associated subject of the hiring and screening of employees for the County of Merced.

Based on these articles the Civil Grand Jury decided to investigate the current hiring and screening procedures employed by the County of Merced.

METHODOLOGY

The Civil Grand Jury contacted Merced County Human Resources and requested all written material on the hiring and selection procedures, new hire screening procedures prior to or after employment, and material on the code of ethics. The Civil Grand Jury also contacted the County Executive Officer and requested all information on a written code of ethics for the Board of Supervisors.

After receiving the written material requested, the Civil Grand Jury decided to contact and set up an interview with Merced County Director of Human Resources.

The interview revealed that when a department has an opening for a position, Human Resources puts the position on an online electronic application form called Neo-Gov. The recruitment is opened and is tied to the job specification for the position being filled. Human Resources then starts collecting applications. When receiving applications, Human Resources reviews them to make sure they meet the minimum qualifications for that position and sends all applications meeting the minimum qualifications to the hiring department. The department then reviews the applications, conducts an interview process and makes a selection. Human Resources does recommend to the department to check the applicants references as a standard operating procedure to determine if the person is qualified for the job. The selected applicant then fills out the I-9 for citizenship verification, with a copy of his or her social security card and driver's license. The check would also reveal that the applicant has a valid driver's license. The department would then fill out several documents for tax withholding and paperwork for payroll purposes.

Certain positions include criminal background checks and checks of rules and regulations following the California Penal Code. There are only certain classifications that get a full criminal background check through the California Department of Justice. These positions are all public safety positions, including all law enforcement, probation, child welfare positions, and some animal control positions. The checks are also done on anybody that has access to children and the elderly. Prior to an applicant being offered a position, all criminal background checks must be completed.

Any applicant, who has a criminal background check, does not necessarily have a check completed by the California Department of Motor Vehicles (DMV). This policy is currently under review. Human Resources checks on employees who have regular access to county vehicles. Human Resources does not require drivers license checks on all new employees, only on the employees who have a job that requires driving. These classes of employees are placed on the "DMV pull program" and, if their drivers license status changes, Human Resources is notified by DMV.

The County of Merced does not do credit checks on any employee or applicant other than some of the department heads.

When a department hires an applicant and checks the references, they should also check the applicant's work history. There is nothing in writing requiring that, but Human Resources recommends it.

All county employees are covered by a written code of ethics. The County Executive Officer has advised that the Board of Supervisors does not have a written code of ethics.

FINDINGS

After reviewing the written material from Human Resources and email correspondence plus considering the interviews conducted, we came up with the following information.

- F1 Departments within the County of Merced do all their own hiring, Human Resources completes all paperwork.
- F2 Departments in the County of Merced are responsible for all reference checks; however, there is no written policy on completing work history checks.
- F3 Criminal background checks, through California Department of Justice (fingerprints only), are only completed on employees covered under the California Penal code. No Federal Bureau of Investigation (FBI) is checked.
- F4 No credit checks are done except for certain department heads.
- F5 California Department of Motor Vehicles (DMV) checks drivers licenses only on county employees assigned to driving positions. County of Merced does have a DMV pull program, which advises the county on changes to status of licenses.

F6 All Merced County employees are under a written code of ethics, with the exception of the Board of Supervisors, as they do not have one.

RECOMMENDATIONS

R1 The Merced County Civil Grand Jury recommends the making changes listed below to the hiring process for the County of Merced. We feel that failing to make the changes could put the county in the position of negative litigation in the future i.e., if they employ someone who should have been eliminated from consideration prior to employment.

R2 All county employees, and future hires, have a driver's license check by the California Department of Motor Vehicles (DMV); and placed on the DMV pull program. This could prevent an employee from driving a county vehicle illegally.

R3 An applicant, who is heavily in debt and gains employment with the county, may have access to money, or other property of great value. For all new hires we recommend the county:

- Develop a written procedure that requires the county to complete a reference and a work history check.
- Perform a criminal history check through the Department of Justice (DOJ) and the Federal Bureau of Investigation (FBI).
- Perform a credit check.
- Have the applicant's driver's license checked through California Department of Motor Vehicles (DMV) and placed on the DMV pull program. The county should consider developing a county driver's license for all employees to carry and show when checking out county vehicles at the motor pool.

R4 Employees that work as a Personal Assistant for the Board of Supervisors are county employees paid through the county with county funds, as such these employees are to follow all county rules and procedures, and be treated as any other county employee.

R5 We also recommend the Board of Supervisors develop a written code of ethics and adhere to them.

BIBLIOGRAPHY

- 1 Ramona Giwargis, "Firing of Pedrozo Assistant Is Urged", *Merced Sun-Star*, February 5, 2014

- 2 Ramona Giwargis, "Pedrozo Sorry, Assistant Is Let Go," *Merced Sun-Star*, February 8, 2014
- 3 Ramona Giwargis, "County Busy On Worker Issues," *Merced Sun-Star*, March 1, 2014
- 4 Ramona Giwargis, "Background Check For All Employees," *Merced Sun Star*, March 8, 2014
- 5 Marci Barrera, Director of Human Resources, Email Message Re: Grand Jury Request, February 25, 2014
- 6 James Brown, County Executive Officer, Email Message Re: Code of Ethics, April 4, 2014
- 7 *Merced County Term of Employment*, Pages 6-8
- 8 Merced County, *Resolution no. 2013-92 BGT, Procedure for the Recruitment and Selection Process*
- 9 Merced County, *Human Resources Operation Procedure 06-01*, Criminal History
- 10 Merced County *Code of Ethics*

**LICENSE TO CARRY A CONCEALED WEAPON (CCW)
Internal Investigation 14-03-10**

SUMMARY

After reading a notice of the 9th Circuit Appeals regarding License to Carry a Concealed Weapon (CCW); members of the Merced County Civil Grand Jury (MCCGJ) voiced concerns about the granting of CCW permits in Merced County. An internal investigation was submitted and was approved by the MCCJG. The report by the 2012-2013 MCCGJ was re-read regarding the permit process. The MCCGJ reviewed the minutes of the Merced County Board of Supervisors dated September 17, 2013. The board recommended that the then Merced County Sheriff establish specific standards to apply to all applicants for a CCW permit. The results of the findings will be discussed further in the narrative. The investigation was timely and thorough. The MCCGJ had the cooperation of the current Merced County Sheriff and his immediate staff. In addition, the MCCGJ was provided copies of California Penal Code 226150 and Penal Code 226155, as well as copies of the application and state recommended procedures. Further interviews were scheduled forthwith.

METHODOLOGY

Once the above materials were acquired, the MCCGJ set out to review it. When the review was completed, appointments were made with the Merced County Sheriff and his assistant. The Sheriff was ready and we began reviewing the applications.

Questions were asked by Civil Grand Jury members and answered by the Sheriff and his assistant. After two meetings, we had reviewed all the applications since the change in administration. The fee is one hundred thirteen dollars (\$113.00), with twenty dollars (\$20.00) going to the Sheriff's Office, the balance pays for the Department of Justice (DOJ) background check. There were thirty-three (33) applications submitted from January 1, 2014, to April 1, 2014. Of those, 19 were approved, eight (8) were rejected for cause, and six (6) were pending.

