

FILED  
MERCED COUNTY

2022 JUN 23 PM 12:23

CLERK OF THE SUPERIOR COURT  
BY Shelley R.  
DEPUTY

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MERCED

In the Matter of:

Case No. 2021-2022

THE 2021-2022 CIVIL GRAND JURY  
FOR MERCED COUNTY.

**ORDER DISCHARGING THE  
CIVIL GRAND JURORS FOR  
FISCAL YEAR 2021-2022**

“Each grand jury ... shall be charged and sworn to investigate or inquire into county matters of civil concern, such as the needs of county officers, including the abolition or creation of offices for, the purchase, lease, or sale of equipment for, or changes in the method or system of, performing the duties of the agencies subject to investigation pursuant to Section 914.1.” Pen. Code, § 888.

While the Civil Grand Jury’s duties are primarily investigatory, it requires the members to schedule regular group meetings as well as set an operating schedule for various committees.

Due to the ongoing complications of the COVID-19 pandemic, this Court finds that the 2021-2022 Civil Grand Jury was not able to conduct the necessary plenary meetings to facilitate a super majority vote or retain enough members to

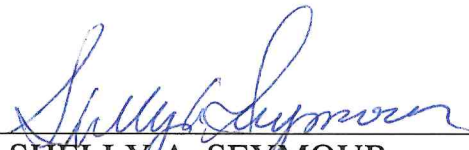
1 maintain the necessary amount for votes. As a result, the 2021-2022 Civil Grand  
2 Jury was unable to complete a report for this fiscal year.

3 It is within this Court's exercise of its jurisdiction to order the grand jury to  
4 be discharged. (*People v. Superior Court* (1973 Grand Jury) (1975) 13 Cal.3d  
5 430, 438-439, quoting *In re Gannon* (1886) 69 Cal. 541, 547; see Pen.Code, §  
6 915.)

7 Accordingly, this Court orders the discharge of the entire 2021-2022 Civil  
8 Grand Jury. The responses to the 2020-2021 Civil Grand Jury report are attached  
9 and incorporated herein and will take the place of the final 2021-2022 Civil Grand  
10 Jury report.

11 **IT IS SO ORDERED.**

12  
13 **DATED:** 6/23/22

14  
15   
16 \_\_\_\_\_  
17 **SHELLY A. SEYMOUR**  
18 Judge of the Superior Court  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**From:** Darrell Fonseca  
City Manager, City of Dos Palos  
[cityofdp@cityofdp.com](mailto:cityofdp@cityofdp.com)

**Subject:** Grand Jury Response. Please see attached pages.

**Notice:** I have informed the city council at their August 17, 2021 regular meeting of their required response to the grand jury report within 90 days, reference Minutes at city website: [cityofdospalos.org](http://cityofdospalos.org) and also placed this notice on the September 21, 2021 city council agenda. You may want to contact the mayor and/or council members directly.

*Response from Dos Palos City Manager within 60 days to the Grand Jury draft report as required. Presented on September 20, 2021 (the 40<sup>th</sup> day):*

## **FINDINGS**

- F1: The City of Dos Palos Water Treatment Plant is inadequate for the needs of the Community. *Yes. We have made serious efforts and have sought assistance and funds from various sources, including private, and from governmental agencies and officials for years. We have been successful in obtaining both support and major funding as acknowledged in F-4.*
- F4: Although two grants for a total of \$11 million have been secured, additional funding is needed to complete necessary improvements including increased water storage. *Yes. At the time we began the current project, estimated costs were around \$8 million. \$11 million now secured. It is likely that some additional funds will be needed. See my other efforts in R-1 below.*
- F5: A rate study is required as part of the grant contract and is not yet completed. \* *Yes. As I reported to the grand jury just prior to its release of the draft report, the city engineer would present a completed rate study to the city council on July 20, 2021. He did. On July 29, 2021, a workshop on the draft rate study was opened. The city attorney provided information regarding the Proposition 218 process. In the final quarter of 2021, the city council and city engineer are scheduled to continue consideration of rate alternatives for public review and eventual council decisions. State water grant officials are apprised of this activity on a monthly basis.*

## **RECOMMENDATIONS**

- R1: It is recommended that the city of Dos Palos continue an aggressive program of securing funds for additional water storage. (F-1, F-4, F-5) *Yes. The state has indicated that additional state funds may be available. Here are three of our current efforts on the Federal level. One: Although not immediately supported, the city council did ultimately approve my recommendation to use over \$1 million in eligible Federal American Rescue Act funding to rehabilitate a 750,000 gallon water tank on the existing water treatment plant campus. Half of these funds have already been received. A contractor has been given authorization to proceed with the project which is scheduled to be completed by Spring of 2022. Adding 750,000 gallons of storage means an additional 60% water storage capability. It also allows redirection of plant operations as needed, additional treatment exposure time, and the option to shut one component down for occasional maintenance. This additional storage tank can easily be incorporated into the new plant for future and continued usage. Two: I have applied for \$279,000 in Federal Infrastructure funds to match the city's \$71,000 to rehabilitate the water treatment plant's only functioning clarifier. Funding is pending at this time. This project will vastly improve water quality especially in dealing with algae, reduce water needed for backwashing the filtration system, and reduce energy costs. This project will shorten storage replenishment time. Three: We continue to work with U.S.D.A. officials for possible grants and loans to complete the new water treatment plant including possible additional storage.*

R2: It is recommended that the city of Dos Palos complete the necessary rate study and Implement any changes required. (F-5) *Yes. Now that the rate study is available for consideration, the city council with urgency, will have to consider its options and make decisions that will affect how the project is to be implemented now and maintained in the future.*

#### **REQUEST FOR RESPONSES**

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

- From the following individuals:  
Dos Palos City Manager respond to R1, R2 within 60 days
- From the following governing bodies:  
Dos Palos City Council respond to R1, R2 within 90 days

\*As of the release of this document, the Dos Palos City Council expected the completed rate study on July 20, 2021.

Thank you for your grand jury service to our county,



DARRELL FONSECA

City Manager

City of Dos Palos

November 30, 2021

In response to the Grand Jury Report in regards to the Dos Palos Water Systems, I submit to you as follows:

R1: Following public discussions, the city council approved a staff recommendation to use federal ARPA American Rescue Act monies to reconstruct a 750,000 gallon tank at the water treatment plant. Construction is now underway. The City Engineer and staff are also working with the State to increase the \$11 million grant to a possible \$23 million. Additional money requested includes a proposal to build another million gallon tank.

R2: The City Engineer presented the rate study. The council plans to review and select the best options for consideration by the public. We are working with the State to meet their criteria and calendar to enable the city to go out to bid on schedule and begin construction on the new water plant as soon as possible.

Councilmember Debbie Orlando  
[CouncilmemberOrlando@cityofdp.com](mailto:CouncilmemberOrlando@cityofdp.com)  
City of Dos Palos