

MERCED COUNTY CIVIL GRAND JURY REPORT

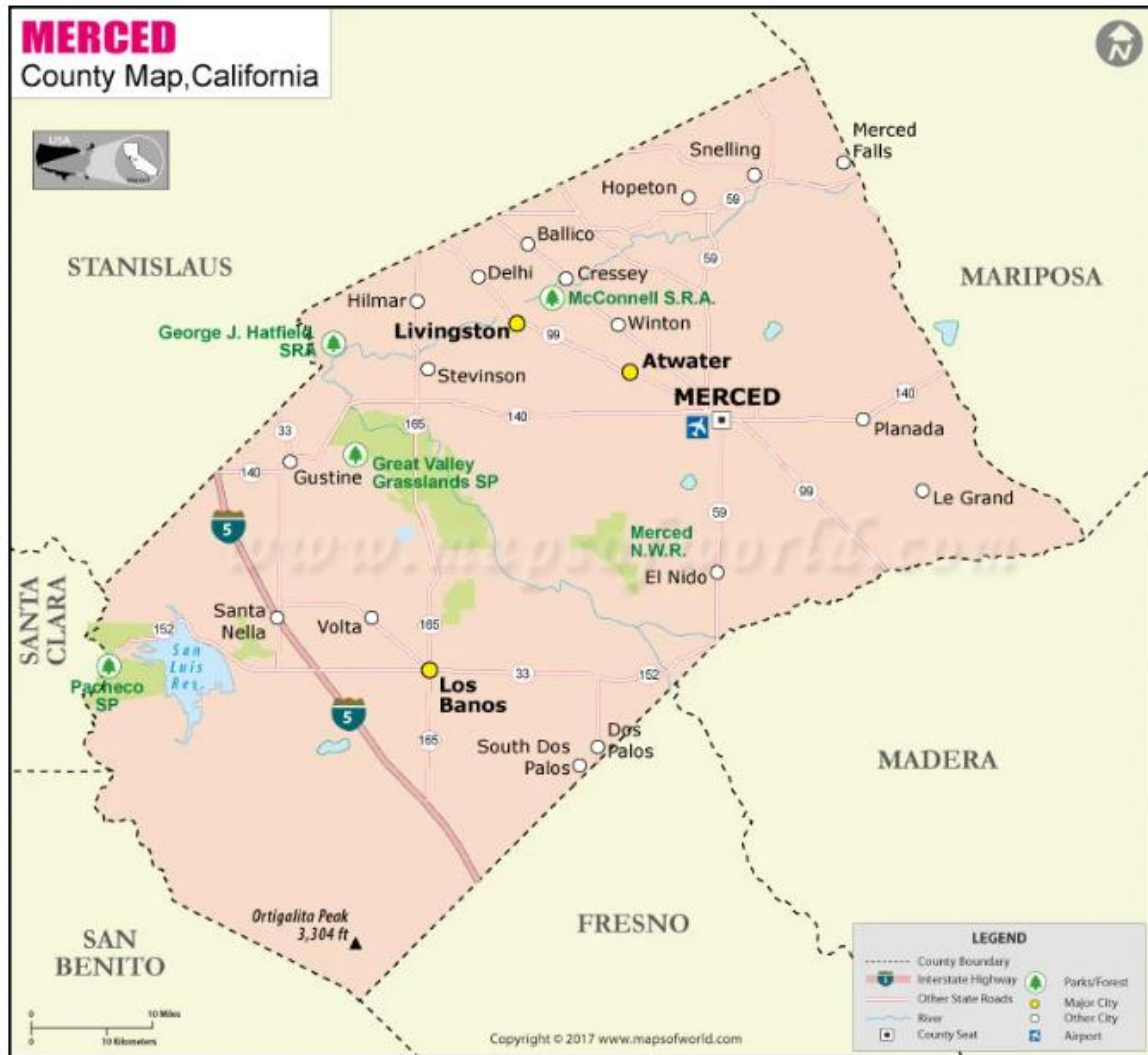


2023 – 2024

Table of Contents

Map of Merced County	4
Foreman’s Letter to Presiding Judge	5
Acknowledgements.....	6
About the Grand Jury	7
Mandated Inspections	8
Mandated Detention Facilities Inspection Summary.....	9
Iris Garrett Juvenile Justice Complex	10
Merced County Main Jail	16
John Latorraca Correctional Center	26
Investigative Reports.....	33
Homelessness in Merced County.....	34
American Rescue Plan Act of 2021 – Where the Money Went	43
Housing Authority of Merced County	67
Merced City School District – Our Students Deserve More	72
Compliance and Continuity Reports	84
Election Office Ballot Errors	85
Crisis Services – Behavioral Health & Recovery Services	88
Road Maintenance – Pot Holes	93
Mandated Detention Facilities Inspections	94
Merced County Board of Supervisors Responses	96

MAP OF MERCED COUNTY



Members of the 2023-2024 Merced County Civil Grand Jury reside in the following communities:

Atwater

Hilmar

Los Banos

Merced

FOREMAN'S LETTER



SUPERIOR COURT OF CALIFORNIA

COUNTY OF MERCED

CIVIL GRAND JURY

PO Box 2692 Merced, CA 95344

(209) 777-2516



Honorable Steven K. Slocum
Merced County Superior Court
Merced, CA 95340

Dear Judge Slocum,

The 2023-2024 Merced County Grand Civil Grand Jury (Grand Jury) respectfully presents its final report to the Merced County Superior Court and the people of Merced County in accordance with the California Penal Code, Section 933.

The Grand Jury is comprised of citizens from within Merced County and its many cities. The members of this Grand Jury included citizens with diverse backgrounds, life experiences, and education. Accordingly, they brought a wealth of knowledge to the Grand Jury. Each member willingly committed themselves to many hours of labor on behalf of the residents of Merced County. I am certain that each considered their service both a chore and more importantly, a privilege.

In fulfilling our duties and in keeping with lawful mandates, the Grand Jury received and reviewed forty-seven citizen complaints. All complaints were given due consideration. Six of the community complaints were thoroughly investigated. The Grand Jury self-initiated an additional investigation. Grand Jury annual inspections of Merced County detention facilities are mandated by California Penal Code Section 919(b). Inspections were made and reports on each facility were written.

It is the Grand Jury's hope and intention that this report, in some measure, gives the people of Merced County a better understanding of the manner in which their local government operates. Additionally, recommendations of the Grand Jury are meant to better the operations of the departments investigated.

Sincerely,

Paul Speers, Foreperson

ACKNOWLEDGMENTS

The 2023-2024 Merced County Civil Grand Jury is composed of citizen volunteers who reside throughout the county. The Grand Jury is a deliberative body that fosters good government, including improvements that may follow from citizen complaints. The Grand Jury does not attempt to resolve individual problems but may use them in a confidential manner to assist in its investigations and to inform findings, recommendations and reports.

Grand Jury members are committed to examining evidence related to citizen concerns, impartially evaluating the evidence and publishing a report addressing the concerns along with recommendations for improvements. The goals of the report are to improve transparency and accountability of local government agencies and districts.

We wish to express our sincere gratitude and admiration to the jurors who applied their various skills and interests in accomplishing this task. The Grand Jury appreciates and thanks the Merced County employees and officials, as well as those in Jury Services who provided us with support throughout the process.

Finally, we want to thank all those who participated in the interview process, making these reports possible. It has been our honor and privilege to serve the citizens of Merced County.

GRAND JURY MEMBERS

Paul Speers, Foreman
Ed Chambers
Robert King
Janet Martin
Kelly Taute
Diana Zuniga

Jeff Horta, Pro Tem
Rose Connolly
William Latronica Jr.
Robert Richards
Steven Williams

Jackie Aguas
Lana Jordan
Lisa Marques
Larry Rohm
Myrna Wilson

ABOUT THE CIVIL GRAND JURY

Every year, in each of California's 58 counties, a group of ordinary citizens take an oath to serve as grand jurors. The function of the Grand Jury is to investigate the operations of the various officers, departments, and agencies of local government. Each civil grand jury determines which officers, departments, and agencies it will investigate during its term of office.

As a truly independent body, each grand jury is free to choose which local governmental entities or public officials to investigate. Ideas for investigations generally come by way of three avenues:

- Citizen complaints, matters raised by members of the grand jury and referrals from the preceding grand jury

Grand jurors are agents of change in their communities. They come from all walks of life. They bring with them a broad range of interests, talents, and life experiences, but they share a dedication to democratic ideals and a willingness to devote their time and energies to matters of civic importance.

Penal Code section 893 states that a person is qualified to be a grand juror if he or she:

- Is an American citizen at least 18 years old
- Has been a resident of the county for at least one year immediately prior to selection
- Possesses ordinary intelligence, of sound judgment, and good character
- Possesses a sufficient knowledge of the English language to communicate both orally and in writing

No particular background, training or experience is necessary to be a grand juror. In fact, it is the diversity of its members that is one of the grand jury's greatest strengths.

The grand jury's fact-finding efforts result in written reports which contain specific recommendations aimed at identifying problems and offering recommendations for improving government operations and enhancing responsiveness. In this way, the grand jury acts as a representative of county residents in promoting government accountability.