FINDINGS

F1 The Civil Grand Jury found that the California Penal Code Section 26150, allows for subjective criteria for granting CCW permits. It would be very difficult to establish set criteria for issuance, unless one would choose the Los Angeles County system and not accept any applications.

F2 The past administration places the subjective requirements as follows: (1) cause, (2) character, and (3) Department of Justice (DOJ) criminal background check. The present administration does the DOJ check first. The rationale is that if the applicant cannot pass the DOJ, there is no need to pursue the matter any further. If the applicant is approved by the DOJ, then, the administration reviews the cause or need and finally, the character is evaluated.

F3 The Civil Grand Jury reviewed and critiqued all 2014 applications beginning January 1, 2014, to the present. This critique revealed that the same subjective criteria were applied to each case providing consistency throughout all applications. It should be noted that some of the cities within the county are not issuing CCW permits. Under California Penal Code 26155, cities may issue CCW permits.

RECOMMENDATIONS

R1 It is recommended that the Sheriff continue the current approval or denial method he has currently in place.

R2 Continue to rely on the issuance by the Sheriff only.

R3 It would be advantageous for the Sheriff's Office to raise their portion of the CCW fee from twenty dollars (\$20.00) to fifty dollars (\$50.00). This fee increase would defray some of the costs of administration, viewing the applications, notification, and the filing of each application.

R4 The Civil Grand Jury is recommending that the 2014-15 Civil Grand Jury evaluate each Chief of Police in the County as to their methods of issuing CCWs under California Penal Code Section 26155. This code refers specifically to cities.

California Penal Code Section 26150

26150. (a) When a person applies for a license to carry a pistol, revolver, or other firearms capable of being concealed upon the person, the sheriff of a county may issue a license to that person upon proof of all of the following:

1. The applicant is of good moral character.
2. Good cause exists for issuance of the license
3. The applicant is a resident of the county or a city within the county, or the applicant's principle place of employment or business is in the county or a city within the county and the applicant spends a substantial period of time in that place of employment or business.
4. The applicant has completed a course of training as described in Section

26165. (b) The sheriff may issue a license under subdivision (a) in either of the following formats:

1. A license to carry concealed pistol, revolver, or other firearm capable of being concealed upon the person.

2. Where the population of the county is less than 200,000 persons according to the most recent federal decennial census, a license to carry loaded and exposed in only that county a pistol, revolver, or other firearm capable of being concealed upon the person.

BIBLIOGRAPHY

1. *Merced Sun-Star*: 08-02-11. Suit by Cal/Gun re: CCW permits
2. *Merced Sun-Star*: 06-25-13. Alleges unfair issuance of CCW permits. 2012-13 Civil Grand Jury Report
3. *Merced Sun-Star*: 03-18-14. 18th Court of Appeals re: CCW violates Second Amendment. Interview with Sheriff CCW permits issued for first three (3) months
4. California Penal Code: Part 6; Control of Deadly Weapons, Title 4 Firearms, Division 5 Carrying Firearms
5. Chapter 4. License to carry a pistol, revolver, or other firearms capable of being concealed upon the person
6. California Penal Code 26155 (2014): License to carry concealed weapon; issuance by Chief of Police
7. California Penal Code 26150 (2014): License to carry concealed weapon; issuance by Sheriff—text of code (see above).
8. Merced County Board of Supervisors: 09-17-13; 2012-13 Civil Grand Jury Report , Page 4 paragraph 7, re: CCW permits
9. Concealed Weapon License Procedures
10. California Department of Justice: Standard Application for License to Carry a Concealed Weapon (CCW)

**GUSTINE UNIFIED SCHOOL DISTRICT
Citizens Complaint 13-09-23 and 14-03-12**

SUMMARY

The 2013-14 Merced County Civil Grand Jury (MCCGJ) received a citizen's complaint regarding alleged misconduct by three Gustine Unified School District (GUSD) Board Members.

BACKGROUND

Employees of the GUSD are represented by two unions, the California Teachers Association (CTA) and the California School Employees Association (CSEA). In June, 2013 representatives of both unions entered into negotiations with then Superintendent of Schools, Gail McWilliams, Ed.D (the GUSD's Board approved designated negotiator).

The result of the negotiations was an agreement whereby both unions and Superintendent McWilliams agreed that each full-time employee would receive a one-time bonus of \$675, partially funded by Proposition 30 monies. Part-time employees were to receive a pro-rated bonus based on their work hours.

A Notice of Action from former Superintendent McWilliams to the Board of Trustees regarding the negotiations was submitted with the following summary: "The District is proposing to give all full-time staff a one-time, off-schedule bonus of \$675 since additional funds were received through the passage of Proposition 30. Part-time employees will receive a pro-rated amount according to their hours worked. Negotiations with all labor groups are now concluded for the 2012/13 school year. Fiscal impact to general fund: \$110,000."

When the negotiated agreement was presented to the Board of Trustees for approval on June 26, 2013, Board member Melanie Gomes proposed that the agreement be modified to give the full bonus to all part-time employees as well and not to be pro-rated as agreed upon in the original negotiated agreement. Against the advice of Superintendent McWilliams and the GUSD Financial Officer Lizett Aguilar, the board majority of Melanie Gomes, Christina Parreira and Ernie Longoria insisted on the modification and the motion was carried by a 3-2 vote.

The Health, Education and Welfare Committee (HEW) members assigned to this investigation met with the current Superintendent of GUSD, Ron Estes, Ed.D to seek an unbiased opinion and to obtain both CTA and CSEA contract copies, copies of the Governing Board minutes reflecting modifications proposed by board members, and a copy of the districts' 2nd Interim financial report, as reported to the Merced County Office of Education (MCOE).

FINDINGS

F 1 The fiscal impact of the negotiated agreement was reported to be approximately \$110,000 to be paid out of the general fund. Proposition 30 monies were received in the amount of \$91,100 and were deposited into the General Fund. As a result of the modification to the original negotiated agreement, the district's reserves were negatively impacted in the unconfirmed amount of \$19,000. When contacted, the district's Financial Officer Aguilar could not confirm actual costs to the district. The Superintendent reported a figure closer to \$32,000.

F 2 Board minutes reflect that on more than one meeting, Superintendent McWilliams, former superintendent's recommendations to improve school service were repeatedly voted down by board members: Gomes, Longoria, and Parreira, indicating that a struggle of wills existed.

F 3 The Gustine Unified School Board conducts open and closed sessions without legal advice.

F 4 Witness testimony reflected that there have been several incidents of unprofessional behavior, use of profanity and explosive outbursts by board members during board meetings and, at least one reported incident during which a board member was combative toward a faculty member.

AT ISSUE:

The HEW committee concurs with the complainant that there was a violation of the board's fiduciary responsibilities and that there was a conflict of interest by board member Gomes whose mother is employed by the GUSD as a part-time employee. This action by board members violated the following GUSD Board Bylaws: BB 9005 (a) (1), (2), (5), (cf. 9000 – Role of the Board) and cf. 9270 – Conflict of Interest).

