



Merced County Civil Grand Jury Report 2020-2021

Map of Merced County

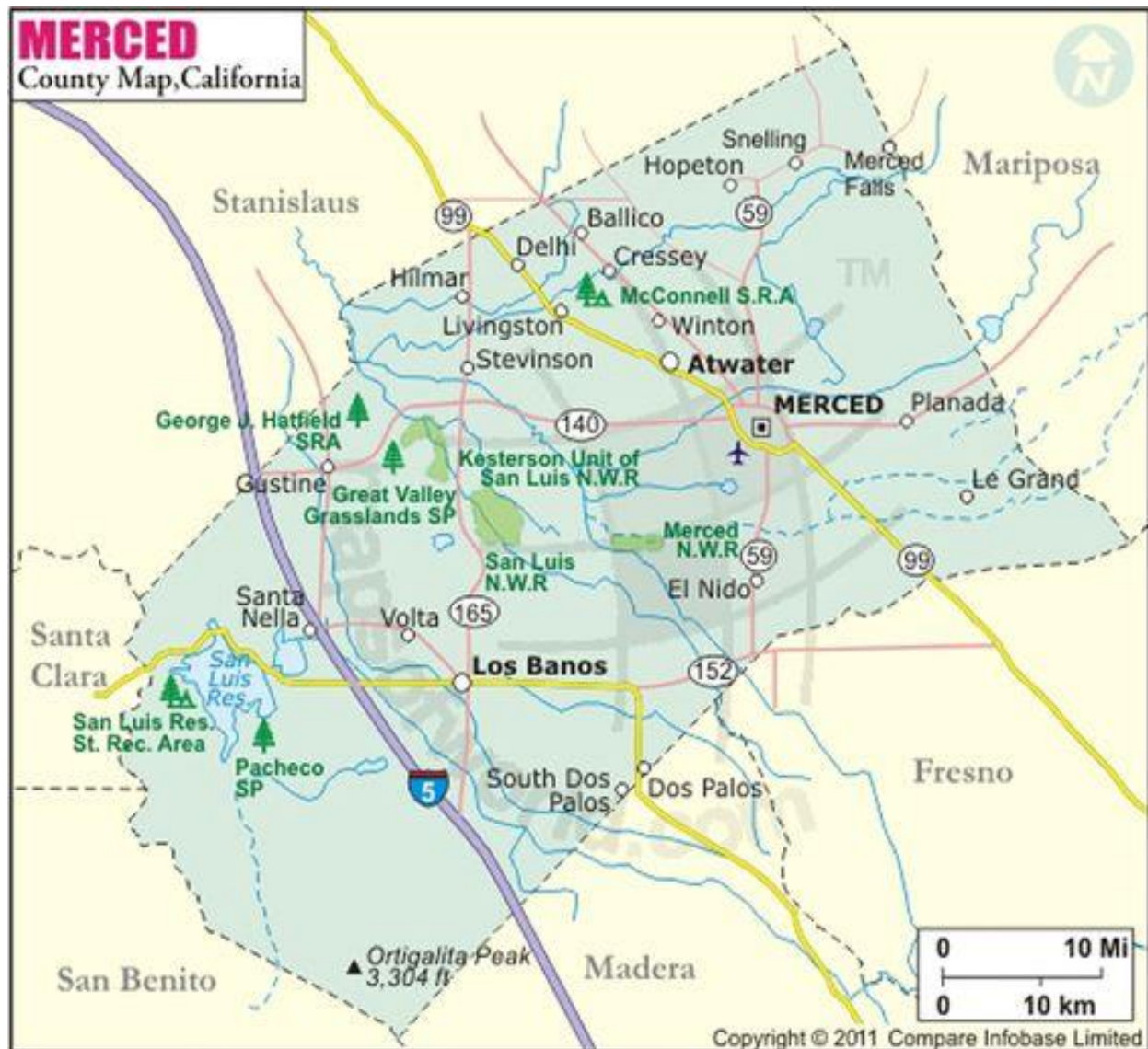


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CIVIL GRAND JURY

PO BOX 2692

MERCED, CA 95344

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

The Honorable Shelly A. Seymour
Presiding Judge of the Civil Grand Jury
Merced County Superior Court

Dear Judge Seymour,

The members of the 2020-2021 Merced County Civil Grand Jury (Grand Jury) respectfully submit our final report to the Merced County Superior Court and the citizens of Merced County in accordance with California Penal Code, section 933.05.