MANDATED INSPECTIONS

The 2023-2024 Merced County Civil Grand Jury (MCCGJ), in accordance with the requirements of the California Penal Code Section 919(b), conducted inspections of the detention facilities in Merced County. The purpose of these inspections was 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:

- Iris Garrett Juvenile Correctional Complex
- John Latorraca Correctional Center
- Merced County Sheriff's Department Main Jail

The following are exempt from the above list. Arrestees from these departments are transferred to the Merced County Main Jail. (Per California Penal Code 925, “inspection is not mandated”)

- Atwater Police Department
- California Highway Patrol
- Dos Palos Police Department
- Fish and Game Department
- Gustine Police Department
- Livingston Police Department
- Los Banos Police Department
- Merced Police Department



Mandated Detention Facilities Inspection Summary

The 2023-2024 Merced County Civil Grand Jury (Grand Jury), in accordance with the requirements of the California Penal Code Section 919(b), conducted inspections of the detention facilities in Merced County. The purpose of these inspections was 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 Grand Jury toured and inspected the following facilities:

- Iris Garrett Juvenile Correctional Complex
- John Latorraca Correctional Center
- Merced County Sheriff’s Department Main Jail

The following Police Departments and Jail facilities are exempt from the above list based on the discontinuation by the Cities of their holding facility. Arrestees from Los Banos, Dos Palos, Atwater, Gustine, Livingston, and Merced, along with the California Highway Patrol, Fish and Game are transferred to the Merced County Main Jail. (Per California Penal Code 925, “inspection is not mandated”)



Photo Credit – Grand Jury



Photo Credit - Merced County Website

**Merced County Civil Grand Jury
June 30, 2024
Iris Garrett Juvenile Justice Complex**



SUMMARY

The 2023-2024 Merced County Civil Grand Jury (Grand Jury) conducted a facility inspection of the Iris Garrett Juvenile Justice Complex (IGJJC) located at 2840 West Sandy Mush Road in Merced County on October 23, 2023. This facility is a secured detention and youth treatment facility under the operation of the Merced County Probation Department. The facility contains youth housing and a complete juvenile court system including a courtroom, clerk's office, and conference rooms for attorneys to meet privately with their clients. The presiding juvenile court judge, the youth, attorneys, a county bailiff, and court reporter are present in the courtroom facility. Additionally, youth detained in the facility receive mental health, medical and dental care.

Staff at the facility are to be commended for their dedication to providing the best correctional opportunities for detained youth. Additional staff are needed to provide a wider scope of programs to assist with transitioning to life after detainment. The probation department continues to seek out businesses and organizations which will allow youth to complete community service hours.

BACKGROUND

At the time of the facility inspection, the facility was almost fully staffed and anticipated being fully staffed by December 2023. In addition to Merced County

Probation Department employees, the County has contracted with The Geo Group. The Geo Group provides a variety of evidence-based rehabilitation programs which include behavioral and mental health support services. The GEO Group Monitors/Facilitators and Peer Specialists are fully staffed.

Upon intake, IGJJC staff conduct a variety of assessments and screenings for medical and health information, community risk factors, suicidal behaviors, trauma and sexual victimization behaviors and victim vulnerability. The staff are trained to engage with youth during the admission process. The process remains consistent with policy and exceeds regulations relating to intake responsibilities.

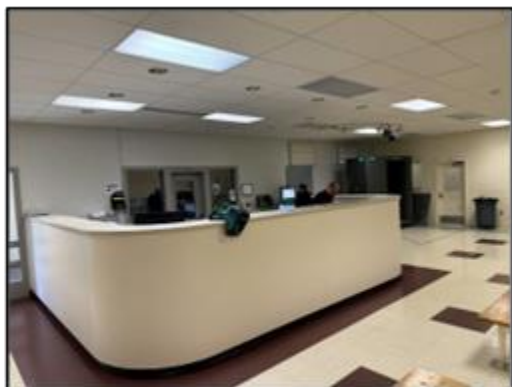
METHODOLOGY

The Jury inspected the intake area, medical facility, the outdoor area, common area, monitoring area, cells, classroom and an incentive room. The BSCC report dated May 31, 2023, was reviewed and indicated no Juvenile Justice and Delinquency Prevention Act violations.

DISCUSSION

The intake area was clean and organized. The holding cells were examined and were also clean and well-kept.

The medical facility was composed of two rooms, the office and the exam room. Medical care is provided by Wellpath. They provide basic medical care; however, youth are transported to other facilities for major medical, dental and vision care.



Intake Area



Medical Examination Room

Walking around the fenced outside yard, the Grand Jury observed a dedicated garden area. The garden area is cultivated and planted by the youth. Produce from the garden is picked and prepared by the youth. A chicken coop is being built which will house chickens. The eggs will also be used at the facility. Youth earn the privilege to work in the outdoor area and learn skills. The grass was well kept in the outdoor area.



Raised garden area ready for planting



Youth placing pavers for new greenhouse

The next areas observed were the common area, cells and the monitoring area. The common area was located between the cells. This area had several tables with attached chairs, that the youth utilized for eating and socializing. The cells were very clean and organized. Central to these areas is the monitoring area. This area is manned by staff who provide ongoing monitoring of the youth, their communications, their devices and actions. There are several monitors in place and are observed at all times. Signage leading to the complex is still vague and confusing. Signs identifying each building are non-existent.

The Grand Jury also observed the rooms dedicated to education while students were present and engaged in their studies. The Merced County Office of Education (MCOE) operates the educational program for the IGJJC. On staff are a principal and two full-time teachers, a full-time tutor, an Instructional Aide, a Youth Engagement Specialist, Counselor, School Psychologist, College, and Career Transition Advisor, Construction/Culinary Career Tech Education, as well as a Special Education Liaison when needed. There are also opportunities to pursue further education through Merced College.



The classroom was well organized and provided flexible seating arrangements. Youth were observed working on their academics with teachers and adult volunteers. Students and staff were respectful to each other. Individual tablets are assigned to the youth to be used for academics. Youth were actively engaged in their assignments. They

appeared well-groomed, healthy and were wearing clean clothing.

MCOE also offers the Regional Occupational Program (ROP), community college enrollment, and new to the facility, technology. The ROP Program includes culinary education/experience, construction, forklift certification, automotive training, and landscaping/gardening.

Transition services occur for committed youth as they exit, including a team meeting with the Office of Education, the Merced High School District and the parents, to come up with the best school upon release. The Grand Jury was told by staff that once youth are released, it can be difficult for them to find more Community Service opportunities to be involved with.

In addition to the academic program, evidence-based, best practices are offered through a variety of programs.

Programs include:

Anger Management	Parenting
Violence Management	Gang Intervention Program
Substance Abuse & Mental Health Management	Motivation & Social Skills
Coping and Life Skills	Re- Entry Planning
Trauma and Family Relationships	Victim Awareness

Additional vocational opportunities are also available for qualified youth.

Coffee Cart (4-year program)	Truck Driving Certification (CVOC)
Graffiti Abatement	Solar Panel Installation
Warehouse Program	RISE (Out of Custody)

The Grand Jury explored another room called the Honor Room. Youth earn the privilege of utilizing this room. The Honor Room contains a television, private rooms with flexible seating used for private counseling sessions and areas where Youth are allowed to use their monitored tablet devices.

The Grand Jury also observed another wing of the facility which was undergoing refurbishment. This area will contain additional cells and another common area.

Youth from rival gangs are integrated providing an opportunity for relationship building. Staff provide opportunities for youth to engage in dialog aimed at breaking down the barriers between the groups.

All inspection reports were completed and satisfactory.

Staff at the facility are to be commended for their dedication to providing the best correctional opportunities for detained youth. The interactions observed demonstrated a mutual respect between the staff and youth. The staff work diligently to prepare youth for life after release. They are continuously searching for new programs that will provide more opportunities for the youth which lead them to success after detainment.

FINDING(S)

- F1. Finding Community Service opportunities for those who have been released is challenging.
- F2: Lack of signage indicating which building is the Iris Garrett Juvenile Justice Center (IGJJC)

RECOMMENDATION(S)

- R1. The Probation Department continue to seek business partners who will allow youth to complete Community Service time. (F1)
- R2. Purchase and install IGJJC signage on or directly in front of the facility (F2)

REQUEST FOR RESPONSE(S)

Pursuant to Penal Code Section 933.05, the following responses are **required** in 60 days

- Merced County Board of Supervisors respond to (F2, R2)

The following is **invited** to respond in 90 days:

- Admin Division Director – Probation Department (F1, R1), and (F2, R2)

Responses are to be submitted to the Presiding Judge of the Merced County Superior Court in accordance with Penal Code §933.05.

DISCLAIMER

Reports issued by the Grand Jury do not identify the individuals who have been 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.

**Merced County Civil
June 30, 2024
Merced County Main Jail**

SUMMARY

The Merced County Civil Grand Jury (Grand Jury) inspected the Merced County Sheriff's Main Jail (Main Jail) at 700 W. 22nd Street, Merced, on September 14, 2023. Annual visits by the Grand Jury are mandated by California Penal Code Section 919 (b).



Photo credit – Merced County Website

The Main Jail, constructed in 1968, continues to be in disrepair, and substantial improvements are still needed to adhere to state standards. Because ground has been broken on the new facility, the Grand Jury's main concern was not with the physical condition of the outdated facility, but with the lack of staffing. Challenges faced by the Sheriff's department to retain staff, attract lateral and new staff are contributed mainly to a lack of competitive salaries, stacking incentives and benefit packages.