RECOMMENDATIONS

R 1 To preclude this type of action from occurring in the future, the MCCGJ recommends that GUSD Governing Board members receive intensive annual training on the Board Bylaws, Role of the Board, Conflict of Interest, Governance Standards, Disclosure of Confidential/Privileged Information, and Negotiations/Consultation. Because of incidents of unethical behavior, it is strongly recommended that the GUSD Board of Trustees be mandated to attend training applicable on ethics and cultural awareness preferably presented by a consultant or their retained legal advisors, the law offices of Atkinson, Addelson, Loya, Rudd and Romo.

R 2 That the *Gustine Press-Standard* begins reporting all open board sessions.

R 3 That the Board of Trustees increase board members to seven (7) to promote objective future votes.

R 4 That legal representation is made available at any school board meeting where a memorandum of understanding (MOU) is presented for approval.

The 2013-14 MCCGJ is advocating that these recommendations be implemented in an effort to raise board awareness of their fiduciary responsibility and to stimulate the public's interest and participation in school district operations. It is also the desire of the MCCGJ that board members learn from this experience that the role of board members is to govern objectively and to serve the public who has entrusted them with this responsibility. Board members must recognize when their actions may result in a conflict of interest and they must abstain from participating in such matters. Board Members should endeavor to treat all employees with respect and strive to work cohesively with all employees of the GUSD to ensure that students achieve academic success. The Superintendent should develop a Code of Ethics with the board pursuant to California Government Code 53235 and require mandatory and proof of attendance for the GUSD Board of Trustees. It is further recommended that the MCCGJ 2014-15 monitor the progress of the results of review/retraining efforts of the board members to ensure that their performance is at an acceptable level commensurate with their responsibility as school board members who are answerable to the community at large.

BIBLIOGRAPHY

Minutes of the GUSD Board of Trustees Meetings on the following dates: April 17, 2013, May 8, 2013, June 12, 2013, June 26, 2013, July 12, 2013, July 25, 2013.

Agenda Notice: Meeting of the Board of Trustees, June 26, 2013 presented by: Gail McWilliams.

GUSD Board of Trustees By-Laws adopted September 2010

Collective Bargaining Agreement between GUSD and California School Employees Association (CSEA). Term 2009-2013

Collective Bargaining Agreement between GUSD and California Teachers Association (CTA) 2009-2013.

California Government Code 53235 (a), (b), and (c)

DISPOSITION OF COMPLAINTS

DISPOSITION OF COMPLAINTS

**COMPLAINT # 13-03-19
LOS BANOS UNIFIED SCHOOL DISTRICT**

The 2013-2014 Merced County Civil Grand Jury received a complaint to investigate the Los Banos Unified School District.

After initial review and preliminary investigation of the complaint the Civil Grand Jury declined to take any action.

**COMPLAINT # 13-03-20
MERCED CITY SCHOOL BOARD/MERCED CITY SCHOOL DISTRICT**

The 2013-2014 Merced County Civil Grand Jury received a complaint to investigate the Merced City School Board/Merced City School District.

After initial review and preliminary investigation of the complaint the Civil Grand Jury declined to take any action.

**COMPLAINT # 13-04-22
GUSTINE UNIFIED SCHOOL DISTRICT**

The 2013-2014 Merced County Civil Grand Jury, Health, Education and Welfare (HEW) Committee requested additional documentation from the Gustine Unified District School Board. After review of the additional documentation and interviews, HEW Committee was unable to verify the allegations in this complaint.

After review of the results of the HEW investigation, the Civil Grand Jury declined to take any further action.

**COMPLAINT # 13-06-23
JOHN LATORRACA CORRECTIONAL CENTER**

The 2013-2014 Merced County Grand Jury has studied the allegations contained in a letter.

The Civil Grand Jury does not take action on matters pending before the courts; therefore, no action was taken.

**COMPLAINT # 13-06-24
JOHN LATORRACA CORRECTIONAL CENTER**

The 2013-2014 Merced County Civil Grand Jury has studied the allegations contained in a letter.

The Civil Grand Jury does not take action on matters pending before the courts; therefore, no action was taken.

**COMPLAINT # 13-07-01
MERCED COUNTY DISTRICT ATTORNEY**

The 2013-2014 Merced County Civil Grand Jury has studied the allegations contained in this anonymous complaint.

The Civil Grand Jury, after initial review, declined to take any action.

**COMPLAINT # 13-07-02
MERCED COUNTY SHERIFF'S DEPARTMENT**

The 2013-2014 Merced County Civil Grand Jury has studied the allegations contained in this letter.

The Civil Grand Jury, after initial review, declined to take any action.

**COMPLAINT # 13-07-03
COUNTY OF MERCED**

The 2013-2014 Merced County Civil Grand Jury has studied the allegations in the complaint

The Civil Grand Jury, after initial review; declined to take any action.

**COMPLAINT # 13-07-04
MERCED COUNTY SHERIFF'S DEPARTMENT**

The 2013-2014 Merced County Civil Grand Jury has studied the allegations in the anonymous letter.

The Civil Grand Jury, after initial review; declined to take any action.

**COMPLAINT # 13-08-05
GUSTINE POLICE OFFICER'S ASSOCIATION**

The 2013-2014 Merced County Civil Grand Jury has studied the allegations contained in this complaint.

The Civil Grand Jury, after initial review, declined to take any action.

**COMPLAINT # 13-08-06
GUSTINE POLICE DEPARTMENT**

The 2013-2014 Merced County Civil Grand Jury has studied the allegations contained in this complaint.

The Civil Grand Jury, after initial review, declined to take any action.

**COMPLAINT # 13-09-07
MERCED UNION HIGH SCHOOL DISTRICT**

The 2013-2014 Merced County Civil Grand Jury has studied the allegations and conducted an initial interview on this complaint.

The Civil Grand Jury, after the interview, declined to take any action.

**COMPLAINT # 13-17-09
MERCED COUNTY PUBLIC DEFENDER OFFICE**

The 2013-2014 Merced County Civil Grand Jury has studied the allegations contained in the complaint.

The Civil Grand Jury, after initial review, has declined take any action.

**COMPLAINT # 13-10-04
MERCED COUNTY MENTAL HEALTH SERVICES**

The 2013-2014 Merced County Civil Grand Jury has studied the allegations contained in this complaint.

The Civil Grand Jury, after initial review, declined to take any action.

**COMPLAINT # 13-10-24
MERCED COUNTY OFFICE OF EDUCATION**

The 2013-2014 Merced County Civil Grand Jury has studied the allegations contained in this complaint.

The Civil Grand Jury, after initial review declined to take any action.

**COMPLAINT # 13-10-28
MERCED POLICE DEPARTMENT**

The 2013-2014 Merced County Civil Grand Jury has studied the allegations contained in this letter.

The Civil Grand Jury after initial review, has declined to take any action.

**COMPLAINT # 13-11-07
GUSTINE POLICE DEPARTMENT**

The 2013-2014 Merced County Civil Grand Jury has studied the allegations contained in this letter.

The Civil Grand Jury, after initial review, declined to take any action.

**COMPLAINT # 13-11-22
MERCED COUNTY SHERIFF'S DEPARTMENT**

The 2013-2014 Merced County Civil Grand Jury has studied the allegations contained in this complaint.

The Civil Grand Jury, after initial review, declined to take any action.