This Grand Jury, like all government agencies, private business, and community organizations, has experienced multiple challenges because of the COVID-19 pandemic and the restrictions it has warranted. As a result, until very recently, all Grand Jury business during this shortened term has been conducted using Zoom. However, following prescribed protocols, and with the availability of COVID-19 vaccine, we have been able to complete our final report editing in person in the Grand Jury room.

Despite the Pandemic, a few members of the Civil Grand Jury were able to visit 4 of Merced County's law enforcement facilities—John Latoracca Correctional Facility, Merced County Sheriff's Department Main Jail, the Gustine Police Department, and the Los Banos Police Department. All these inspections were short, controlled visits with only 5 jurors in attendance at each.

The Grand Jury received a total of 9 complaints this term. Each was carefully considered and discussed, leading to 2 that warranted short investigations but not a final report, and one that this Grand Jury did not have the ability to complete. The remaining complaints were not within the purview of the Grand Jury.

In addition to dealing with COVID-19, this jury has been unique in other ways. We began the 10-month term with 17 members and ended it with 15. We are between 24 and 71 years of age covering several generations resulting in wide and varied opinions, talents, expertise, and work schedules. I would like to thank each one of my fellow jurors for their active participation, understanding, honesty, wisdom, and friendship as we served together. Though prohibited from meeting and conducting business in person, we have worked diligently together to fulfill our function as the Merced County Civil Grand Jury.

We would like to thank you, the staff of Superior Court, County Counsel, and County Administration for your infinite patience and support. Also in an unprecedented pandemic-caused situation, you always made yourselves available when we needed assistance.

Although the Pandemic completely altered how this Grand Jury conducted business, we have greatly enjoyed our tenure and are thankful for the opportunity to serve the court and the community as jurors on Merced County's Civil Grand Jury 2020-2021.

Respectively submitted,

Eloise Andre Jorritsma

2020-2021 Merced County Civil Grand Jury

2020-2021 Merced County Civil Grand Jury Members

- | | |
|----------------------------|---------------------|
| 1. Anderson, Craig | |
| 2. Armstrong, Laurie | |
| 3. Cadiente, Julius Gerald | |
| 4. Fleitz, Ayrton Mitchell | |
| 5. Flores, Daniel Elijah* | |
| 6. Hargrove, Richard | Foreperson Pro-Tem |
| 7. Huddleston, Jeffrey | |
| 8. Jorritsma, Eloise | Foreperson |
| 9. Knight, Geniece | Recording Secretary |
| 10. Krego, Phyllis | |
| 11. Leyva-Moreno, Luis* | |
| 12. Marcum, Teri | |
| 13. Moses, Joel | |
| 14. Murphy, Linda | |
| 15. Robinson, Rainy | |
| 16. Sizemore, Donavan | |
| 17. Williams, Steven | |

*Members unable to complete their term

The 2020-2021 Civil Grand Jury members resided in the following communities in Merced County:

Atwater
Hilmar
Merced

Mandated Inspection of Jail Facilities

2020-2021

As stated in the requirements of California Penal Code (CPC) Section 919(b), Merced County Grand Jury (MCCGJ) conducted partial inspections of jails within Merced County. During the year, the MCCGJ visited the following facilities:

1. The Merced County Sheriff's Department John Latorraca Correctional Facility
2. The Merced County Sheriff's Department Main Jail Facility
3. Gustine Police Department
4. City of Los Banos Police Department

Due to the limitations of COVID-19 Pandemic regulations, the MCCGJ was not able to do full and complete investigations of any of these facilities and will not issue a report on any of them.

John Latorraca Correctional Facility

On February 25, 2021, the Merced County Civil Grand Jury toured a portion of the John Latorraca Correctional Facility at 2584 Sandy Mush Road in the outlying area of the city of Merced. COVID-19 protocols were followed, and the visit was limited to five participants for the safety of visitors, staff, and inmates.