BACKGROUND

The Main Jail currently houses low to high-risk inmates. The Main Jail is managed by the Merced County Department of Corrections and Rehabilitation. The Main Jail is a Type II Facility jail and originally had a capacity for 189 inmates. Assembly Bill 109 (AB 109) restricts the capacity to 170 inmates. Currently, 142 inmates are housed in the facility.

The Grand Jury inspection included a review of all mandated inspection reports including Fire, Medical/Health, Environmental Health, and Nutritional Health. All were confirmed completed and passed on May 31, 2023.

The County will address the capacity, security, and facility issues reflected in both facilities through the construction of the John Latorraca Correctional Center Expansion Project. These improvements will help the County comply with

California's Title 15 and Title 24 regulations and guidelines, which address minimum standards for local detention facilities.

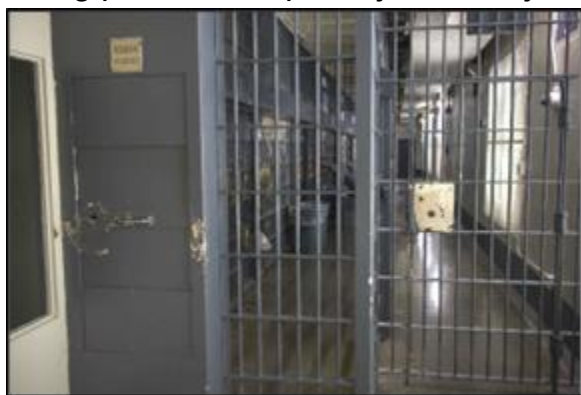
METHODOLOGY

The Grand Jury utilized the inspection reports from the Board of State and Community Corrections (BSCC) based on their April 4-5 scheduled inspection and their July 12, 2023, unannounced inspection.

Additionally, Grand Jury members met with the members of the Sheriff's Department. The meeting included a presentation by the Sheriff's Department on the state of the facilities and staffing. All questions posed by the Grand Jury were answered satisfactorily. The Grand Jury also reviewed BSCC reports, toured the facility, reviewed the website and met with staff and management.

DISCUSSION

The Main Jail was built in 1968 and is in disrepair. The Grand Jury observed moldy ceilings in a closet, paint peeling throughout the facility and a broken window in the intake area. The facility is outdated. It was noted a preventative maintenance plan was not available. The repairs are in reaction to work orders being placed with priority on safety issues.



Peeling paint entering cells



Hole in storage closet ceiling appeared moldy

The new facility is under construction and should be completed by 2025. Inmates will be transferred to the new facility, once it is completed and additional staff are employed.

Because ground has been broken for the building of new facilities, the Grand Jury's main concern was not with the physical condition of the outdated facility, but with the lack of staffing. The minimum amount of personnel required were on duty. Staff work required overtime in order to maintain that minimum.

The BSCC May 31, 2023, report based on their April 4-5, 2023, inspections identified items of noncompliance with Title 15 Minimum Standards for Detention Centers.

Title 15 Section 1027 - Number of Personnel:

"At the time of inspection, your agency was unable to fill additional positions that were allocated. This results in using ninety, 8-hour shifts of overtime to cover positions in a pay period."

The BSCC met with Captain Jeff Coburn and Lieutenant Brandon Thomas and received an update on the progress of the Corrective Action Plan (CAP) submitted by Undersheriff Corey Gibson on May 16, 2023. Additionally, while at the Sheriff's facilities, an unannounced inspection occurred to ensure continued compliance with Title 15 and Title 24 of the California Code of Regulations (CCR), Minimum Standards for Local Detention Facilities. The BSCC reported the following based on the Title 15 items of noncompliance.

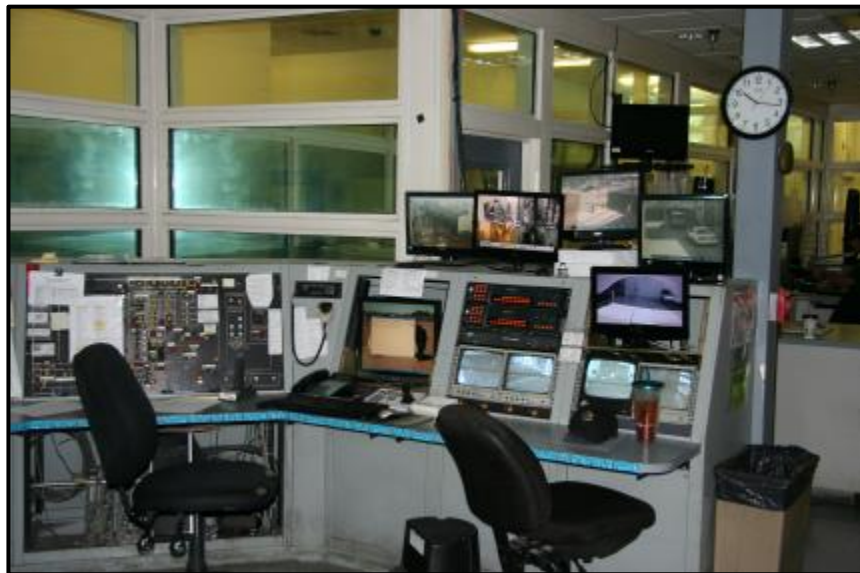
"Inability to fill vacant positions that were provided due to previous noncompliance in staffing. This inability to fill vacant positions resulted in the need to fill ninety vacant, eight-hour shifts per pay period and caused significant safety issues for both staff and inmates.

Information provided in this meeting found that there are several internal issues surrounding these noncompliance issues such as:

- Competitive Salary
- Competitive recruitment incentives
- Employee Union complications

However, several steps have been taken to address staff shortages by working with the County administrative staff on salary, benefit, and retention packages, reassigning specialty positions, including other positions into mandatory overtime, and in some instances, administrative staff working to fulfill line positions. Recruitment efforts have increased to include the use of social media and the education system to help increase the pool of potential candidates.”

During the facility tour, one staff member was observed in the monitoring/control room. The responsibilities of this single person include monitoring multiple monitors with multiple camera angles, answering phones, opening locked doors for staff, and processing all releases. Adjacent to this area, detainees are put through the booking process which includes a medical examination.



Part of the Main Jail Monitoring Room
Photo credit – Merced County Website

It was noted that the observed staff were doing whatever it took to get the job done. When several staff members were asked what their major concerns were, understaffing and safety were their main concerns. They indicated it was difficult to retain staff who seek employment with agencies outside of Merced County that offer higher pay and better benefits. According to the BSCC 2023 Corrective Action Plan Update and Unannounced Inspection, “Several steps have been

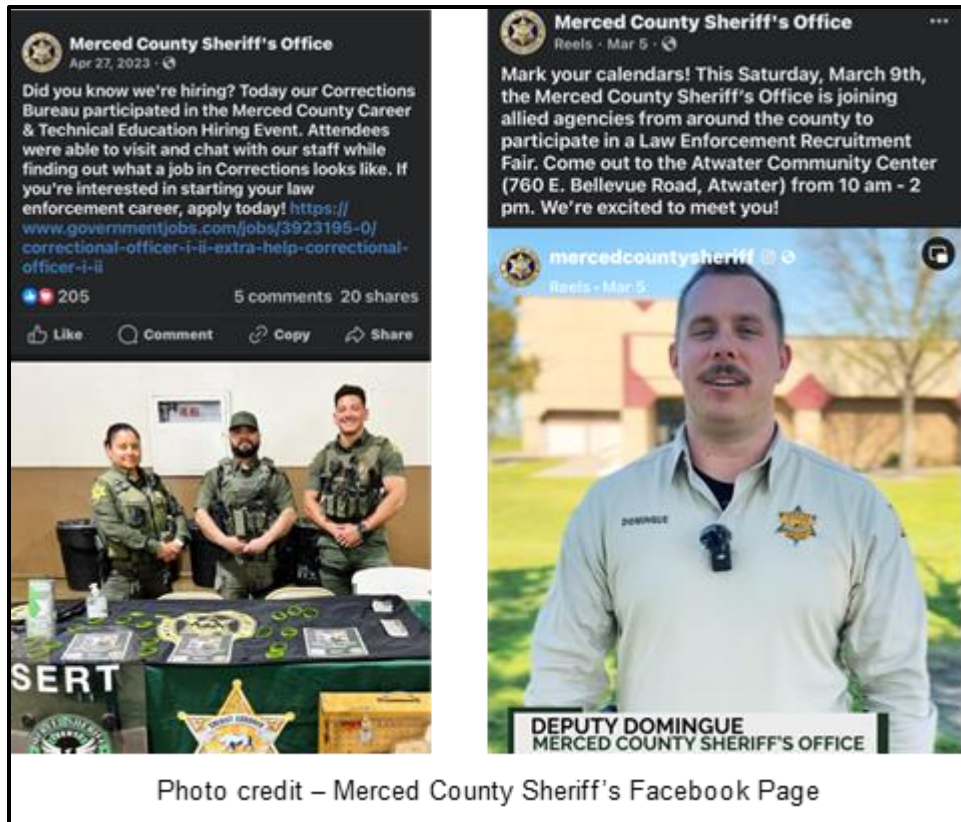
taken to address staff shortages by working with the County administrative staff on salary, benefit and retention packages, reassigning specialty positions, including other positions into mandatory overtime, and in some instance, administrative staff working to fulfill line positions.”