**COMPLAINT # 13-12-05
LOS BANOS POLICE DEPARTMENT**

The 2013-2014 Merced County Civil Grand Jury has studied the allegations contained in this complaint.

The Civil Grand Jury, after initial review, declined to take any action.

**COMPLAINT # 14-01-02
MERCED COUNTY SHERIFF'S DEPARTMENT**

The 2013-2014 Merced County Civil Grand Jury has studied the allegations contained in this anonymous letter.

The Civil Grand Jury, after initial review, declined to take any action.

**COMPLAINT # 14-01-20
MERCED COUNTY DISTRICT ATTORNEY**

The 2013-2014 Merced County Civil Grand Jury has studied the allegations contained in this anonymous complaint.

The Civil Grand Jury, after initial review, declined to take any action.

**COMPLAINT # 14-01-30
MERCED COUNTY DISTRICT ATTORNEY**

The 2013-2014 Merced County Civil Grand Jury has studied the allegations contained in this complaint.

The Civil Grand Jury, after initial review, declined to take any action.

**COMPLAINT # 14-02-08
MERCED COUNTY PUBLIC DEFENDER OFFICE**

The 2013-2014 Merced County Civil Grand Jury has studied the allegations contained in this letter.

The Civil Grand Jury, after initial review, declined to take any action.

**COMPLAINT # 14-04-01
MERCED UNION HIGH SCHOOL DISTRICT**

The 2013-2014 Merced County Civil Grand Jury has received a complaint to investigate the Merced Union High School District.

Due to limitation on time the Civil Grand Jury referred this matter to the 2014-2015 Merced County Civil Grand Jury.

**COMPLAINT # 14-04-02
CITY OF MERCED**

The 2013-2014 Merced County Civil Grand Jury has received a complaint to investigate the City of Merced.

Due to limitation on time the Civil Grand Jury referred this matter to the 2014-2015 Merced County Civil Grand Jury.

**COMPLAINT # 14-04-11
MERCED UNION HIGH SCHOOL DISTRICT**

The 2013-2014 Merced County Civil Grand Jury has received a complaint to investigate the Merced Union High School District.

Due to limitation on time the Civil Grand Jury referred this to the 2014-2015 Merced County Civil Grand Jury.

**COMPLAINT # 14-06-16
DELHI UNIFIED SCHOOL DISTRICT BOARD**

The 2013-2014 Merced County Civil Grand Jury has received a complaint to investigate the Delhi Unified School District Board.

Due to limitation on time the Civil Grand Jury referred this matter to the 2014-2015 Merced County Civil Grand Jury.

**COMPLAINT # 14-06-18
MERCED COUNTY SHERIFF'S DEPARTMENT**

The 2013-2014 Merced County Civil Grand Jury has received a complaint to investigate the Merced County Sheriff's Department.

Due to limitation on time the Civil Grand Jury referred this matter to the 2014-2015 Merced County Civil Grand Jury.

RESPONSES TO
2012-2013 CIVIL GRAND
JURY REPORT



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

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

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

Equal Opportunity Employer

July 31, 2013

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

RE: 2012/2013 Grand Jury Report

Your Honor,

I have received and reviewed the 2012/2013 Grand Jury Report. There are no issues in the report which pertain to, or require further action by, the Merced County Assessor, Clerk, Recorder, or Registrar of Voter offices.

Sincerely,

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



AUDITOR-CONTROLLER

Lisa Cardella-Presto
Auditor-Controller

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

July 31, 2013

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

I have received and reviewed the 2012/2013 Merced County Grand Jury Report. There are no issues in the report which pertain to matters under the control of the Merced County Auditor-Controller.

Sincerely,

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

Lisa Cardella-Presto, CPA
Merced County Auditor-Controller



DEPARTMENT OF
CHILD SUPPORT SERVICES

Sharon Wardale-Trejo
Director

3368 N Highway 59, Suite A
Merced, CA 95348
(866) 901-3212
(209) 381-1305 Fax
www.merceddcss.com

Equal Opportunity Employer

DATE: July 1, 2013
TO: Mike North, Management Analyst, Chief Executive Office
FROM: Sharon Wardale-Trejo, Director of Department of Child Support Services
SUBJECT: 2012-2013 Merced County Grand Jury Report

MEMORANDUM

Please be advised, the Department of Child Support Services has reviewed the 2012-2013 Grand Jury Report and there are no issues contained in the report that pertain to matters under the control of our department. Please contact me if I can be of any assistance.

Sincerely,

A handwritten signature in blue ink that reads "Sharon Wardale-Trejo".

Sharon Wardale-Trejo
Director, Department of Child Support Services

STRIVING FOR EXCELLENCE



DEPARTMENT OF COMMUNITY
AND ECONOMIC DEVELOPMENT

Mark J. Hendrickson
Director

2222 M Street
Merced, CA 95340
(209) 385-7654
(209) 383-4959 Fax
www.co.merced.ca.us

Equal Opportunity Employer

DATE: July 26, 2013

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

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

RE: I have reviewed the 2012-2013 Civil Grand Jury Report and there are no issues in the report that pertain to matters under the control of my department. If I can be of further assistance, please feel free to contact me at your earliest convenience.



DISTRICT ATTORNEY
LARRY D. MORSE II

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

Chief Deputy District Attorney
HAROLD L. NUTT

Chief Deputy District Attorney
ROBERT O. CARROLL

Director of Administrative Services
JEANNETTE M. PACHECO

INVESTIGATIONS

Chief Investigator
PATRICK N. LUNNEY

VICTIM WITNESS

(209) 385-7385

Victim Witness Program Director
LISA DeSANTIS

LOS BANOS DIVISION

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

August 1, 2013

The Honorable Mark Bacciarini
Presiding Judge of the Civil Grand Jury
MERCED COUNTY SUPERIOR COURT
2260 "M" Street
Merced, CA 95340

Your Honor:

I have received and reviewed the 2012-2013 Civil Grand Jury Final Report. There are not issues in the report which require further response by the Merced County District Attorney's Office.

Sincerely,

LARRY D. MORSE II
DISTRICT ATTORNEY



FIRE DEPARTMENT

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

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

MARK LAWSON
Division Chief
(209) 385-7450

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

Re: 2012-2013 Grand Jury Report

Your Honor:

I have received and reviewed the 2012-2013 Civil Grand Jury Final Report and have prepared the following response to the section referencing the Merced County 9-1-1 Program.

The report mentions that OES (Office of Emergency Services) is in charge of implementing ENS (Emergency Notification System). In reality, the OES facilitates the use of the system through a coordinated effort with the City or County having the emergency. Each individual dispatch center that sends emergency equipment to a disaster situation has the authority to implement ENS. The system does not have to be implemented by the Office of Emergency Services. OES has been tasked with the responsibility of the facilitation of the program due to their responsibility in the coordination of disaster management within the County.

In response to R1 & R2; OES agrees that implementation of the geographically targeted messaging system would be a great addition to emergency services, but it cannot replace the ENS. IPAWS & CMAS would enhance the Emergency Notification System known as Everbridge; but there are limitations to the program which should be clearly delineated to the Grand Jury and the citizens within the county.

