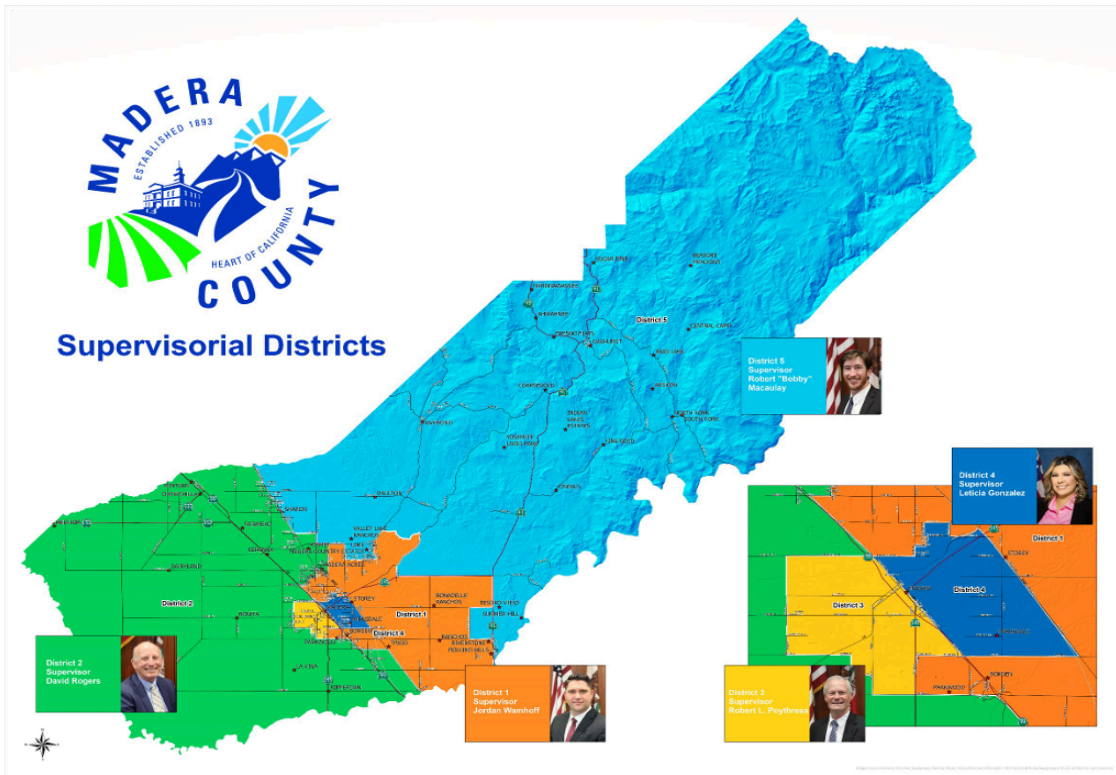




**MADERA COUNTY GRAND JURY**  
P.O. Box 534, Madera, CA 93639 559.363.8785



**Responses to the Grand Jury: Buried in the Consent Calendar**

**Released 5/20/2025**

**2425-09**

**Prepared by the**

**2024-2025 Madera County Grand Jury**

## SUMMARY

On February 5, 2025, the Madera County Board of Supervisors (BOS) proclaimed February Civil Grand Jury Month. Following the presentation and a photograph, two members of the BOS called Grand Jury service “*a labor of love*” referring to the time and dedication and said, “*you are taking your free time to step up to serve the residents of Madera County*”.

However, February 5, 2025 the proclamation and past actions have not aligned with efforts to provide the residents of Madera County with transparent access, with an audible verbalization of the Board’s response to any report, on-the-record, of the recommendations. The Grand Jury’s job is to make recommendations to increase efficiencies of governmental operations and to point out any discrepancies. The Grand Jury’s responsibility, as stated in the Proclamation, is to:

***“ensure government efficiency, accountability in taxpayer expenditures, and the integrity of public office holders and entities”.***

## BACKGROUND

Madera County’s Grand Jury comprises 19 citizens. The MCGJ investigates city, county, and district agencies and recommends improvements to their operations and efficiency for the benefit of county residents. These recommendations are presented in each of the reports filed and delivered to the Board of Supervisors requiring a response to each of the recommendations according to Penal Code 933.05.

On September 17, 2024, and within the stipulated 90-day time period, the Board of Supervisors issued the required responses to the following 2023-2024 Grand Jury Reports:

- Penal Institutions in Madera County 2324-01: Juvenile Detention Facility, and Madera County Jail
- Madera County’s Behavioral Health Services 2324-02
- Madera County Animal Services It’s A Dog’s Life 2324-03
- Fairmead: Waiting For a Train 2324-04
- Madera County Strategic Plan-Mission 2324-05
- Madera County Civil Grand Jury Continuity Report 2324-07

Responses from the Madera County Board of Supervisors were buried in the Consent Calendar, with the text containing the response (covering pages 191-295) hidden in the multi-page meeting packet (857 pages on September 17, 2024) and among the 18 item Consent Calendar. All items contained on the Consent Calendar are typically approved in one motion with a quorum vote.