Merced County Sheriff's Department Main Jail

The Merced County Civil Grand Jury (MCCGJ) met with 3 officers and staff at the Merced County Sheriff's Department Main Jail on February 24, 2021. The Main Jail is located at 700 West 22nd Street in Merced. Only 5 MCCGJ members were allowed access to a limited area of the jail due to COVID-19 safety requirements.



Gustine Police Department

On December 1, 2020, 5 members of the Merced County Civil Grand Jury (MCCGJ) were allowed a partial tour of the Police Department in the City of Gustine, a small town on the western edge of Merced County. The Chief of Police showed the group around the facility that is located on the southwest corner of 3rd Avenue and 6th Street.



City of Los Banos Police Department

The 2020-2021 Merced County Civil Grand Jury (MCCGJ) inspected the Los Banos Police Department (LBPD) located at 945 5th Street on December 16, 2020. Due to COVID-19 restrictions only 5 jurors were allowed to participate. LBPD has an Annex Facility at 444 J Street, that houses Detectives, Code Enforcement, Information Technology, and Crimes Analysis. Also due to COVID-19 restrictions, MCCGJ members were not able to inspect the Annex Facility.





Investigative Report

Dos Palos Water System: Problems and Solutions

SUMMARY

The City of Dos Palos water system has had worsening and ongoing problems for several years. Issues have ranged from not meeting California water quality standards, system shutdowns caused by seasonal algae growth, and lack of water storage facilities. Dos Palos has secured eleven million dollars in state grant money and loan forgiveness for the construction of a new water treatment plant. The new plant will include additional water storage, upgrading of a current water tank, improvements at the location of the water intake system at the California Aqueduct, and the addition of solar panels.

BACKGROUND

In 1960, after its ground water wells failed to meet local needs, the city of Dos Palos contracted with the State of California to receive 2,500-acre feet of water per year from the California Aqueduct. The water treatment plant, updated in 1969, is located at 1549 Oliver Street in Dos Palos. The facility can treat up to 2 million gallons of water per day through a clarifier (filtration) system and chemical treatment.

Dos Palos formed a Joint Powers Authority (JPA), “Water Quality Improvement Joint Powers Agency for the Dos Palos Area”, providing water and services with three special districts (South Dos Palos County Water District, North Dos Palos Water District, Midway Community Services District) as well as Merced County. The city and the JPA are served by a 20-inch diameter, 17.5-mile pipe coming from the California Aqueduct, located west of the city. The water line from the Aqueduct is fed by a simple syphon system utilizing a pipe and screen. Often during warmer months, the inflow pipe gets plugged by algae. In June 2020, emergency operations required residents to use bottled water and the city brought in potable water by tanker trucks. In response, Dos Palos Public Utilities Department developed procedures to quickly rectify these clogging issues.

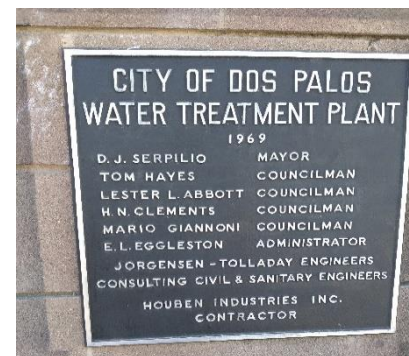


Figure #2: Dedication plaque placed following the treatment plant's upgrade in 1969.

METHODOLOGY

The Merced County Civil Grand Jury (MCCGJ) conducted interviews with Dos Palos staff, reviewed the city website, City Council meeting minutes, and Dos Palos annual water quality reports. MCCGJ members toured the existing plant and viewed the adjacent planned construction site. Television news reports regarding the Dos Palos water system and its issues were viewed. Merced County Local Agency Formation Commission (LAFCO) report--“County of Merced Water and Sewer Service Providers Municipal Services Review” (September 17, 2020) was read as well as the City of Dos Palos Municipal Service Review (December 13, 2017).

DISCUSSION

It is apparent that Dos Palos has had problems with its water system for some time. In recent years, it has become an increasingly critical situation. Dos Palos is currently taking greater action to solve the problems of its aging and out-of-date water system.