Additionally, IPAWS and CMAS will not solve all of our messaging challenges. CMAS messaging delivers messages in a broad area, like a rainstorm delivers water, everywhere. Sometimes this is an appropriate solution, but there are more often times when a hose is what is needed; delivery of water exactly where we need it. The "opt-in" program of Everbridge, allows us to identify groups with access and functional needs issues, language preferences, senior citizen concerns, school messaging preferences or general alert categories allowing the agency to deliver the message exactly where it is needed.

Not only can the "opt-in" program narrow the alert category, the user can limit the alerts to items that interest them only. For instance, if you have no children, you may not be interested in receiving information regarding schools, but in contrast, if you work out of the County, and have children that go to school in the County, you may want all notifications regarding the schools. The specific categories of Everbridge bring specific users to the website.

Notifications of a geographic nature would be enhanced in Everbridge using the CMAS program, but implementing CMAS would not make individual registration unnecessary. OES would still need to continue with the campaign for signing up users in order for the system to be fully utilized.

A CMAS message cannot go out directly. The emergency services in the County would need to submit a completed form to a Federal review board to request approval in sending the message. Once approved by the review board, they send it on our behalf. Depending on the scope of the disaster, this would insert unexpected and unnecessary delays into the broadcast cycle. This is not the case with Everbridge since the dispatcher centers are able to immediately make notification as soon as they see the need or meet that City or County management's need for notification. Because Everbridge is a local process there are negligible delays to work through to initiate an alert.

The opt-in program of Everbridge allows the user to choose numerous methods for contact and does not limit the user to being in the area. The CMAS delivery system is cell phone based only and requires you to be in the area of the specific tower or towers identified to broadcast. An Everbridge user can be notified on their own terms regardless of whether they are in the area or not, and can include themselves, friends and/or family to receive notifications as well. With the Everbridge system, citizens can be specific, up to 5 locations in the county can be registered; and if they are out of the county they will still be notified. Basically, if an opt-in participant were visiting in San Diego County, and their home were circled for a notification, they could receive that alert, even being out of the area. With CMAS you would not get it. Also with CMAS, you cannot choose the types of messages, nor who receives the messages. The opt-in program provides for multiple contact paths on each person filling out the online form. This increases the longevity of contact in case they change a path, and allows the program to still notify the user through another path they have chosen. The CMAS would enhance notification by reinforcing the Everbridge notification, alerting those that have not opted in, but are in the area, and alerting visitors in the area that will never opt-in; but CMAS can only notify through one path.

In reality, the home phone database decreases every month. The OES must adopt and maintain a long term program to gather alternate contact paths for coordination in emergency management. We do not know what the future of the CMAS message delivery program might be. If we only restart our opt-in program when the Federal team pulls the plug on the CMAS program, we may find ourselves years out of a place, and underfunded in a notification program. The numbers of citizens registering in the Everbridge program increases every month and OES will continue to build those numbers in order to have a sound base for this or any new notification system.

Another benefit to the Everbridge system is the ability to confirm notification. There is no confirmation of delivery with CMAS, it is no more detailed than sending a message over the radio. With that said, we don't know how far and wide the messages may go, further limiting the type of messaging we should consider using the system for. Everbridge allows for the user to receive the notification through text, phone, cell phone, and email and requires confirmation to cease the alerts. This aspect to the program can assist OES and the County agencies in knowing the number of participants that have been notified, and who has acknowledged the notification.

2012-2013 Grand Jury Response
Fire Department

Generally there are many people under one address, and in Everbridge they can all register individually in order to be notified in the manner each person wishes to be notified. When all the profiles are registered, it also allows Everbridge to do a "roll call" during significant events to determine who might be accounted for. This benefit of "confirm and quit" process provides Everbridge with the next step prioritization. CMAS does not allow for any individual notifications except geographical and does not roll call or confirm receipt of the messaging as the Everbridge system does.

R4 - It is important to remind the Grand Jury that not all of the first responders are dispatched from Merced County's dispatch center. The County fire dept, along with four of the six cities, are dispatched from the CAL FIRE Emergency Command Center in Mariposa and they do not have the transmitting problems mentioned frequently in this report. Additionally, the fire departments dispatched through CAL FIRE do not have the same problems with transferring calls since the fire dept is not a primary PSAP center. It appears as though the report is mostly targeting the law enforcement branches within the County, but unfortunately using the term "first responders" infers that all first responder's radio traffic is compromised. That is simply NOT the case for the County fire department, City of Gustine, Dos Palos, and Atwater. In fact, State OES and the Merced OES Operational Area have enhanced interoperability radio frequencies within the County for Fire, EMS and Law Enforcement throughout the Op Area to be used in multi-agency disaster preparedness.

There are no other issues addressed in the report which require further response by the Merced County Fire Department.

Sincerely,



Nancy B. Koerperich
Fire Chief



COUNTY EXECUTIVE OFFICE
Human Resources

James L. Brown
County Executive Officer

Marci R. Barrera
*Acting Director of Human
Resources*

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

Equal Opportunity Employer

July 1, 2013

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

RE: 2011/2012 Grand Jury Response

Dear Presiding Judge McCabe:

I have received and reviewed the 2011/2012 Grand Jury Report and have found no issues in the report that pertain to the Human Resources Department.

Sincerely,

Marci R. Barrera
Acting Director of Human Resources



HUMAN SERVICES AGENCY

Ana Pagan
Director

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

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

Equal Opportunity Employer

July 8, 2013

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

Regarding: Grand Jury Report 2012/2013

I have received and reviewed the Grand Jury Report.

There were two denied complaints under court jurisdiction which were not subject to investigation.

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

Sincerely,


Ana Pagan
Director

cc: Mike North, County Executive Office



MERCED COUNTY LIBRARY

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

FROM: Diane R. Satchwell
Merced County Librarian

SUBJECT: 2012-2013 Merced Grand Jury Report

DATE: June 26, 2013

I, Diane R. Satchwell, Merced County Librarian, via email, have received and reviewed the 2012-2013 Merced Grand Jury Report. There are no issues in the report which pertain to the Merced County Library System.



DEPARTMENT OF MENTAL HEALTH
Administration

Manuel J. Jimenez, Jr., MA, MFT
Director

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

Mailing Address
PO Box 2087
Merced, CA 95344

Equal Opportunity Employer

DATE: June 27, 2013

TO: County Executive Office
Mike North

FROM: Manuel J. Jimenez, Jr.

SUBJECT: Grand Jury Final Report FY 2012-2013

I have received and reviewed the Merced County Civil Grand Jury Final Report for FY 2012-2013. There are no issues to report on regarding the Merced County Mental Health Department.

If you require any further information, please contact me.



PROBATION DEPARTMENT



Scott M. Ball
Chief Probation Officer

June 27, 2013

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

Re: Acknowledgement/Response to Grand Jury Report 2012/2013

Dear Judge McCabe:

I have received and reviewed the Grand Jury Report with regard to the inspection of the Iris Garrett Juvenile Justice Complex (IGJJC) and the investigation into the Probation Department and Public Safety Realignment. The inspection of the IGJJC occurred on September 12, 2012, and the Grand Jury did not find reason to provide any recommendations.

The investigation of the Probation Department and Public Safety Realignment resulted in the following recommendations, which are accompanied by responses from the undersigned:

1. "The 2012/2013 Merced Civil Grand Jury recommends that the VEEP (Vocational Educational and Employment Program) collaborative group includes the Sheriff's Department."