## METHODOLOGY

- Inspected the February 4, 2025 BOS meeting packet.
- Viewed the February 4, 2025 BOS meeting video.
- Reviewed the September 17, 2024 BOS agenda.
- Reviewed September 17, 2024 BOS case meeting packet.
- Viewed the September 17, 2024 BOS meeting video.
- Reviewed an example of an accountability report. [F027- Compliance Response Report 2024-2025 Final 2.20.2025.2.pdf](#)

## ABBREVIATIONS

BOS- Board of Supervisors

P-L-A-C-E- Professionalism, Loyalty, Accountability, Compassion, Excellence

## DISCUSSION

The Grand Jury examines various aspects of city and county governance, operations, and services. Members serve a one-year term to investigate operations, efficiencies and issue reports. Reports are intended to promote and encourage transparency and accountability in local government and to enable Madera County to achieve the consistent practice of **P-L-A-C-E**, (**Professionalism, Loyalty, Accountability, Compassion**, and **Excellence**) as adopted by the Board of Supervisors as part of the county strategic plan.

Required responses from the Board of Supervisors to the 2023-2024 Grand Jury reports were buried on the regular Board of Supervisors' September 17, 2024 meeting agenda. The County's Responses, required by CA Penal Code 933.05 to each of seven reports were buried in the Consent Calendar as Items 5 - J through P. Board action for items contained in the Consent Calendar requires only one motion for approval of all items. On September 17, 2024 there were 18 items on the Consent Calendar. In the 857 multi-page packet containing supporting documentation for agenda items, the responses and supporting documentation covered pages 191-295.

The only exception to the one motion occurs when a supervisor or a member of the public requests that the item be pulled for further discussion. Supervisors typically pull items from the Consent Calendar to provide an on-the-record verbal announcement for their respective constituents.

The responses to Madera County Grand Jury reports on the September 17, 2024 were passed as a part of the consent calendar motion were the following:

**J. 11080: COUNTY ADMINISTRATION DEPARTMENT/RISK MANAGEMENT & LEGAL SERVICES DIVISION** Consideration of approval of the response to the 2023-2024 Grand Jury Report entitled "Madera county Juveniles Detention Facility"

**K. 11081: COUNTY ADMINISTRATION DEPARTMENT/RISK MANAGEMENT & LEGAL SERVICES DIVISION** Consideration of approval of the response to the 2023-2024 Grand Jury Report entitled "Madera County Jail"

**L. 11082: COUNTY ADMINISTRATION DEPARTMENT/RISK MANAGEMENT & LEGAL SERVICES DIVISION** Consideration of approval of the response to the 2023-2024 Grand Jury Report entitled "Animal Services"

**M. 11083: COUNTY ADMINISTRATION DEPARTMENT/RISK MANAGEMENT & LEGAL SERVICES DIVISION** Consideration of approval of the response to the 2023-2024 Grand Jury Report entitled "Madera County Civil Gand Jury Continuity Report"

**N. 11084: COUNTY ADMINISTRATION DEPARTMENT/RISK MANAGEMENT & LEGAL SERVICES DIVISION** Consideration of approval of the response to the 2023-2024 Grand Jury Report entitled "Madera County Strategic Plan-Mission 2023"

**O. 11085: COUNTY ADMINISTRATION DEPARTMENT/RISK MANAGEMENT & LEGAL SERVICES DIVISION** Consideration of approval of the response to the 2023-2024 Grand Jury Report entitled "Madera County Behavioral Health Services"

**P. 11086: COUNTY ADMINISTRATION DEPARTMENT/RISK MANAGEMENT & LEGAL SERVICES DIVISION** Consideration of approval of the response to the 2023-2024 Grand Jury Report entitled “Fairmead: Waiting for a Train”

The details of the Board of Supervisors’ responses to the Grand Jury’s Final Reports are only accessible through a multi-page meeting packet or on the Grand Jury website. This limitation obscures transparency and erodes public trust when the Board of Supervisors does not read the respective responses into-the-record.

Once a Grand Jury report is issued, the Required Respondents are required by Penal Code 933.05 to submit a response for findings and recommendations to both the Presiding Judge of the Madera County Superior Court and to the Madera County Grand Jury. For the Board of Supervisors, the time is 90 days from the publication date. For department heads and elected individuals, the time is 60 days.

The responses to each finding and recommendation are specified in the Penal Code:

For purposes of subdivision (b) of Section 933.05,

- (1) *The recommendation has been implemented, with a summary regarding the implemented action.*
- (2) *The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.*
- (3) *The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.*
- (4) *The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.*

However, none of the BOS responses provided to the Madera County Superior Court or the Madera County Grand Jury were discussed during open session.