The most notable problem is the functionality of inflow at the California Aqueduct. The syphon becomes clogged with algae periodically, cutting off and/or limiting the water supply to the city and JPA communities. In recent action, staff, with contractor assistance, installed equipment on the Aqueduct syphon intake. This adjustment will not stop the clogging but will reduce the time it takes to reactivate the system from 2.5 hours to 45 minutes.



Figure 3: California Aqueduct water in the Dos Palos water treatment plant clarifier.

In addition, Dos Palos sends the Aqueduct water through a clarifier (filter) system and then treats it with chlorine to eliminate any biological contamination. The treatment can cause the water to exceed the State of California's safe water standards. The use of chlorine results in byproducts, Trihalomethanes (THMs) and Total Organic Carbons (TOCs). These chemicals can cause health problems for the general public if

consumed over long periods of time.

Dos Palos is served by a 1,000,000-gallon water tank along with a 250,000-gallon water tower. The city also has an outdated 750,000-gallon tank that could be renovated with additional grant funds. A request was recently made to the Dos Palos City Council requesting use of American Rescue Act funding to revitalize this tank. Current water use is approximately 1,700,000 gallons per day which exceeds existing storage capacity. This could leave up to a 500,000 gallon per day shortfall. Additional water storage ability would allow the chemical process to be completed, giving the treated water time to settle.



Figure #4: Existing ground level storage tank.

In the 1960's, with city wells no longer viable, Dos Palos became totally dependent on the California Aqueduct as its offsite water source. The city's limited access to other sources supports the need for extra storage. Increased storage capacity would provide water in case of a stoppage at the pumping site or treatment plant. The current water system and lack of storage also limits the ability to provide any new water connections, inhibiting the area's ability to grow.

As an added resource in case of multiple failures within the water system, the city has reached an agreement with Central California Irrigation District (CCID) for emergency water access from the Colony Canal. Work on the canal site is currently underway by CCID. When completed, this would provide irrigation water for treatment if Aqueduct water were not available.

The addition of solar panels is expected to reduce the operating costs of the system. Currently, the city spends \$14,000 to \$15,000 monthly for electricity to operate the plant. Staff assured jury members that solar panels are part of the plans for the new treatment plant facility though no specific information was shared.

FINDINGS

- F1:** The City of Dos Palos Water Treatment Plant is inadequate for the needs of the community.
- F2:** The Dos Palos water system does not consistently meet state water quality standards which can cause health issues if consumed over a long period of time.
- F3:** City of Dos Palos and JPA water users have experienced two major water service interruptions in recent years due to algae bloom, equipment failure, and inadequate storage.
- 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.
- F5:** A rate study is required as part of the grant contract and is not yet completed. *

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)
- R2:** It is recommended that the city of Dos Palos complete the necessary rate study and implement any changes required. (F-5)

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

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

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

Merced Civil Grand Jury Continuity Report

A Follow up for the 2019-2020 Report



Merced County Civil Grand Jury Compliance and Continuity Reports

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

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

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

When responses have been received, it is the responsibility of the clerk of the court to forward a true copy of the report and the responses to the State Archivist, who retains the report in perpetuity. The Grand Jury Reports are available to the public by request from the State Archivist in Sacramento. The reports can also be obtained from the Merced County website. Included in this report are the investigations conducted by the 2019-2020 Merced County Civil Grand Jury (MCCGJ). A brief summary of each report is provided, along with findings and recommendations of the MCCGJ. Verbatim responses to the reports from the government agencies or departments are also provided.

Mandated Inspections of Jail Facilities

2019-2020

Per California Penal Code (CPC) Section 919(b) Merced County Grand Jury (MCCGJ) conducted inspections of the jails within Merced County. During the year, the MCCGJ inspected the following facilities:

- Merced County Sheriff's Department Main Jail
- Merced County Sheriff's Department John Latorraca Correctional Facility (JLCF)
- Merced Superior Court Holding Facility

The Grand Jury inspected all three facilities but decided not to write reports on the Merced County Sheriff's Department Main Jail and Merced Superior Court Holding Facility

John Latorraca Correctional Facility

FINDING(S)

F1: The exercise area is non-compliant and does not provide access to toilets or washbasins but does have available drinking water stations. The toilet and washbasin access will be addressed in Phase I slated to begin in April 2020.*

F2: The in-custody treatment program at JLCF reduced recidivism, which saved the county money by providing courses that improved the ability of participants to succeed after release.