Response: Since the completion of the investigation, the VEEP collaborative group was consolidated with the Re-Entry sub-committee to form the Adult Services Committee. The Sheriff's Department actively participates in this committee and is working with the Probation Department toward implementing vocational, educational, employment, and rehabilitative programs within county jail facilities. The Probation and Sheriff's Departments anticipate releasing a Request for Proposal (RFP) in the upcoming months to initiate these services.

2. "The 2012/2013 Merced Civil Grand Jury recommends that assessments to identify career interest, training, and educational needs should start in jail as a transition to probation and re-entry into the community."

Response: As part of the above noted RFP, there will be a requirement that interested vendors demonstrate the ability to provide career, educational, and substance abuse assessments.

3. "The 2012/2013 Merced Civil Grand Jury recommends that the Probation Department's AB109 statistical analyst develop a report that includes rates of recidivism, program success and cost."

Response: In January 2013, the Probation Department hired a Staff Services Analyst (SSA) utilizing County general fund rather than AB109 funds. The funding set aside for the AB109 analyst position was instead invested in upgrades to the department's adult case management system to allow for the automated collection and compilation of AB109 outcome data, including recidivism and program success. The duties of the SSA include evaluating the data and reporting back on rates of recidivism, program success, and cost-effectiveness of programs.

4. "The 2012/2013 Merced Civil Grand Jury recommends that the Probation Department establish a Probation and Community Team (PACT) in Los Banos with local non-profits. It is further recommended that the Probation Department contract with (vendor) for a Los Banos (day reporting) center."

Response: It is the intent of the Probation Department to provide day reporting and PACT services to west-county clients in Los Banos. The contract with the current day reporting center vendor expires in September 2013. The recently issued RFP includes a vendor option for implementation of a day reporting center in Los Banos.

I greatly appreciate the work of the Grand Jury and their commendations of our staff and facilities.

Sincerely,



Scott M. Ball
Chief Probation Officer

cc: Deidre Kelsey, Chairperson, Board of Supervisors
James L. Brown, County Executive Officer
Scott De Moss, Assistant County Executive Officer
Mike North, County Executive Office



PUBLIC DEFENDER

Eric A. Dumars
Public Defender

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

Memorandum

To: Honorable Brian McCabe
Presiding Judge, Merced Superior Court

From: Eric Dumars

Date: August 1, 2013

Re: 2012/13 Grand Jury report

Hon. Judge McCabe:

I have received and reviewed the Grand Jury report. I have no issues to discuss. Please contact me with further questions or concerns.

Thank You, 
/s/ 
Eric A. Dumars,
Merced County Public Defender



DEPARTMENT OF PUBLIC HEALTH

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

July 26, 2013

Brian McCabe
Presiding Judge
Merced County Superior Court
County of Merced

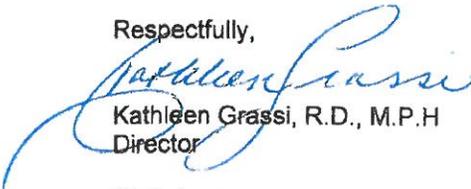
RE: Merced County Civil Grand Jury Final Report 2012-2013

I have received and reviewed the Grand Jury Report. The Department of Public Health's responses follow:

- R1-7: Prior to the release of the Grand Jury Report, the Department's Environmental Health Division hired two Environmental Health Technicians. Routine inspections other than complaint based inspections have occurred in areas listed in F1.
- R8: The Department agrees with the Grand Jury's recommendation.
- R9: The Department agrees with the Grand Jury's recommendation.
- R10: The Department agrees with the Grand Jury's recommendation.
- R11: The Department disagrees with the recommendation to implement an on-site posted placard rating system. On-site posted rating systems are controversial and can mislead the consumer when a food facility's status has changed in-between inspection cycles.
- The Department agrees that timely posting of completed facility inspections, without a rating, is a priority to ensure the public of that facility's inspection status.
- R12: The Department agrees with the Grand Jury's recommendation.
- R13-14: The Department agrees with the Grand Jury's recommendation.
- R15: The Department agrees with the Grand Jury's recommendation.
- Notation: The City of Firebaugh is not located within Merced County's health jurisdiction, but rather is located within Fresno County's health jurisdiction.

The Department appreciates the noted commendation and values the work of the Grand Jury.

Respectfully,



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

KAG: kag



DEPARTMENT OF PUBLIC WORKS

Dana S. Hertfelder
Director

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

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

Equal Opportunity Employer

DATE: July 29, 2013
TO: Presiding Judge Brian McCabe
FROM: Dana S. Hertfelder, Director of Public Works
SUBJECT: 2012-2013 Merced County Grand Jury Report

MEMORANDUM

Please be advised that I have received and reviewed the 2012/2013 Merced County Grand Jury Report.

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

DSH:jlr

cc: Mike North, County Executive Office

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**MERCED COUNTY
EMPLOYEES' RETIREMENT
ASSOCIATION**

3199 "M" Street
Merced, California 95348

MARIA L. AREVALO
Plan Administrator

Telephone 209-725-3636
Fax 209-725-3637

July 31, 2013

To: County Executive Office, Mike North
From: Maria L. Arevalo, MCERA Plan Administrator
Re: Grand Jury Report

Please be advised that I have reviewed the Merced County Grand Jury Final Report, 2012- 2013 and further, that I have found no matters in the report which pertain to matters under the control of the Retirement Association and which require a response from this department.



MARK N. PAZIN
COUNTY OF MERCED
OFFICE OF THE SHERIFF-CORONER

August 14, 2013

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

Re: Response to the 2012/2013 Grand Jury Report

Dear Judge McCabe:

I have reviewed the 2012-2013 Grand Jury Report.

In reference to Merced County Sheriff's Office CCW application and review process: State law allows for the possession of firearms in one's home and place of business,* if it is not otherwise prohibited by issues such as criminal history or mental illness. *Businesses and institutions may restrict the carrying of a firearm on their premises regardless of whether or not the individual holds a CCW permit.

During the last year the Merced County Sheriff's Office, in collaboration with County Counsel, has revisited and revised its CCW (Carry Conceal Weapon) Permit policy to better comply with State law. However, as alluded to in the report, the Sheriff, a life member of the NRA, has the ultimate authority for approving permit applications. With this authority comes considerable liability.

Most recently, the Sheriff has directed applicants who reside in any of Merced County's six incorporated municipalities to apply directly to their respective Chief of Police who possesses the statutory authority to grant CCW permits within that chief's respective jurisdiction.

Further, the Grand Jury opted to reference Stanislaus County Sheriff's Office practices for comparison purposes with the Merced County Sheriff's Office process. This Office's issuance rate of CCW's permits equals and often exceeds the issuance rate of other California counties with both similar and significantly greater populations

I concur generally with the observations and recommendations of the remainder of the report, as it pertains to the correctional facilities and the Coroner Office.