An update to Title 15, Section 1065 requires a minimum of 10 hours of out-of-cell time, distributed over a period of seven days. Previously, the requirement was 3 hours distributed over a period of seven days. The update creates a need for additional staffing to monitor out-of-cell time. These Title 15 regulations have contributed to the need for additional staffing.

California Assembly Bill 109 also contributed to the staffing shortage. The goal of AB 109 was to address the severe overcrowding in California state prisons, which strained health care and social services for inmates. Defendants convicted of certain felony crimes are no longer incarcerated in state prisons. Instead, they receive county jail sentences or a combination of time in county jail and supervision by the county probation department. The severe overcrowding has forced MCSO to cite misdemeanor crimes instead of booking them.

According to the fiscal year 2023-2024 budget as reported by the County of Merced, the overall Detention and Corrections 2021-2022 budget was \$65,165,702. The salary and benefits costs were \$26,298,072. The next fiscal year’s budget was increased to \$74,732,298, with salary and benefits costing \$27,771,528. The 2023-2024 budget adopted by the Board of Supervisors increased this amount to \$98,703,161 which included salary and benefits equaling \$30,158,137.

Despite an increase of \$3,860,065 in salary and benefits over two years, the Merced County Sheriff’s Department has been unable to fill 50 vacant positions including dispatchers, deputies, and Custodial Deputies. Perhaps more importantly, the MCSO has been unable to retain trained staff who have left for nearby agencies who offer increased pay, incentivized pay scales and benefit packages.



According to BSCC 4/17/2023 exit briefing, “Merced County Sheriff’s Office has trouble recruiting staff due to other agencies, close to Merced County, are providing hiring bonuses greater pay and benefits. Though this is an internal issue with Merced County, it places security concerns with the safe operation of the jail and places both staff and those incarcerated at an elevated level of risk.”

When examining data regarding pay from surrounding counties, it can be seen that the Merced County Deputy Sheriff I starting salary is lower than surrounding counties. The starting wage for a Custodial Deputy Sheriff I in Merced County is \$56,326 a year, while the Deputy Sheriff I/Coroner starts at \$74,834 a year. In Stanislaus County, the starting pay for Deputy Sheriff I is \$77,584. Mariposa County pays their starting Deputy Sheriff I position \$68,852 annually. In Madera County, a Deputy Sheriff I’s starting wage is \$65,357.

When reviewing the salary data, it should also be noted that Merced County Deputy Sheriff and Custodial Sheriff only have a step I and step II. Stanislaus County also only has two steps available to this position, but they also offer an

“Experienced Level/Lateral Transfer” classification that starts between \$82,492 and \$100,276 annually. Mariposa County has five steps that increase \$14,845 from step I to step IV. Madera County offers “longevity” pay increases for their Deputy Sheriff I and II, with pay increases starting at 10 years, another increase at 15 years, and yet another increase at 20 years.

It was noted that some of these county personnel who train to be on special teams like SWAT and STAR receive additional compensation for being part of these teams.

Employees who study and train to join multiple teams may receive additional incentive pay for each team they belong to. This is called “incentive stacking”. For example, Madera County Correctional Officers may serve on a transportation assignment and receive an additional 2.5% of pay. This same officer may also serve on the Corrections Emergency Response Team (CERT) and earn another additional 2.5% in pay. The two incentives “stacked” together would total a 5% increase in additional wages.

Trained personnel participate in ongoing training, use their specialized skills during critical incidents and provide mutual aid support to other agencies. Merced County does not allow Sheriff Department personnel to stack incentives. This is one of the reasons MCSO trained deputies leave for surrounding areas who offer the additional incentive stacking pay. Also, other agencies offer additional job classifications for employees who advance within the department. The classifications currently offered by the MCSO are limited.

Sheriff's Department Staffing Related Information Timeline

- 2010 Grand Jury reported understaffing in the Correctional department (p. 25)
- 2011 Grand Jury reported budget cuts severely affected correctional officer staffing (p. 35)
- 2012 Grand Jury explained personnel impacts related to AB109 (pp. 3-4)
- 2013 Grand Jury referred to a correctional officer shortage (p. 3)
- 2014 Grand Jury recommended the Board should develop a plan to remedy the correctional officer shortage (p. 3)

- 2015 Grand Jury investigated low wages in the Sheriff's department (pp. 33-35)
09/2/15 Sheriff appeals to Board regarding understaffing (Merced Sun-Star)
- 2016 Grand Jury found Merced County paid approximately \$2 million per year in overtime expenses to maintain adequate staffing of correctional officers (pp. 3)
- 2017 10/16/2017 Merced Sun-Star reported Merced County Sheriff's deputies receive a 10% wage increase and Warnke says his office is already seeing the tide turn after several years of staffing struggles.
- 2018 STAR (Sheriff's Tactics and Reconnaissance) team reinstated after 2017 wage increases. Their main goal is to prevent gang violence in the county before it starts. 8/20/2018 ABC 30 Action News Report
- 2019 Grand Jury again reported Jail facilities maintained the minimum staff required with no relief factor for vacation, sick time, training or emergency situations (p. 9)
- 2022 There were 35 homicides in Merced County. It is the second consecutive year over 30 (Sun-Star 1/3/23)
- 2023 8/11/23 Merced County Sheriff told the Board Merced County is number one in the state for homicides per capita. The department is down 34 correctional officers and 14 deputies and 10 on leave. (Merced County Times 8-11-23)
11/30/23 Merced County Sheriff told the Board his agency is facing staffing shortages and losing employees to other agencies offering better pay and better benefit packages. The department is down 9 detectives, short 30 correctional officers and staff morale is down. (Sun-Star 11/30/23)
12/13/23 – The Board released a statement detailing a proposal to increase Sheriff Department wages by 8% and health care caps by 10%. The bargaining units of Sheriff Sergeants and Dispatchers rejected the proposal. (Los Banos Enterprise)
- 2024 03/26/24 ABC 30 Action News reported the Sheriff deputy shortage continues.

Efforts continue to be made by all parties to hire and retain Sheriff's Department personnel. At the April 23, 2024, Board meeting, the Board reported a tentative agreement with the Merced County Deputy Sheriff Association was

reached. This is a positive step toward rectifying the understaffing shortage faced by the Sheriff's Department.

It cannot be stressed enough that observed and interviewed staff remain dedicated to performing their jobs to the best of their abilities. The Board of Supervisors, Merced County Executive Office (CEO) staff and the Sheriff's Department are all making efforts to improve the staffing issues.

FINDINGS:

- F1: The Main Jail continues to be out of compliance with Title 15, Section 1027 Number of Personnel, specifically staffing shortages, retention of staff and attracting new lateral staff as well as new recruits.
- F2: Staff are leaving employment with Merced County Sheriff's Department and seeking employment with other agencies who offer higher salaries, more incentives and better working conditions.
- F3: A general lack of maintenance exists at the facility putting staff and inmates at risk.

RECOMMENDATIONS:

- R1: Merced County conduct exit interviews to determine reasons for exiting employment with Merced County. (F2)
- R2: Merced County conduct extensive salary, incentive and benefit package research on agencies, former employees are seeking employment with. (F2)
- R3: The County develops a competitive package for current and potential staff. (F2)
- R4: Implement a preventative maintenance plan, thus being proactive instead of reactive. (F3)

REQUEST FOR RESPONSE(S)

Pursuant to Penal Code Section 933.05, the following responses are **required** in 60 days:

- Merced County Board of Supervisors respond to (F1), (F2, R1, R2, R3) and (F3, R4)
- Merced County Sheriff (F1), (F2, R1, R2, R3), (F3, R4)
- Merced County CEO (F1), (F2, R1, R2, R3) and (F3, R4)

The following is **invited** to respond in 90 days:

- Merced County Director of Public Works (F3, R4)

Responses are to be submitted to the Presiding Judge of the Merced County Superior Court in accordance with Penal Code §933.05.

DISCLAIMER

Reports issued by the Grand Jury do not identify the individuals who have been 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.

**Merced County Civil Grand Jury
June 30, 2024
John Latorraca Correctional Center**

SUMMARY

The Merced County Civil Grand Jury (Grand Jury) inspected the John Latorraca Correctional Center (“JLCC”) at 2584 W. Sandy Mush Road, Merced, on October 17, 2023. Annual visits by the grand jury are mandated by California Penal Code Section 919 (b). “JLCC” also utilized the May 31, 2023, inspection from the Board of State and Community Corrections (BSCC).

Jail expansion construction is underway which will alleviate the current physical condition of the JLCC. The Grand Jury’s main concern was not with the physical condition of the outdated facility, but with the lack of staffing. Challenges faced by the Sheriff’s department to retain staff, attract lateral and new staff are contributed mainly to a lack of competitive salaries, stacking incentives and benefit packages.