RECOMMENDATION(S)

No recommendation at this time.

*According to staff, COVID-19 has disrupted the process for Phase I.

Merced City Well 3C

The Merced County Civil Grand Jury (MCCGJ) received a complaint claiming the City of Merced was pumping 1,000,000 gallons of drinking water per day into the drain system because of a tainted filtration system that was discoloring the water. The original complaint also suggested the water was given away rather than sold for an offset of the cost.

FINDING(S)

F1: That Well 3C pumps 864,000 gallons of water into the storm drain system every day.

F2: That Well 3C has been offline and pumping water into the storm drain system since approximately November 2017.

F3: That the water from Well 3C has been given to MID at no cost to MID.

F4: That the cost of the wasted water and pumping costs average close to \$30,000 per month.

F5: That the Public Works department received a quote of \$70,000 for the caustic disinfection at Well 3C including labor, chemicals, and training for Merced City employees.

F6: That the maintenance logbooks contain multiple blank lines between entries.

F7: That the public is unaware of the 864,000 gallons of water being pumped into the storm drain system every day.

RECOMMENDATION(S)

R1: That Well 3C be disinfected and brought back online by December 31, 2020 or decommissioned to prevent continued waste of water and costs associated with pumping.

R2: That water running to waste from Well 3C be sold or directed to ground water recharge basins immediately until Well 3C goes back online.

R3: That the Public Works logbooks be maintained from this point forward with no blank spaces between entries as best practices for maintaining a proper logbook.

R4: That the public be informed about the water running to waste from this point forward until it is repaired.

REQUEST FOR RESPONSES

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

From the following individuals:18

- Merced City Public Works Director respond to F1, F2, F3, F4, F5, F6, F7, R1, R2, R3 and R4 within 60 days.

From the following governing bodies:

- Merced City Council respond to F1, F2, F3, F4, F5, F6, F7, R1, R2, R3 and R4 within 90 days.

**MERCED CITY PUBLIC WORKS DIRECTOR RESPONSE TO GRAND JURY REPORT OF
MERCED CITY WELL 3C DATE: OCTOBER 14, 2020**

RESPONSE TO FINDING(S)

F1: That Well 3C pumps 864,000 gallons of water into the storm drain every day.

Response: The City disagrees partially with the Grand Jury finding. Well 3C has a pumping capacity of 3,000 gallons per minute (gpm) and the system flow was minimized to below 800 gpm, in accordance with the treatment system operations plan, and as a means to not further exacerbate the existing bacterial contamination issue in the wellhead carbon treatment vessels. The water running through the

treatment system did not meet water quality standards and the storm water system was the only viable discharge location. In addition, a contractual dispute between the City and the Contractor regarding who was responsible for and how to remedy the bacterial contamination issue contributed to the amount of time the system was offline and pumping into the storm drain system. Ultimately, the City contracted with a separate company to perform the necessary work to bring the system back on-line and paid the contractor with funds withheld from the original contractor who failed to perform the work. The site has not been discharging to the storm drain since this issue was corrected and it was returned to service on June 11, 2020.

F2: That Well 3C has been offline and pumping water into the storm drain system since approximately November 2017.

Response: The City disagrees partially with the Grand Jury finding. The water running through the treatment system did not meet water quality standards due to a carbon bacteria issue and the storm water system was the only viable discharge location. During the period from November 2017 to when the well was placed back in service, the well ran intermittently. However, based on the best available data at the time, only an average discharge rate can be determined, not exact amounts. The site has not been discharging to the storm drain since it was returned to service on June 11, 2020.

F3: That the water from Well 3C has been given to MID at no cost to MID.

Response: The City disagrees with the Grand Jury finding. Consistent with the overall design, construction, permit, and consistent with regulatory compliance for storm water drainage, water flows through the City's storm drainage conveyance system and ultimately discharges into MID's facilities downstream to Hartley Slough. The non-potable water discharged from Well Site 3C to the storm water system provides auxiliary benefits such as groundwater recharge through percolation from unlined canals, and enhanced fish and wildlife habitat.