Sincerely,



Mark N. Pazin
Merced County Sheriff-Coroner



403 "F" STREET ★ LOS BANOS, CA 93635

209-826-5166 ★ FAX 209-826-8737

July 1, 2013

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

Re: Acknowledgment of 2012/2013 Grand Jury Report

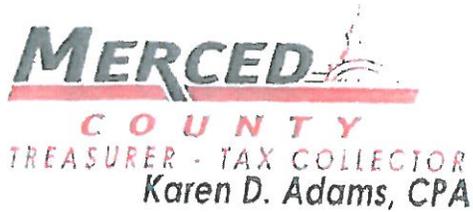
Honorable Brian McCabe
Presiding Judge, Merced County Superior Court:

Please note I have received and reviewed the 2012/2013 Grand Jury Report. There are no issues in the report which pertain to matters under my control.

Thank you,

A handwritten signature in black ink that reads "Ron Brandt".

Ron Brandt
Manager



Karen D. Adams, CPA
Treasurer-Tax Collector

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

June 28, 2013

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

SUBJECT: 2012-2013 GRAND JURY REPORT

I received and reviewed the 2012-2013 Grand Jury Report. I have no comments regarding any of the findings or recommendations contained in the report.

Sincerely,

A handwritten signature in blue ink, appearing to read "Karen D. Adams". The signature is stylized and fluid, with large loops and a long horizontal stroke at the end.

Karen D. Adams
Treasurer-Tax Collector

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**DEPARTMENT OF
WORKFORCE INVESTMENT**

Robert A. Morris
Director

1880 Wardrobe Avenue
Merced, CA 95341-6407
(209) 724-2000
(209) 725-3592 Fax
www.co.merced.ca.us/wi

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MEMORANDUM

July 1, 2013

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

From: Robert A. Morris, Director, Department of Workforce Investment 

Subject: Acknowledgement of the 2012/2013 Grand Jury Report

I am acknowledging receipt of the Grand Jury report of 2012/2013. I have reviewed the report and find no reference to issues under my control and jurisdiction and have no comments regarding any of the findings or recommendations contained in the report.



ADMINISTRATIVE SERVICES DEPARTMENT

Information Systems
Geographical Information Services
Purchasing

Communications
Custodial Services
Central Services

Mark A. Cowart
Director / Chief Information Officer

2222 "M" Street
(209) 385-7690
(209) 725-3535 Fax
www.co.merced.ca.us

Mailing Address
2222 "M" Street
Merced, CA 95340

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August 2, 2013

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

Regarding: 2012-2013 Grand Jury Report
Investigative Report - Merced County 9-1-1 Program

Your Honor:

We have received and reviewed the Grand Jury report and item indicated above. The Department of Administrative Services was requested to respond to recommendations made by the Grand Jury related to the investigation. Our responses to the recommendations are as follows:

R4. The 2012-2013 Merced County Civil Grand Jury recommends that Merced County jurisdictions ensure that all emergency responder radio "dead zones" are located and the necessary actions are taken to ensure adequate radio signal strength.

The Department of Administrative Services has been working with the Sheriff's Office to identify areas of the County where the system either has a weak signal or where there may be no signal. In some cases, the problems are being resolved. For example, one area of the County had experienced a high level of interference problems. The Sheriff's Office met with PG&E and the County's radio system vendor at the location to trouble shoot the problems. PG&E made repairs to their equipment and the interference problem was resolved. The County will monitor the area for interference problems. The County will develop recommendations for more comprehensive system changes to the County's radio system but will continue to identify and correct problems as they arise.

R5. The 2012-2013 Merced County Civil Grand Jury recommends the County of Merced require all departments in charge of purchasing for the county to have a clause in each contract that will allow the return of the equipment and a full refund if it does not work as advertised or with our systems. Also, enough research should be done prior to purchasing to ensure that the equipment will work with our systems.

The County of Merced has standard Terms and Conditions that are utilized on procurements for equipment and systems. The terms and conditions include, at the option of the County, an on-site

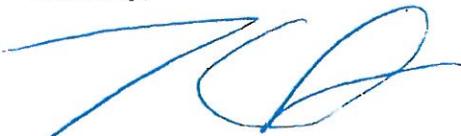
acceptance test period that is for the purpose of demonstrating that, in the County's sole opinion, items/services purchased perform in accordance with the manufacturer's specifications. If the equipment or systems are not accepted by the County within sixty days of the beginning of acceptance testing the County may elect to terminate the purchase and the successful bidder shall refund all monies received from the County up to the period of termination, within thirty calendar days from receipt of written termination by the County. Administrative Services will update the standard Terms and Conditions to include the acceptance testing period on all procurements of equipment and systems rather than having it optionally included.

Additionally, the County's Terms and Conditions include warranty conditions that require the manufacturer and bidder to fully guarantee all materials and equipment furnished under the terms of the procurement against poor and inferior quality. While under warranty, successful bidders are required to repair or replace inoperable materials or equipment in a timely manner to minimize the disruption of County operations.

The Emergency Notification System (ENS) purchased in 2007 was of a design that required the County to install and maintain the hardware and software to support the system. An alternative design methodology that has become an industry standard is to utilize an ENS as a service instead of hosting the system locally. This is the methodology utilized by the new system from Everbridge.

The problems inherent, and experienced by the County, with a locally hosted system are a result of the system only being used infrequently - in an actual emergency. Because the system is used infrequently, the various components have problems that aren't apparent until the system is needed. Locally hosted systems require periodic updates and maintenance and are subject to being physically moved or disconnected. These problems along with the design limitations of the availability of trunk lines and other communications infrastructure resulted in the County contracting for a system that could be utilized as a service instead. It wasn't a matter of the system not working immediately after implementation, but over time the system would not reliably function because of the limitations of a hosted system.

Sincerely,



Mark A. Cowart
Administrative Services Department, Director

Cc: County Executive Office



DEPARTMENT OF AGRICULTURE

David A. Robinson
Agricultural Commissioner
Director of Weights and Measures
Director of Animal Control

2139 Wardrobe Avenue
Merced, CA 95341-6445
Phone: (209) 385-7431
Fax: (209) 725-3536
Los Banos Office: (209) 827-2030

Animal Control: (209) 385-7436
www.co.merced.ca.us

Equal Opportunity Employer

June 28, 2013

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

Re: 2012/2013 Grand Jury Report

Your Honor,

I have received and reviewed the 2012/2013 Grand Jury Report. There are no issues in the report which require further action by the Merced County Department of Agriculture.

Sincerely,

David A. Robinson
Agricultural Commissioner
Sealer of Weights and Measures
Director of Animal Control



September 17, 2013

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

RE: Board of Supervisors Grand Jury Response

Dear Presiding Judge McCabe:

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

Mandated Report – Probation Department and Public Safety Realignment

Recommendations:

The Grand Jury report recognizes the challenges posed to the County with Assembly Bill 109 and proposed ways to improve services to the population, including forming a Probation and Community Team and a Day Reporting Center in Los Banos. The Grand Jury also recommends that the Probation Department invite the Sheriff's Department to be a collaborating agency of the Community Corrections Partnership's Vocation, Education and Employment Programs, which prepare offenders to return to the workforce in an effort to reduce recidivism.

The Grand Jury also suggests using resources to help jail inmates better transition into the community once released. An AB 109 report that details rates of recidivism, program success and cost was also recommended.

