



October 1, 2019

The Honorable Jeanne E. Schechter  
Presiding Judge of the Civil Grand Jury  
Superior Court of California, County of Merced  
2260 N Street  
Merced, CA 95340

RE: BOARD OF SUPERVISORS' 2018-19 CIVIL GRAND JURY RESPONSE

Dear Judge Schechter:

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

### **Mandated Inspection – Jail Facilities**

#### *Recommendations/Findings:*

This year's Civil Grand Jury toured the John Latorraca Correctional Center (JLCC) and noted that the facility is in an "advanced state of decay." The report also noted that the County received a \$40 million grant and matched \$5 million of funding to upgrade the facility, but no funds have been released to start work on the project and no funding sources have been identified to begin Phase II of the project.

The Civil Grand Jury Recommends increasing maintenance staff, putting the highest priority on completing grant requirements to begin the renovation work, and identifying funding sources for Phase II.

#### *Response:*

The Board of Supervisors agrees that parts of the JLCC are outdated and/or in poor condition. Merced County is continuing to work diligently with the State as we move closer to construction. Unfortunately, staffing shortfalls at various State agencies have slowed the progress of the project. The majority of jail reconstruction projects throughout California are experiencing similar issues—this is not unique to Merced. Because of the delays, we're now expecting to begin construction by early 2020. Merced County has completed its due diligence with the State and satisfied the grant requirements. This project remains a top priority for the Board of Supervisors, County Administration, and the Sheriff's Office.

Planned improvements will help address security and infrastructure concerns at

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Supervisor, District Three

Lloyd Pareira  
Supervisor, District Four

Scott Silveira  
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.countyofmerced.com](http://www.countyofmerced.com)

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the JLCC while improving the capacity to house programs that reduce recidivism. The plan also includes mental health treatment facilities and assessment programs in an effort to better address inmate needs and help reduce the number of re-offenses upon release.

County agencies are working collaboratively on Phase II of this project, which may include moving all current Main Jail functions to the JLCC. Staff is in the process of exploring financing options for this work, which is currently in the planning and design phase.

Regarding maintenance staffing, County Administration will continue to work with the Sheriff's Office and Department of Public Works to ensure the needs of the facility are met. The facility is typically staffed with two maintenance workers, however, staffing is sometimes temporarily increased if there is a major maintenance issue with the heating, cooling, plumbing, etc.

### **Mandated Inspection – Iris Garrett Juvenile Justice Complex**

#### *Recommendations/Findings:*

The Civil Grand Jury reported on the conditions of the Iris Garrett Juvenile Justice Complex and noted that the facility was clean and orderly and the youth appeared well-nourished, well-groomed and clean. The report is also complimentary of the Bear Creek Academy Program, which aims to rehabilitate juvenile inmates by providing them with life skills and positive reinforcement for good behavior. The report did note a potential decrease in meal quantity and recommended re-evaluating portion sizes.

#### *Response:*

The Board of Supervisors agrees with and appreciates the Civil Grand Jury's high marks of the Iris Garrett Juvenile Justice Complex. Properly reforming and reintegrating juvenile inmates is critically important to keeping them out of the justice system when they become adults. Regarding the portion size of meals, it's the Board's understanding that the Probation Department contracts with a nutritionist to ensure that juvenile inmates receive proper nourishment. Probation is also in compliance with the National School Lunch Program. The Board is aware that Probation plans to present the Civil Grand Jury's finding and recommendation to its nutritionist for consideration at the next evaluation.

### **Investigative Report – Merced County Board of Supervisors Compensation**

#### *Recommendations/Findings:*

Upon receiving an inquiry about why the Board of Supervisors' salaries are based on a percentage of the Superior Court Judges' compensation, the Civil Grand Jury decided to explore the history of Board member pay.

The Civil Grand Jury started with looking into Ordinance 1647, which tied Merced County Board member pay to the average pay of Board members in the region comprised of seven neighboring counties. The Civil Grand Jury also examined Ordinance 1825, which set Board member pay at 54.2 percent of the salary for the Merced County Superior Court judges.

Following its investigation, the Civil Grand Jury stated that Merced County's website doesn't provide easy enough access to salary information for supervisors, officials and employees. The report

recommends including prominent notification on the Board of Supervisors webpage of any pay adjustments within 10 calendar days of the effective date, including a summary of salary and benefits paid to Board members, providing user-friendly access to the Board of Supervisors webpage, and listing salary and benefit information for all county officials and employees on the home page of the County website.