F4: That the cost of the wasted water and pumping costs average close to \$30,000 per month.

Response: The City disagrees partially with the Grand Jury finding. The value of the water itself and costs of pumping water are acknowledged; however, neither untreated groundwater, nor bacteria laden water, can be introduced into the City's drinking water system. Discharge into/from the storm water piping conveyance system has non-waste benefits of recharging groundwater through percolation from unlined canals, and it also provides habitat enhancement for aquatic species.

F5: That the Public Works department received a quote of \$70,000 for the caustic disinfection at Well 3C including labor, chemicals, and training for Merced City employees.

Response: The City disagrees partially with the finding. The subject carbon disinfection services quote received did not include the cost of the chemicals.

F6: That the maintenance logbooks contain multiple blank lines between entries.

Response: The City agrees with the finding.

F7: That the public is unaware of the 864,000 gallons of water being pumped into the storm drain every day.

Response: The City agrees with the Grand Jury finding. However, the City submits monthly water production and system wide losses data to the State Water Resources Control Board. Additionally, the City submits annual water loss audits to the Department of Water Resources (see link below). The City returned Well 3C to service on June 11, 2020, and it is no longer discharging to the storm drain system.

https://wuedata.water.ca.gov/awwa_plans

RECOMMENDATION(S)

R1: That Well 3C be disinfected and brought back online by December 31, 2020 or decommissioned to prevent continued waste of water and costs associated with pumping.

Response: The recommendation for disinfection has been implemented. The system was disinfected on March 26, 2020 and was placed in service on June 11, 2020, supplying the City's residents with treated drinking water. The recommendation for Well 3C decommissioning is not necessary as the system is now operational and back online.

R2: That water running to waste from Well 3C be sold or directed to ground water recharge basins immediately until Well 3C goes back online.

Response: The recommendation is not necessary due to the fact that the system is now operational and was placed in service on June 11, 2020.

R3: That the Public Works logbooks be maintained from this point forward with no blank spaces between entries as best practices for maintaining a proper logbook.

Response: This recommendation will not be implemented (as new) because it is the City's current Public Works Department policy to not have blank entries in the well sites' logbooks. Staff training on compliance with existing City policies is on-going.

R4: That the public be informed about the water running to waste from this point forward until it is repaired.

Response: The recommendation will not be necessary as the carbon bacteria contamination problem has been resolved and Well 3C water is no longer discharging into the storm drainage system.

Observations for Merced Irrigation District Division 3 November 2019 Special Election and March 2020 Primary Election in Merced County

The Merced County Civil Grand Jury (MCCGJ) accepted the invitation to observe the elections to ensure the overall integrity and security of the process.

FINDING(S)

F1: That there is a lack of adequate training for emergencies at polling sites.

F2: That signage visibility and placement issues exist.

F3: That ballot privacy is not consistently protected from public view.

F4: That the new technology transitioned well into election procedures.

F5: That poll workers responded well to the needs of voters.

RECOMMENDATION(S)

R1: That training for emergency situations is implemented before the November 3, 2020 General Election.

R2: That signage to polling sites be visible and in well-lit locations for evening voters.

R3: That adequate training for the secure and secret handling of ballots be required before the November 3, 2020 General Election.

REQUEST FOR RESPONSES

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

From the following governing bodies:

- Merced County Assessor/Clerk-Recorder/Registrar of Voters respond to F1, F2, F3, R1, R2, and R3 within 60 days.

*Two (2) jurors were recused from this report.

MERCED COUNTY EXECUTIVE OFFICE RESPONSE TO OBSERVATIONS FOR MERCED IRRIGATION DISTRICT DIVISION 3 NOVEMBER 2019 SPECIAL ELECTION AND MARCH 2020 PRIMARY ELECTION IN MERCED COUNTY

F1: *That there is a lack of adequate training for emergencies at polling sites.*

Re: Finding F1 – Disagree. Please see further response below in recommendation R-1.

F2: *That signage visibility and placement issues exist.*

Re: Finding F2 – This Finding is difficult to evaluate as there were no specifics provided as to sites that were a concern.