Response:

The Merced County Probation Department is currently working to bring a Day Reporting Center and a Probation and Community Team to Los Banos. A recently-issued request for proposals for a new Day Reporting Center vendor includes an option for opening a Day Reporting Center in Los Banos. Also, since the Grand Jury's investigation was completed, the Vocation, Education and Employment Programs

Board of Supervisors

John Pedrozo
Supervisor, District One

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

Linn Davis
Supervisor, District Three

Deidre F. Kelsey
Supervisor, District Four

Jerry O'Banion
Supervisor, District Five

James L. Brown
County Executive Officer

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

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Excellence*

group was consolidated with another committee in which the Sheriff's Department actively participates.

As part of the aforementioned RFP, there will be a requirement that interested vendors demonstrate the ability to provide career, educational and substance abuse assessments. Furthermore, AB 109 statistics are currently being tracked by the Department.

Mandated Inspections – John Latorraca Correctional Center

Recommendations:

The Grand Jury inspected the John Latorraca Correctional Center at 2584 W. Sandy Mush Road in Merced. The report recommended that the County conduct a study to determine whether the current facility is sufficient to handle an increasing population of higher-risk inmates. The Grand Jury also suggested that the installation of the video-visitation system be expedited.

Response:

During the Final Budget Hearings in August, the Board of Supervisors approved a plan to pursue grant funding through Senate Bill 1022 to build a new jail facility along Sandy Mush Road that would improve security and safety while housing more inmates. If awarded the grant, the project would consolidate jail facilities by replacing most of the John Latorraca Correctional Center that was originally built to house minimum-security inmates and close the Main Jail facility. The plan also proposes to implement additional treatment programs and assessment programs toward managing the inmate population.

As for the video-visitation system, the Board of Supervisors agrees that the sooner the system is installed, the more efficient it will make the jail facilities. However, since existing infrastructure at the John Latorraca Correctional Center won't support the new video-visitation system, staff hopes to include it into the new facility if funding is successfully secured. There is currently video-arraignment and video conferencing between inmates and their attorneys. These features have improved efficiency at the John Latorraca Correctional Center and Main Jail.

Mandated Inspections – Main Jail

Recommendations:

The Grand Jury inspected the Main Jail at 700 W. 22nd St. in Merced and noted that the facility was clean and efficient. AB 109's impact on the County's ability to keep certain classifications in jail was also noted.

Response:

The Board appreciates the Grand Jury's inspection of the facility and understands the impact of AB 109 on the County's jail facilities.

Mandated Inspections – Iris Garrett Juvenile Justice Correctional Complex

Recommendations:

The Grand Jury inspected the Iris Garrett Juvenile Justice Correctional Complex and found the facility to be clean, well-maintained and well managed. The report also noted that minors are well supervised and provided with classes to help them complete their high school education.

Response:

The Board appreciates the Grand Jury's commendations.

Investigative Report – Coroner's Office

Recommendations:

The Grand Jury found that a larger facility would be beneficial to properly store medical records, house personnel and increase staff workspace. The Grand Jury additionally recommends purchasing an X-Ray machine.

Response:

The Board appreciates the concerns regarding the size of the facility and the option of an X-Ray machine. The Board will consider these recommendations in conjunction with many other capital facility needs in the County while trying to stay within the current fiscal constraints.

Investigative Report – Merced County 911 Program

Recommendations:

The Grand Jury suggests implementing a geographically-targeted emergency messaging system as opposed to one that requires individuals to sign up. The Grand Jury recommends adding more dispatchers and law enforcement responders in addition to finding and resolving "dead zones" that could affect responders' radio systems. Additionally, the report suggests that the County require all purchasing contracts to have a clause that allows the equipment to be returned if it doesn't function properly.

Response:

The Emergency Notification System the County currently has in place was chosen because it allows users to opt-into the program and customize what type of alerts they'd like to receive in addition to emergency notifications. The system the County has in place was implemented specifically to address the local requirements of the system, which is utilized infrequently. The system is designed to mitigate technical issues and other problems. The County has been actively encouraging residents to sign up for the program and will continue to do so.

The Board understands the staffing constraints within dispatch and amongst law enforcement responders. In this year's Final Budget, additional resources were appropriated toward these areas. Public safety is a priority for the Board. As mentioned during the County's Final Budget Hearings, the percentage of local resources (net county cost) toward public safety is now approximately 53 percent compared to approximately 38 percent over 10 years ago.

The County's Department of Administrative Services has been working with the Sheriff's Office to identify areas of the County with little or no radio signal. Some of those issues were the result of problems with utility equipment and have already been resolved.

In terms of equipment returns, the County's standard equipment purchasing contracts allow for an on-site acceptance test period to ensure that, in the County's opinion, the equipment functions properly. The County will update its purchasing procedures so that an acceptance testing period will be included on all equipment purchases, rather than having it as an option.

Investigative Report – Food Services Inspections

Recommendations:

During an investigation of the Division of Environmental Health, the Grand Jury noted that food facility inspections were behind by about 40 percent. The Grand Jury Report recommends using temporary or volunteer staff to perform extra duties that would allow more time to Environmental Health Specialists to conduct their inspections. It was also recommended that hospitals be made a priority for inspections, controls be implemented to ensure inspections are done on a yearly basis, inspectors complete training and use laptops in the field, an on-site placard rating system be implemented, more transparency be afforded to future Grand Jury requests and check and possibly update software.

Response:

The Board recognizes that inspectors are behind on their cases. The Department of Public Health has taken steps to alleviate the backlog of inspections, including hiring two employees to fill vacant Environmental Health Technician positions. These staffers are providing assistance to the Registered Environmental Health Specialists by focusing on the caseloads that do not require any special licensure or registration.

New food district assignments are being created and hospital inspections are current. Each geographical region now has a Registered Environmental Health Specialist assigned to it. Staff assigned to geographical boundaries will allow for a more structured and comprehensive coverage. The Department anticipates to be up to date on the food inspections by the end of the current fiscal year.

Regarding an on-site placard rating system, placing the postings on the County website is an appropriate place to inform the community of the ratings. The Board understands the other findings made by the Grand Jury.

Investigative Report – CCW Program

Recommendations:

During an investigation into the Sheriff's concealed-carry permitting process, the Grand Jury noticed inconsistencies as to whose CCW applications were denied and whose were approved. The Grand Jury recommends the Sheriff's Office review its procedures to ensure that the process is fair to all applicants. The report also suggested that the next Grand Jury should review six months of CCW applications to ensure consistency in the permitting process. The report also suggested that the Sheriff's Office should review and reconsider applications that were denied from July 16, 2012, through April 16, 2013, that had

similar good cause and victim incident history as applications that were accepted. The Grand Jury recommends that the Sheriff grant concealed-carry permits to law-abiding citizens with good cause and reasonable justification.

Response:

Over the past year, the Sheriff's Office has collaborated with County Counsel to revise its CCW permit policy to ensure compliance with State law. The Board supports a fair and equitable permitting process for those who display a need to carry a concealed weapon, while still recognizing the liability and responsibility that comes with issuing such a permit.

Sincerely,



Deidre F. Kelsey, Chair
Merced County Board of Supervisors
Supervisor, District Four

cc: Mary Nickles, 2012-13 Merced County Civil Grand Jury Foreperson
James L. Brown, County Executive Officer

DFK:mjn