BACKGROUND

JLCC is a Facility Type II jail. The JLCC was designed as a minimum-security facility but currently houses medium-risk inmates. The JLCC is managed by the Merced County Department of Corrections and Rehabilitation. The Jury along with previous grand jury reports conclude the facility continues to need improvements. At the time of the Grand Jury inspection, 241 inmates are housed at this facility. The inmate capacity at the facility is 564 inmates. However, two sections (buildings/dorms) of the facility are closed during the expansion project, thus reducing the number of inmates that currently can be housed. On September 19, 2023, the \$138.5 million Merced County Jail expansion project began.

METHODOLOGY

The Grand Jury utilized inspection reports from the Board of State and Community Corrections (BSCC) based on their April 4-5 scheduled inspection and their July 12, 2023, unannounced inspection.

The Grand Jury members met with the Sheriff's Department personnel. The meeting included a presentation by the Sheriff's Department on the state of the facilities and staffing. All questions posed by the Grand Jury were answered satisfactorily. Additionally, the Grand Jury reviewed BSCC reports, toured the facility, reviewed the website and met with staff and management.

DISCUSSION

The JLCC was built in 1990 to replace the minimum-security Belcher Honor Farm Facility and is in disrepair. The Grand Jury entered through the public entrance. Ceilings had missing ceiling tiles, water-stained tiles and an outdated appearance in general. Additionally, the Grand Jury observed outdated washing machines and leaking water in the laundry room. The area designated for virtual courtroom appearances and inmate computer use had gaping holes in the ceiling tiles. Two of the dormitories were closed due to ongoing construction. The dormitories were clean but crowded. Beds were stacked three high to accommodate a larger number of inmates than the rooms were originally designed for. Despite the outdated appearance and lack of maintenance, the facility was clean.

It was noted two maintenance personnel were assigned to the facility. However, it was stated they are only on site for approximately four hours daily. According to staff, a preventative maintenance plan is not in place. The repairs are in reaction to work orders being placed with priority on safety issues.

The April 17, 2023, BSCC exit briefing stated the following: "Some of the holes have been covered by a piece of wood, in an effort to hide the holes instead of fixing them. This facility is scheduled to undergo a renovation at a building-by-building pace. In the meantime, however, those who work and are incarcerated in the facility dormitories are in a direct safety and security risk. Safety issues rise with faulty sinks, toilets and showers. Additionally, the unrepaired holes in the walls are ripe for hidden storage of jail-made weapons used to harm staff and/or inmates. The unrepaired holes are also places to hide drugs. Drugs found in a facility can cause risk to staff and inmates that may end in injury or death. Delay of repair, even during renovation, causes significant safety issues."

According to the BSCC August 7, 2023, report a general lack of maintenance existed at the John Latorraca Correctional Facility (JLCC). The report states, “Undersheriff Gibson’s CAP response identified the reasoning behind some of the repairs and the costs associated with those repairs for fiscal years since 2017-2018. Along with those expenditures and understanding the need for upgraded facilities, Merced County is investing \$76 million to renovate and expand the JLCC. A new jail will also be built adjacent to the JLCC which will replace the downtown jail.”

The report also states, “Part of this compliance update was to verify the construction process and progress. I toured the construction areas of JLCC. New temporary exercise yards are being built. Building 400, which includes six dormitories, has been emptied of inmates and stripped to the walls awaiting a complete renovation of the area. Instead of two exercise yards shared between all the dormitories, new exercise yards are planned to be split between only two dormitories, allowing for additional use.”

This means since there are no short-term resolutions to these noncompliant issues, they continue to remain noncompliant. The BSCC will continue to monitor the progress and provide support.



JLCC Expansion Construction
Photo Credit – Turlock Journal

The Grand Jury toured the medical facility, which was clean, organized and sufficiently staffed. Additionally, a collaborative agreement exists between Merced County Behavioral Health Recovery Services (BHRS), Wellpath and the Merced County Sheriff’s Department to provide mental health services to

inmates. Inmates undergo ongoing assessments, treatment planning and cognitive behavioral training. The Grand Jury observed a session of the jail-based competency treatment program designed to prepare inmates for trial who were previously determined incompetent to stand trial. Those determined to be unfit for trial due to mental health challenges are transferred to the Marie Green Behavioral Health Services facility.

According to the Merced County Sheriff's website, the following types of programs are available for inmates: The 12-step program, Alcoholics Anonymous, Narcotics Anonymous, parenting, anger management, life Skills and job placement. These programs are well-staffed because they are contracted out.

There is a significant lack of correctional staffing at the JLCC. The minimum number of personnel required were on duty. Staff work mandatory overtime in order to maintain that minimum.

The BSCC May 31, 2023, report based on their April 4-5, 2023, inspections identified items of noncompliance with Title 15 Minimum Standards for Detention Centers.

Title 15 Section 1027 - Number of Personnel:

“At the time of inspection, your agency was unable to fill additional positions that were allocated. This results in using ninety, 8-hour shifts of overtime to cover positions in a pay period.”

The BSCC met with Captain Jeff Coburn and Lieutenant Brandon Thomas and received an update on the progress of the Corrective Action Plan (CAP) submitted by Undersheriff Corey Gibson on May 16, 2023. This Corrective Action Plan could not be complied with because there were no new staff members to fill positions. Additionally, while at the Sheriff's facilities, an



Photo Credit – Merced Co. Sheriff's Office Facebook Page

unannounced inspection occurred to ensure continued compliance with Title 15 and Title 24 of the California Code of Regulations (CCR), Minimum Standards for Local Detention Facilities. The BSCC reported the following based on the Title 15 items of noncompliance.

Title 15 Section 1027 - Number of Personnel

"Inability to fill vacant positions that were provided due to previous noncompliance in staffing. This inability to fill vacant positions resulted in the need to fill ninety vacant, eight-hour shifts per pay period and caused significant safety issues for both staff and inmates.

Information provided in this meeting found that there are several internal issues surrounding this noncompliance issues such as:

- Competitive Salary
- Competitive recruitment incentives
- Employee Union complications

However, several steps have been taken to address staff shortages by working with the County administrative staff on salary, benefit, and retention packages, reassigning specialty positions, including other positions into mandatory overtime, and in some instances, administrative staff working to fulfill line positions. Recruitment efforts have increased to include the use of social media and the education system to help increase the pool of potential candidates."

Staff expressed concerns for their safety and the safety of others because of a lack of staffing. They were concerned about the number of mandatory over-time hours they were required to perform. Even though they are working in less-than-ideal conditions, they continued to perform their duties to the best of their ability.

Finally, according to BSCC 4/17/2023 exit briefing, "Merced County Sheriff's Office has trouble recruiting staff due to other agencies, close to Merced County, are providing hiring bonuses greater pay and benefits. Though this is an internal

issue with Merced County, it places security concerns with the safe operation of the jail and places both staff and those incarcerated at an elevated level of risk.”

FINDINGS:

- F1: Multiple mental health services and programs are available on site but greater access to a variety of different services would be beneficial.
- F2: The JLCC continues to be out of compliance with Title 15, Section 1027 Number of Personnel, specifically staffing shortages, retention of staff and attracting new lateral staff as well as new recruits.
- F3: Some staff are leaving employment with Merced County Sheriff's Department and seeking employment with other agencies who offer higher salaries, more incentives and better working conditions.
- F4: Merced County Sheriff's Department presence on social media increased, highlighting the department and advertising current employment opportunities.
- F5: A general lack of maintenance exists at the facility putting staff and inmates at significant risk of injury or death.

RECOMMENDATIONS:

- R1: Continue to provide a variety of programs and mental health services (F1)
- R2: The Merced County Sheriff's Department along with the Merced County conduct exit interviews to determine reasons for exiting employment with Merced County. This could apply to all department heads and the CEO's office. (F3)
- R3: The Merced County conduct extensive salary, incentive and benefit package research on agencies, former employees are seeking employment with. (F3)

R4: The Merced County CEO's office develop a competitive package for current and potential staff. (F3)

R5: The Merced County Sheriff's Office and Merced County Public Works Department collaborate to create and implement a preventative maintenance plan, thus being proactive instead of reactive. (F5)

REQUEST FOR RESPONSE(S)

Pursuant to Penal Code Section 933.05, the following responses are **required** in 60 days:

- Merced County Board of Supervisors respond to (F1, R1), (F2), (F3, R2, R3, R4) (F5, R5) (F6, R6)
- Merced County Sheriff (F1, R1), (F2), (F3, R2, R3, R4) and (F5, R5)
- Merced County CEO (F1, R1), (F2), (F3, R2, R3, R4,) and (F5, R5)

The following is **invited** to respond in 90 days:

- Merced County Director of Public Works (F5, R5)

Responses are to be submitted to the Presiding Judge of the Merced County Superior Court in accordance with Penal Code §933.05.

DISCLAIMER

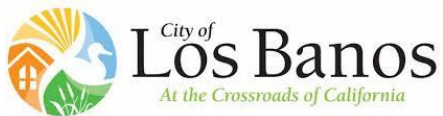
Reports issued by the Grand Jury do not identify the individuals who have been interviewed. Penal Code § 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.

INVESTIGATIVE REPORTS

Homelessness in Merced County



American Rescue Plan Act Of 2021 Where the Money Went



Merced County Housing Authority



Merced City School District – Our Students Deserve More

Merced County Civil Grand Jury Report
June 30, 2024
Homelessness in Merced County

SUMMARY

The County of Merced spends over nine million dollars on a homeless population of 830 people. What are the taxpayers getting for this huge sum of money?