*Response:*

The Merced County Board of Supervisors appreciates the Civil Grand Jury's analysis of this matter. Ordinance 1825 has ensured a fair and equitable method of keeping the Supervisors' salaries in line with neighboring counties since its adoption in 2007. In fact, as noted by the Civil Grand Jury, Board member pay is actually 1.5 percent below what it would have been under Ordinance 1647. Furthermore, the Ordinance has been successful in maintaining reasonable compensation while removing the need for the Board to vote on its own pay when the cost of living increases. Prior to Ordinance 1825, the Board had to vote to increase its pay when these adjustments were necessary.

The report's finding and recommendation to make the County website more user-friendly has been a focus of the Board of Supervisors in recent years as evidenced by its newly-redesigned website. The new site provides user-friendly access to a number of service areas, including Human Resources, where classification and compensation information is listed for the Board of Supervisors as well as other County officials and employees. The information can be accessed through the front page by clicking on the "Human Resources" link under the "Government" tab or by visiting [www.countyofmerced.com/HR](http://www.countyofmerced.com/HR) and clicking the "Classification and Compensation" link. There, anyone can view the current salary for members of the Board of Supervisors as well as information on benefits available to them.

The County receives many requests to put information up on the front page of the website, but to do so would not be feasible. Overloading the front page with information would make the website more confusing and less accessible, whereas a properly organized site can be easily navigated. The same applies to the Board of Supervisors page. Regarding notifications of changes to Board pay, the Classification and Compensation section of the website is updated as necessary to reflect cost of living increases and other adjustments—this applies to Board pay as well. The public is able to regularly check the website to see current pay information. The Board feels that this provides appropriate notification and allows for proper government transparency. Updates to the section of the website are made as soon as possible.

The Board agrees with the Civil Grand Jury that it would be helpful to have a short summary explaining Supervisors' pay and benefits in order to help the public better understand how Board members are compensated. In response, the County has included a new section on the Board of Supervisors webpage under "FAQs" titled "How are Board Members compensated?" This new resource describes Ordinance 1825 and its purpose.

### **Investigative Report – Merced County Public Roads Funding Report**

*Recommendations/Findings:*

While Merced County is receiving considerably more annual road funding due to Measure V and SB 1, the Civil Grand Jury did take note that the County may be owed as much as \$400,000 in Road Impact

Fees, which are deposited into the Road Fund. The report also found that the County hasn't increased Road Impact Fees by the construction cost index and is lacking an employee who can be accountable for tracking road impact fees.

The report recommends an audit of all County Road Impact contracts and funds, separate trust fund accounts for the tracking of fees, developing procedures for the collection, use, and expenditure of Road Impact Fees, and reviewing all Road Impact Fees to determine if increases are necessary based on the construction cost index.

*Response:*

Road funding continues to be a primary focus of the Board of Supervisors. With Measure V and SB 1, Merced County now has approximately \$10 million a year to spend on road repair. Prior to those funding sources, that number typically fluctuated between \$1 million and \$1.5 million. As the Civil Grand Jury pointed out, the County also has the ability to collect Road Impact Fees from developers to help fund the costs associated with a project's increased local traffic. The Board welcomes an audit of these funds and understands that the Public Works Director will work with the County's Auditor-Controller to complete an audit of all active County Road Impact Contracts and Funds.

While the Civil Grand Jury recommends that a separate trust fund be established in order to track the collection and use of Road Impact Fees, it's the County's opinion that these funds should remain in the same trust fund with other road maintenance dollars, since that's what they're intended for. Funding can still be tracked within that account. The Board is supportive of Public Work's plan to work with the County Auditor-Controller and State Controller's Office to determine the feasibility of creating individual trust funds for impact fees collected for specific project mitigations.

The Board is also supportive of Public Work's intentions to develop procedures around the collection, use, and expenditure of Road Impact Fees, as well as analyzing the potential for increasing Road Impact Fees if warranted by the construction cost index. The Board understands that the Public Works Director is in the process of reassigning responsibility for tracking Road Impact Fees.

In closing, the Board of Supervisors would like to thank the Civil Grand Jury for its efforts and service in putting together this report. Merced County appreciates the opportunity to highlight its programs, projects and processes, and likewise appreciates the Civil Grand Jury's input.

Sincerely,



Lloyd Pareira, Chairman  
Merced County Board of Supervisors

cc: Joel Moses, 2018-19 Merced County Civil Grand Jury Foreperson  
James L. Brown, County Executive Officer