**In the proclamation made by the Board of Supervisors the proclamation said:**

*Board of Supervisors*

***Proclamation***

Civil Grand Jury Awareness Month in Madera County

February 2025

**WHEREAS**, the civil grand jury consists of a panel of 19 citizens that serves the residents of the County of Madera for a one-year period after selection; and

**WHEREAS**, the Grand Jury is truly an independent investigative body, operationally separate from the entities and officials they investigate and who are officers of the court under the guidance of the Madera County Superior Court Presiding Judge; and

**WHEREAS**, the Civil Grand Jury devotes hours of time and attention to county, city, school district and special district administration and governance in an effort to secure effect activeness and government efficiency and understanding of taxpayer expenditures and public office holders and entity integrity, and

**WHEREAS** the Grand Jury carries out its responsibilities by investigations prompted by not only the concerns of that jurors, but also by formal citizen complaints; and

**WHEREAS**, the Grand Jury primarily relies upon public awareness and responsiveness of the public, media, and local govern officials to its reports of findings and recommendations

**WHEREAS**, the Grand Jury is recognized for their dedicated service and their dedicated time volunteering to make Madera County governmental and special district entities more efficient for the best interests of the community

**NOW THEREFORE BE IT PROCLAIMED**, on February 4, 2025 the Madera County Board of Supervisors proclaims February 2025 as Grand Jury month in Madera County, in order to bring better awareness to the Grand Jury's responsibility and to encourage citizen participation in the Grand Jury process.

To ensure transparency and public awareness, the Board of Supervisors should treat responses to Grand Jury reports with the same level of importance as official legislative correspondence. Just as official letters concerning upcoming legislation are presented to and discussed by the Board, responses to Grand Jury reports, which are sent to the supervising judge of the Madera County Superior Court, should also be formally presented and discussed in the same public manner.

## **FINDINGS**

**F1.** The MCGJ finds that the responses were received within the 90-day period as required by Penal Code 933.05.

**F2.** The MCGJ finds that the responses were properly sent to the appropriate recipients, including the Presiding Judge and the Madera County Grand Jury.

**F3.** The MCGJ finds that the responses to the Madera County Grand Jury reports for the year 2023-24 were made in accordance with the guidelines outlined in Penal Code 933.05.

**F4.** The MCGJ finds that the review, approval, and signing of the Board of Supervisors' responses to the MCGJ's final report is systemically hidden in the consent calendar.

## **RECOMMENDATIONS**

**R1.** The MCGJ recommends that all future responses be submitted within the 90-day period required by Penal Code 933.05 to ensure continued compliance and accountability.

**R2.** The MCGJ encourages that responses continue to be addressed and delivered promptly to both the Presiding Judge and the Madera County Grand Jury, maintaining the integrity of the reporting process.

**R3.** The MCGJ recommends that future responses clearly and thoroughly address each finding and recommendation, in accordance with Penal Code 933.05, to avoid any ambiguity and to strengthen the response process.

**R4.** The MCGJ recommends that the review, approval, and signing of the Board of Supervisors' responses to the MCGJ's final report be placed on the agenda outside of the consent calendar as a separate item and moved to the beginning of any scheduled public meeting concerning the report, in order to promote transparency, reinforce public trust, and demonstrate a strong commitment to open government principles.

## **REQUIRED RESPONDENTS**

Pursuant to Penal Code Section 933 and 933.5, the Madera County Grand Jury requests responses as follows from the elected County elected officials within 90 days:

Madera County Board of Supervisors  
200 W 4th St Ste 4  
Madera, CA 93637

## **INVITED RESPONDENTS**

Pursuant to Penal Code Sections 933 and 933.05, the Grand Jury invites responses as follows: From the following governing bodies within 60 days:

Madera County Chief Administrative Officer  
200 W 4th St Ste 4  
Madera, CA 93637

---

Reports issued by the Civil Grand Jury do not identify individuals interviewed. Penal Code Section 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 Civil Grand Jury. The California State Legislature has stated that it intends the provisions of Penal Code Section 929 prohibiting disclosure of witness identities to encourage full candor in testimony in Grand Jury investigations by protecting the privacy and

---

\* Note: This report was prepared using current information available on the confidentiality of those who participate in any Civil Grand Jury investigation.

---

## ATTACHMENT

### Penal Code 933.05

#### § 933.05. Responses to Findings (Excerpt)

- (a) For purposes of subdivision (b) of Section 933.05, as to **each** grand jury **finding**, the responding person or entity shall indicate one of the following:
- (1) The respondent agrees with the finding.
  - (2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.
- (b) For purposes of subdivision (b) of Section 933.05, as to **each** grand jury **recommendation**, the responding person or entity shall report one of the following actions:
- (1) The recommendation has been implemented, with a summary regarding the implemented action.
  - (2) The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.
  - (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.
  - (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.
- (c) However, if a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the board of supervisors shall respond if requested by the grand jury, but the response of the board of supervisors shall address only those budgetary or personnel matters over which it has some decision making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.
- ...
- (f) A grand jury shall provide to the affected agency a copy of the portion of the grand jury report relating to that person or entity two working days prior to its public release and after the approval of the presiding judge. No officer, agency, department, or governing body of a public agency shall disclose any contents of the report prior to the public release of the final report. (*Emphasis added.*)