The most recent Point-in-Time Count (PIT) report reveals homelessness is up by 5.9% in Merced County. A large collaborative effort to combat homelessness exists in Merced County. The amount of taxpayer dollars coming to Merced County from Federal, State and local resources to help the needy including the homeless is over \$128 million dollars. Our report finds that successful programs exist and are serving this population. More transparency needs to be achieved so the public has information about the available resources, the allocation of said resources and results.

BACKGROUND

The homelessness issue for Merced County has been in the news for at least a decade. In the past 5 years, this issue has become increasingly visually prevalent. At present there exist entire encampments with community structure and territorial ownership. Most of the encampments are situated on public property. Those on private property are subject to trespassing laws.

Merced County cities and towns also suffer from the issues as the encampments are visible blight, cause sanitation and health issues, trash, and safety and community problems.

The investigation identifies the available resources; the various local, state, and federal partners that offer financial help. It highlights the collaborative efforts of those people and the results of their work.

METHODOLOGY

The Merced County Civil Grand Jury (Grand Jury) met people invested in this issue including collaborative groups, homelessness resource personnel, Point-in-

Time coordinators, and housing specialists. Photos were taken of the various problem areas and the solution areas. Research was performed regarding various budgets for the programs and for the allocation and distribution of resources.

DISCUSSION

The Grand Jury's investigation was three-pronged:

1. Resources
2. Allocation of resources
3. Results or improvements in the homeless situation due to 1 and 2 above

In May of 2011, the Merced County Board of Supervisors adopted a ten-year plan to address and combat homelessness in Merced County. The agency tasked with implementing the plan was the Merced County Association of Governments (MCAG).¹ The MCAG was the first "Collaborative Applicant," which is required by the Federal Housing and Urban Development Department (HUD) to qualify for funds through the Continuum of Care Program (CoC). The CoC is a program arising from President Lyndon Johnson's 1960's War on Poverty. The CoC is specifically for the homeless.

A Southern California organization, Urban Initiatives (UI), was contracted to guide the County through the compliance process. This process is necessary to meet state and federal qualifications in order to obtain funding to address homelessness within our jurisdiction. The contract with UI was funded in 2014 by the City and County of Merced. UI advised that a countywide group as part of a larger federal program be established. The Merced Continuum of Care (CoC) was created. The CoC is comprised of volunteers from non-profit agencies, churches, MCAG, mental and behavioral health agencies, and Veterans Affairs representatives.

CoC was subsequently awarded two grants totaling 1.2 million dollars. The 2014-2015 Grand Jury voted to conduct an internal investigation regarding the homelessness issue in Merced County and the efficacy of the work guided by UI. The 2014-2015 Grand Jury was not able to complete the study and passed it

to the 2015-2016 Grand Jury who voted to adopt the project. The study report was issued at the end of the 2016 Grand Jury term.

In the 2016 report was the following finding:

1. “Since UI’s involvement, participation in the CoC by government agencies, non -profits and other organizations has greatly increased. The current count of homeless individuals in Merced County is 519.”¹(PIT count conducted in January 2016).¹

(PIT is the nationwide Point-in-Time count.)

Current Situation

Los Banos: The Rail Trail (2.1 miles through LB)



The 2023-2024 Grand Jury gathered the following information. The PIT count made on Thursday, February 23, 2023, found a total of 784 persons. This is 0.27% of the total population of Merced County. (This number is less than 2022 which rendered a count of 855.)³ On January 24-25, 2024, another PIT count was conducted. The 2024 count is 830, an annual increase of 5.9 %. The number of homeless persons is increasing.

Resources Allotted to Merced County

The budgets for the current year that address homelessness and the needy are as follows²:

Program	Budget (2024)
CoC (Continuum of Care Program)	\$3,067,425 (Admin and Programs)
HSA (Homelessness Resources)	\$6,172,709
Public Assistance – Aid to Indigents	\$120,756
HSA (Assistance to the Needy)	\$119,000,481
Grand Total	\$128,361,371
Monies dedicated strictly for the unhoused	\$9,360,890 ⁴

[Note: Aid to Indigents is also referred to as General Assistance. According to vocabulary.com “An Indigent person is extremely poor, lacking the basic resources of a normal life.”]

In California, Merced County ranks 4th from bottom of the Poverty by County statistic at 24.2% of people deemed to be at or below the poverty level.⁵

<https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml>

[Exhbit-A-SCDD-California-Poverty-Levels-by-County.pdf](#)

The amount of funding given categorically to the needy and homeless is \$128,361,371. The Grand Jury set out to explore whether or not the money is well spent.

The budget for Merced County is \$1.17 billion. The above noted expenses (\$128,361,371) are 11% of the total Merced County 2024 budget. Sixty-five percent of the \$128,361,371, pays the salaries and benefits for 723 Full Time Equivalent employees (FTE) working in jobs to help the needy. (The total amount of county employees is 2449 FTE.) The 723 FTE accounts for nearly 30% of the governmentally supported jobs in the county. It is interesting to note that the resources for the needy and homeless is 11 % of the total, and the person power (employees) slice is 29.5%.⁴

Of the total County budget, the homeless slice of the budget pie (\$9.36 million) is less than 1% (0.8%.) This is approximately \$12,000/homeless person this year.

Allocation of Resources

The general Merced County budget was found on the following link:

<https://www.countyofmerced.com/ArchiveCenter/ViewFile/Item/926>

Government Entities (Federal, State, Local and Programs)

Continuum of Care is a 100% funded by the federal Government. It is an offshoot of a program started in the 1960's by President Lyndon Johnson and his War on Poverty. Funding is through the Federal Housing and Urban Development Department (HUD). (\$3,067,425)

Homelessness Resources program is overseen by the Merced County Human Services Agency. This program is part of a larger entity: Public Assistance, which is part of the larger, overarching, entity: Human Services Agency. Homeless resources are funded at 68% by the State of California and 32% by "Other Revenue" not described. (\$6,172,709)

Aid to Indigents monies are provided by County resources. This budget is \$120,756 and the category for funding is local and reimbursed by the Social Security Income/State Supplementary Payment funds. (\$120,756) [Note: Aid to Indigents is also known as General Assistance at the State level.]

Merced County Agencies and Governmental Groups

The Grand Jury found that in the line-item budgets of the entities listed below a salary range of approximately \$40,000 - \$400,000. Those agencies and groups are:

Employment Development Department, City of Merced Parks and Recreation, Behavioral Health and Recovery Services, Community Outreach, Disruptive Activities Response Team, County and individual city law enforcement, Highway Patrol, Merced County Sheriff's Department, Human Services Agency, Los Banos Housing Division, New Direction, Marie Green Psychiatric Center, West Care (Veteran Assistance), Merced Community Action Agency, Foster Care, WINS, CalWorks, Housing Authority, Merced County Dignity Health

Non-profits

The average wage for a non-profit outreach worker is \$20.91 per hour. This is a nationwide average. The Grand Jury's research for local outreach workers' wage reveals a range of \$19.85 to \$23.00. Administrators and supervisors make a higher wage and/or salary. Non-profits compete for dollars through the County.

The following are some of the non-profits operating within Merced County:

Los Banos:

Bethel Church, Salvation Army, Turning Point Community Services, Manna Ministries, and Project Room key are operational.

Merced area:

Healthy House, Merced Rescue Mission, Mission Merced, V" street center, Village of Hope, Dr. Jennifer M Jones Foundation, D-Street Navigation Center, Bridge Homes (rented rooms in private homes managed the county for the homeless), Respite Care, Los Banos Homeless Center, Merced Homeless Shelter, Salvation Army, Catholic Charities, Golden Valley Health Center, Sierra Saving Grace, Jacobs Well Ministry, JMJ Maternity Homes, Community Social Model Advocates, and Symple Equazion/Aim High are operational.

Visual examples of what the cooperative groups have accomplished:



Los Banos Emergency
Housing



Village of Hope
A Rescue Mission (Merced)



"D" Street
Shelter (Merced)



Retreat Apartments (Merced) – 30 Units for Qualifying Homeless



1213 "V" Street Apartments (Merced)



The "Navigation Center" (Merced)

FINDINGS

- F1: Programs associated with the COC and HSA as referenced in the **DISCUSSION** section of this report are making a positive impact in the lives of the homeless of the County.
- F2: The Grand Jury finds that much of our Federal, State, and Local taxpayer money is being resourced within our county to support the programs found on pages 5 and 6 under the **DISCUSSION** section of this report.
- F3: There is a lack of transparency regarding the allocation of the funds for the agencies who assist the homeless population and the Point in Time counts are not on, or easily obtainable through a search of the County's website.

RECOMMENDATIONS

- R1: Continue the PIT counts and analyze data, make the data available on the County's Website. (F3)
- R2: The budgetary breakdowns for the resources and allocation of monies should be readily available to the public on the County's Website. (F3)

COMMENDATIONS

- The Grand Jury recognizes four particular groups:
- The Community Outreach Organization
- City of Los Banos Housing Division
- Homeless Resources program of HSA
- Continuum of Care

REQUEST FOR RESPONSE(S)

Pursuant to Penal Code §933.05, the following responses are **required** in 60 days:

- Merced County Board of Supervisors (R2)

The following is **invited** to respond in 90 days: CoC (R1, R2)

- Merced County Human Services Agency(R2)

DISCLAIMER

Reports issued by the Grand Jury do not identify the individuals who have been 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.