F3: *That ballot privacy is not consistently protected from public view.*

Re: Finding F3 – Disagree. After checking in to vote at a poll location, a voter is provided with a secrecy sleeve after voting. They are further instructed to remove the ballot from the secrecy sleeve when they insert the ballot into the precinct tabulator. A single poll worker monitors the precinct tabulator to answer questions about the tabulator unit and to assist voters as needed. Often times voters prefer to have the poll worker insert the ballot into the tabulator rather than doing it themselves. While a portion of one page of the ballot may be in view for a moment when being inserted into the tabulator, it is typically the voter themselves who would be near enough to see a portion of their own ballot.

F4: *That the new technology transitioned well into election procedures.*

Re: Finding F4 – Concur. Merced county implemented new equipment lines for all voting equipment at the poll locations as well as for the processing of voted ballots. Poll worker training included instruction, hands-on experience and support from Election staff. This combination proved to prepare poll workers well for Election Day. The training and support from the equipment vendors was of paramount importance. The new processing equipment, and the new software, proved to be efficient. We were extremely pleased with the performance of the staff, the equipment and the software. Additionally, Merced County received excellent feedback from the companies behind the equipment.

F5: *That poll workers responded well to the needs of voters.*

Re: Finding F5 – Concur.

Regarding the Recommendations:

R1: *That training for emergency situations is implemented before the November 3, 2020 General Election.*

Re: Recommendation R1 – Training on emergency situations is provided to our poll workers during classroom style instruction. Written information on emergencies, including instructions to contact the Elections office in all emergencies, is included in the Poll Worker Handbook. We direct that the safety of the voters and the poll workers is of primary importance. If there is time, in the emergency situation, to cover or secure election material and equipment we ask that it be accomplished. We remind our poll workers that we are guests at most all of our polling places and that the practice and direction of the owner or manager of the facility, in regards to emergency response, may influence what the poll worker is able to do. We offer a tremendous amount of training and information to our poll workers in a short amount of time. In the few true emergencies we have experienced they have never disappointed us and the election process has always remained secure.

R2: *That signage to polling sites be visible and in well-lit locations for evening voters.*

Re: Recommendation R2 – Merced Elections invests in and increases signage continually. We agree that signage to polling places needs to be visible and in well-lit locations where available.

R3: *That adequate training for the secure and secret handling of ballots be required before the November 3, 2020 General Election.*

Re: Recommendation R3 – Per Executive Order and subsequent legislation in response to COVID-19 concerns, ballots are to be mailed to all active registered voters for the November 2020 Presidential General Election. In addition to the mailing of ballots, Merced County will provide 13 Voting Assistance Centers throughout the County. Services available to voters at the Voting Assistance Centers (VAC's) will include the ability to drop off a voted ballot, receive a replacement ballot for one that has been damaged or misplaced, language services and accessible voting equipment. Additionally, those who are otherwise eligible will be able to register and vote at the VAC. All voters will be instructed to place their ballots in an envelope before the seal and sign the envelope and deposit it in the Merced Elections ballot drop box located within the Voting Assistance Center.

Is Fog Sealing the Answer: Los Banos Roads Maintenance

The Merced County Civil Grand Jury (MCCGJ) received a complaint regarding street repair procedures in the City of Los Banos.

FINDING(S):

F1: That 64% of roads in Los Banos fall below a “satisfactory” rating and need more than a fog seal for preservation.

F2: That the money spent fog sealing and restriping roads below “good” rating is not an effective means of long-term maintenance.

F3: That the website does not provide relevant or current information for the public regarding RD activities and schedules.

F4: That the RD does not have a central system for submitting and tracking public complaints.

Figure 14: Fog sealed and striped road rated at 71 PCI (fair condition) located on 2nd Street in Los Banos.

Figure 15: Fog sealed and striped road rated at 81 PCI (satisfactory condition) located on F Street in Los Banos.

RECOMMENDATION(S):

R1: That the RD budget more money toward road improvement instead of putting it into fog sealing and striping roads with ratings below “satisfactory” in the 2021-2022 fiscal year budget.

R2: That the RD update their website and make it more user friendly by January 1, 2021.

R3: That the RD create a pamphlet or newsletter to provide information to the public regarding procedures and road maintenance schedules by January 1, 2021.

R4: That the City create a centralized online system to report road problems by January 1, 2021.