ANNOTATED SOURCES

¹ Merced County Civil Grand Jury Report 2016-2017

² Merced County Final 2024 Budget

³ CoC 2023 PIT Report

⁴ CoC 2024 PIT Report

⁵ https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?_af=1&_lang=en&_ss=1&_t=1&_v=1&_x=1&_y=1&_z=1&_a=SCDD-California-Poverty-Levels-by-County.pdf

RECUSAL

Jacqueline Aguas recused herself due to conflict of interest.

American Rescue Plan Act Of 2021 Where the Money Went

SUMMARY

The 2023-2024 Merced County Civil Grand Jury (Grand Jury) convened in July of 2023 with a commitment to fulfill the “watchdog” role ascribed to it by the California Penal Code §888- 939.1 ^[1]

The Grand Jury fulfilled this obligation by investigating the receipt, accounting, safe-handling, transparency, and planned expenditure of millions of taxpayer dollars provided to the residents of Merced County due to federal legislation in response to the COVID-19 pandemic of 2020-2022.

For purposes of this report, the use of the term “ARPA funds” references the American Rescue Plan Act of 2021.

The Grand Jury investigated Merced County and its incorporated cities and met with city staff and elected officials, who had direct knowledge and responsibility for the management and distribution of ARPA funds.

In this report the Grand Jury submits recommendations, based on what, in the opinion of the Grand Jury, are believed to be best practices for the handling, distribution, and methods to provide transparency to residents of the use of ARPA funds for their cities.

BACKGROUND

The Merced County Civil Grand Jury received a citizen complaint which questioned the allocation of Small Business Grants with funds provided through the ARPA. The Jury has the authority to investigate, under California Penal Code §888-939.1.^[1]

During this investigation, the Grand Jury broadened its scope to review how Merced County and its incorporated cities used ARPA funds. Most importantly,

the Grand Jury investigated whether Merced County and cities followed their own policies and procedures and how transparent was the process.

The 117th Congress (2021-2022) Bill H.R.1319 - American Rescue Plan Act of 2021, Public Law 117-2—Mar 11,2021, was signed into law on March 21, 2021, to support the immediate pandemic response, bring back jobs, and lay the groundwork for a strong and equitable recovery. The plan provided \$1.9 trillion to states, counties, and cities (based on population) to speed the country's recovery from the economic and health effects of the COVID-19 pandemic. ^[2]

ARPA provided \$350 billion dollars in the form of grant funds from the Federal Government to states, territories, Tribal governments, counties, and localities, generating a significant macroeconomic effect on the U.S. economy. The U.S. Department of the Treasury (Treasury Department) also sought to implement the program in ways that maximized its potential benefits while minimizing its costs. It has done so by aiming to target relief in key areas according to the congressional mandate; offering clarity to states, territories, Tribal governments, and localities while maintaining their flexibility to respond to local needs; and limiting administrative burdens.^[2]

The Treasury Department issued an interim final rule implementing the State and Local Fiscal Recovery Funds (SLFRF) program which was established by the ARPA funding on May 10, 2021. It has since disbursed over \$240 billion to state, local, and Tribal governments and received over 1,500 public comments on the interim final rule. The first half of the ARPA funding was distributed on May 17, 2021. ^[2]

California has received over \$43 billion in combined recovery funds from the American Rescue Plan Act of 2021, to mitigate the impacts of the COVID-19 Pandemic.^[3]

The Treasury Department adopted the final rule on January 6, 2022, implementing the SLFRF program, with the effective date of April 1, 2022. On February 28, 2022, the Treasury Department released the updated Compliance and Reporting Guidance for the SLFRF program. This guidance is meant to

support recipients in complying with the final rule and provide clarification for each recipient's compliance and reporting responsibilities under the SLFRF program.

In addition to this guidance, recipients were to follow the award terms and conditions, the authorizing statute, the final rule and other regulatory and statutory requirements, including regulatory requirements under the Uniform Guidance and related Compliance Supplement.

The local funding portion is approximately \$130 billion, equally divided between cities and counties. Localities will receive the funds in two tranches—the first after the U.S. Treasury Department certifies the proceeds to each jurisdiction and the second one year later.

For cities, \$65 billion is divided between jurisdictions that are Community Development Block Grant (CDBG) entitlement jurisdictions and those that are not. \$45.5 billion of the \$65 billion will be allocated to metropolitan cities utilizing a modified CDBG formula, and the remaining amount for jurisdictions that are non-entitlement CDBG, will be allocated according to population. For the non-entitlement jurisdictions, the amount will not exceed seventy-five percent of their most recent budget as of January 27, 2020. Additionally, non-entitlement jurisdictions proceeds will be allocated through the state for redistribution to local governments.^[4]

For counties, \$65 billion will be allocated based on the county's population. Counties that are CDBG recipients will receive the larger of the population or CDBG-based formula.

Eligible uses of these funds include:

- Revenue replacement for the provision of government services to the extent of the reduction in revenue due to the ARPA public health emergency, relative to revenues collected in the most recent fiscal year prior to the emergency,

- ARPA expenditures or negative economic impacts of ARPA, including assistance to small businesses, households, and hard-hit industries, and economic recovery,
- Premium pay for essential workers,
- Investments in water, sewers, and broadband infrastructure.

Restrictions on the uses of these funds include:

- Funds allocated to states cannot be used to directly or indirectly to offset tax reductions or delay a tax or tax increase.
- Funds cannot be deposited into any pension fund.

Implementation of ARPA relief package was an extensive process as new or updated guidance and FAQs were developed and released by the Treasury Department.

For example, the legislation requires each jurisdiction's designated executive to "certify" that the funds were to be used for eligible purposes.

The Government Finance Officers Association (GFOA) will provide regular updates as information becomes available. If you have specific questions or need clarification, GFOA launched an [online portal](#) to gather member questions to help shape engagement and solicit answers from the Administration

For many jurisdictions, the funding provided under ARPA is substantial and could be transformational for states and local governments in their pandemic rescue and recovery efforts. Elected leaders will need to decide how to best use the additional funding consistent with the ARPA requirements, which are very broad. Finance officers play a critical role in advising elected leaders on the prudent spending of moneys received under ARPA. Finance officers are best positioned to help ensure the long-term value of investments and financial stability of its government using this one-time infusion of resources. When considering how to best advise elected officials and plan for the prudent use of ARPA funds, we (GFOA) offer the following outline of Guiding Principles for the use of ARPA funds.^[5]

There are seven major categories as enumerated by Congress interim rule.

1. Public Health and Negative Economic Impacts - Public Health mitigation efforts, medical expenses, behavioral health, and other public health services.
2. Negative Economic Impacts - assistance to small businesses, households, and others negatively impacted due to the economic impacts of the ARPA pandemic.
3. Public Health-Negative Economic Impact - Public Sector Capacity to support public sector workforce and rehiring.
4. Premium Pay - Public and private sector workers performing essential work.
5. Infrastructure - Necessary investments to improve water, wastewater, stormwater, broadband and public safety projects.
6. Revenue Replacement - Provide for government services impacted by the reduction of revenue due to the COVID pandemic.
7. Administrative - Cover expenses of employees or consultants to ensure program compliance, fiscal integrity, and facility costs. ^[8]

ARPA funds are for temporary and non-recurring expenditures and not for ongoing financial commitment.

The first half of ARPA funding was received by most Merced County cities in the summer 2021. The second half of the funding arrived in the summer of 2022. Funding must be encumbered by Dec 31, 2024, and spent by Dec 31, 2026.

The table below shows the ARPA funding received by Merced County and its incorporated cities in its two funding disbursements.

	Merced County	Atwater	Dos Palos	Gustine	Livingston	Los Banos	Merced City
ARPA DEPOSIT 2021	\$26,968,042	\$3,535,571	\$661,088	\$570,227	\$1,781,720	\$4,908,432	\$13,713,941
ARPA DEPOSIT 2022	\$26,968,043	\$3,535,571	\$661,088	\$570,228	\$1,781,720	\$4,908,432	\$13,713,941
Interest other		\$17,108					
Refund from RAD Card						\$35,066	
TOTAL	\$53,936,085	\$7,088,250	\$1,322,176	\$1,140,445	\$3,563,440	\$9,851,930	\$27,427,882

Merced County and its incorporated cities received ARPA funds consistent with federal distribution requirements and had the authority over the use of these funds, subject to ARPA regulations. In addition, these decisions were made by elected officials at council and board meetings subject to the Ralph M. Brown Act.

METHODOLOGY

The Grand Jury investigated Merced County and its six incorporated cities with in-person interviews to discuss the receipt, accounting, disbursement and transparency of the uses of ARPA funds.

Grand Jury members met with finance directors, city managers, elected officials, and staff of the incorporated cities of Atwater, Dos Palos, Gustine, Livingston, Los Banos, Merced and the County of Merced, between December 2023 and March 2024 for in-depth interviews, which included discussions on the use of ARPA funds.