REQUEST FOR RESPONSES

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

From the following individuals:

- Los Banos Public Works Roads Division responds to F1, F2, F3, F4, R1, R2, R3 and R4 within 60 days.

From the following governing bodies:

- Los Banos City Council responds to F1, F2, F3, F4, R1, R2, R3 and R4 within 90 days.

RESPONSE:

R1 In the current fiscal year 2020-2021 Streets Services (RD in the report) did not budget or plan any fog sealing activities and has instead budgeted an amount equal to, or greater than, that spent fog sealing on hot mix overlays. Further, four of the planned hot mix overlays have already been completed, with the final overlay scheduled to be completed in the spring of 2021. In future fiscal years, Streets Services will survey those streets scheduled for fog sealing and will not fog seal those below a “good” rating; the funds saved from the exclusion of streets below this rating will be spent on other activities such as slurry seals, cape seals, and overlays.

R2 Streets Services does not have a stand-alone website, but rather a webpage included on the City website. This webpage will be updated to include planned maintenance and repair activities with a link on the City website’s home page on or before January 1, 2021.

R3 Streets Services will develop a pamphlet to provide information to the public regarding procedures and road maintenance schedules by January 1, 2021, and include it on the webpage.

R4 Public Works is in the process of updating the software used to track the activities of Streets Services. This process includes research into request and work management software (e.g. see/click/fix) that will be integrated into the updated software. In the meantime, Public Works will develop an email account specifically for street service requests and include a link to it on the City’s website.

The Department of Public Works appreciated the oversight and values the work of the Grand Jury.

Who Holds the Keys to Castle?

The 2019-2020 Merced County Civil Grand Jury (MCCGJ) was concerned with the lack of public information regarding the use of and revenues generated by Castle Airport and Development Center (CADC). The MCCGJ had additional concerns with the contamination of water and soil at the site.

FINDING(S)

F1: That the majority of CADC is undeveloped and underutilized.

F2: That no central online website location with information about present and future development at CADC exists.

F3: That CADC is actively seeking business opportunities and investments for increased interconnectivity of commerce and commercial business that extend beyond the County.

RECOMMENDATION(S)

R1: That an informative and up-to-date website and social media presence be developed and presented to the public to convey current pertinent information about the CADC redevelopment project by December 31, 2020.

R2: That the website be maintained with up-to-date information regarding CADC business development progress.

REQUEST FOR RESPONSES

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

From the following individuals:

- Merced County Department of Community and Economic Development respond to F2, F3, R1 and R2 within 60 days.

From the following governing bodies within 90 days:

- Merced County Board of Supervisors responds to F2, F3, R1 and R2 within 90 days.

Response:

The Merced County Board of Supervisors appreciates the Civil Grand Jury's interest in the MCITD, which holds enormous opportunity for future development and economic expansion in our region. While it may seem like much of the MCITD is underutilized, there are many successful businesses and organizations located there. In fact, there are currently more than 60 tenants at the site, including techindustry companies, manufacturers, health facilities, and government organizations.

Currently, Merced County is working with the Port of Los Angeles to further develop the site as a hub for goods movement and manufacturing. The County is also developing its California Auto Tech Testing and Development Center (CATDC) to allow for a greater number of vehicle manufacturers to use the site for high-speed and autonomous vehicle testing. So, while there are still many areas for future development and improvements, the Board is proud of the progress that's already taken place at Castle over the last several years.

The Board of Supervisors agrees that it is a good idea to continue pushing this information to both keep the public informed and advertise the site to other potential businesses. There are currently two websites (separate from the main Merced County website) that highlight current activities at Castle. The first, www.midcalitd.com, highlights the current amenities and future plans for Castle. This website is primarily oriented toward outside investors, but it can be better integrated with the County's website to provide more up-to-date information to our local residents. The second website, www.calautotdc.com, focuses on marketing the CATDC project at Castle and attracting companies interested in autonomous vehicle testing. Milestones, accomplishments and opportunities are regularly shared on various outlets available to the County, including social media accounts, radio, television, newsletters and other multimedia. The Board does believe that this effort can be increased and done on a more consistent and comprehensive basis. This will be a goal moving forward.

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.

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