Members of the Grand Jury contacted Merced County and its incorporated cities for in-person interviews to discuss the receipt, accounting, disbursement, and transparency of the uses of ARPA funds.

The Grand Jury requested copies of documents regarding ARPA funding and its expenditures be sent to the Grand Jury, which included the receipt and planned allocation of ARPA funds, are as follows:

1. Copies of notices from the state of the ARPA award(s) to the City.
2. Copies of plans approved by the City Council for allocation of funds to various local programs.

3. Copies of established criteria and requirements used to determine awards and spending within the various programs.
4. A listing of each fund receipt from the ARPA
5. Listing of disbursements to date grouped by program.
6. Detail, listing by program, of commitments not yet disbursed.
7. Any internal report(s) evaluating the effectiveness of the ARPA on the City.

A request for information was sent to Merced County and the cities asking for a summary of their receipts and disbursements for ARPA funding and SLFRF reports. Whereas some cities were expedient with their requested information, others required multiple contacts to get the information requested.

DISCUSSION

The receipt, proposed use, and eventual distribution of ARPA funds has been an evolving process. To fulfill their “watchdog” responsibilities, the Grand Jury initiated contact with representatives of Merced County and its incorporated cities.

Generally, cities used ARPA funding for, public health, medical expenses, negative economic impact to small businesses, households, and others, provide premium pay to both the public and private sector workers performing essential work, infrastructure, and revenue replacement for administrative and government services due to the loss of revenue from the COVID-19 pandemic.

Merced County and its cities, like many of those across the country, were suddenly awash with millions of dollars. Federal interim guidelines as to how those funds should or could be spent were often unclear. The cities of Gustine and Los Banos used ARPA funding to provide small business grants of \$5000-\$25000 to their local small businesses. Local guidelines and a contact person were published on their application establishing a one stop shop for Gustine whereas Los Banos provided little to no information on theirs.

One City official from Dos Palos said the funding was an unanticipated “windfall” for their community which amounted to over a million dollars. Most cities were

concerned about how they could spend this funding. The Federal government's interim guidelines (issued in May 2021) laid out some, but not all requirements. The Treasury Department adopted the final rule on January 6, 2022, implementing the SLFRF program, with the effective date of April 1, 2022. On February 28, 2022, the Treasury Department released the updated Compliance and Reporting Guidance for the SLFRF program. The SLFRF reporting/tracking requirements are designed to ensure that funds received as part of the SLFRF program are used for eligible purposes. There are three types of reporting requirements for SLFRF program funds:

- Interim Report
- Project and Expenditure Report
- Recovery Plan Performance Report

Recipients of the funds are required to report on how they spent or are spending the funds they received, and what the status is of ongoing projects funded by the program.

The reports will be collected through April 30, 2027. The SLFRF requires program and performance reporting to build public awareness, increase accountability, and monitor compliance of eligible uses.

"We didn't want to do anything wrong and have to send the money back," said one official. This was a common situation not just in Merced County, but across the country according to media reports.

Mayors from across the U.S. pleaded for immediate action on billions of dollars targeted to shore up their finances and revive their communities. Some cities delayed investments to improve water, wastewater, stormwater, broadband and public safety projects. Dos Palos and Livingston has identified needs with water infrastructure issues.

"The cities wanted to get theirs, but we needed to be prepared." [6]

States and cities were slow to spend federal pandemic money [6]

According to an Associated Press news agency David A. Lieb • published (October 3, 2021) a review of the first financial reports due under law. States had spent just 2.5% of their initial allotment while large cities had spent 8.5%.

Many state and local governments reported they were still working on plans for their share of the \$350 billion, which can be spent on a wide array of programs.

Though President Biden signed the law in March, the Treasury Department didn't release the money and spending guidelines until May.

Cities sometimes delayed decisions while soliciting suggestions from the public.^[5]

During the fall of 2021 the lack of final rules from the Treasury Department discouraged some cities from making firm decisions of how to allocate the funding as they awaited clarification regarding eligible uses.

During the pandemic of 2021 and early 2022, city halls were closed to the public with limited staff onsite and many employees worked remotely. Cities relied heavily on social media and city websites to inform businesses and residents of available ARPA funds. As might be expected, larger cities appeared to be able to communicate better than smaller cities with limited staff. As a result, Merced County and its incorporated cities developed preliminary usage lists, gathered public input from residents, held town hall meetings, and provided directions to staff. Others waited for a final determination from the Treasury Department before moving forward.

Finally, in January 2022, the Treasury Department released the final SLFRF rule "which will officially take effect on April 1, 2022. The final rule provides useful clarifications in some areas, and substantive expansions of eligible activities in others. ^[6]

These are the seven major categories are monitored by the Treasury Department in the SLFRF reports final rule.

1. **Public Health and Negative Economic Impacts** - Public Health mitigation efforts, medical expenses, behavioral health, and other public health services.
2. **Negative Economic Impacts** - assistance to small businesses, households, and others negatively impacted due to the economic impacts of the ARPA pandemic. ARPA funding provided grants from \$5,000-\$25,000 to small businesses.
3. **Public Health-Negative Economic Impact** - Public Sector Capacity to support public sector workforce and rehiring.
4. **Premium Pay** - Public and private sector workers performing essential work.
5. **Infrastructure** - Necessary investments to improve water, wastewater, stormwater, broadband and public safety projects.
6. **Revenue Replacement** - Provide for government services impacted by the reduction of revenue due to the ARPA pandemic.
7. **Administrative** - Cover expenses of employees or consultants to ensure program compliance, fiscal integrity, and facility costs.^[9]

The following tables illustrate how Merced County, and its incorporated cities utilized their ARPA funds. All data in the following tables was obtained from submitted requested information, available public records, published council meeting minutes, agendas and budgets dated on or before Dec 31, 2023.

Merced County - ARPA Funds Summary

Amount received		\$53,936,085
	ARPA DEPOSIT 2021	\$26,968,042
	ARPA DEPOSIT 2022	\$26,968,043
1. Public Health		\$0
2. Negative Economic Impact		\$0
3. Public Health - Negative Economic Impact		\$0
4. Premium Pay		\$0
5. Infrastructure		\$0
6. Revenue Replacement		\$4,632,076
	Project CF1 (Community Facilities 1)	\$6,663,087
	Merced Library Handrails, Ballico Park Irrigation	
	Gustine Veterans Hall & ADA, Henderson Park Bat Removal	
	Le Grand Community Hall, Yosemite Lake Boat Dock	
	Le Grand Municipal Court Roof Replacement, Courthouse Park Irrigation	
	Santa Nella Roof Replacement, Le Grand Park Irrigation System	
	Hot Coals Containers Countywide, Henderson Park Split Rail Fencing	
	Livingston Veterans Hall Water Repair, Spring Fair. Water System/Irrigation	
	HVAC: Ballico Veterans Hall, Yosemite Lake Walking Pier	
	HVAC: Courthouse Museum, HVAC: Winton Veterans Hall	
	HVAC: Del Hale Community Hall, HVAC: Germino Building	
	HVAC: El Nido Community Hall, HVAC: Le Grand Muni Court	
	Livingston Library Public Service Counter, HVAC: Le Grand Veterans Hall	
	Los Banos Library Public Service Counter, HVAC: Planada Community Hall	
	HVAC: Winton Community Hall, HVAC: Stevinson Veterans Hall	
	Merced Library Book Elevator Replacement, Le Grand Library Roof	
	Broadway Park Irrigation/Sidewalk/Landscape	

Project CF2 (Community Facilities 2)	\$11,059,500
HVAC: Atwater Veterans Hall, Atwater Library Public Service Counter	
HVAC: Delhi Senior Citizens Center, Gustine Library Public Service Counter	
HVAC: Hilmar Community Hall, Hoffman Teen Center Construction	
HVAC: Los Banos Veterans Hall, Delhi Parkland Purchase	
HVAC: Merced Library, Le Grand Veterans Hall Roof	
HVAC: County Administration Building, Old Courthouse Museum Roof	
Project CF3 (Community Facilities 3)	\$4,600,000
Community Park 42 Project	
Delhi Education Park Restrooms	
Franklin Beachwood Environmental and Park Design	
Santa Nella Park Environmental and Park Design	
Germino Building Retrofit	
Hagaman Park Restrooms	
Project CS1 (COVID-19 Support 1)	\$302,428
EMFLA for employees	
Administrative and Sick Leave	
Data Collection Management	
Outreach equipment	
Personal protective equipment	
Vaccination Clinics	
Support costs, including: software, supplies, janitorial service	
Project CS2 (COVID-19 Support 2)	\$100,000
Items included in this project are related to ARPA community engagement	
Project CS3 (COVID-19 Support 3)	\$350,000
This project was established during the 2022 reporting period as part of	
This project was removed as part of the ARPA framework by the Board of	
Project FC1 (Black Rascal Creek Flood Control Project 1)	\$7,200,000
Project PP1 (Pandemic Payment 1)	\$3,000,000
Project HS1 (Homeless Services 1)	\$4,000,000
The County currently operates a Homeless Navigation Center that provides	

	Project PS1 (Public Safety 1)	\$6,500,000
	Funds allocated under this project will be used towards employee salaries	
	Project RD 1 (Roads 1)	\$10,000,000
	7. Administrative	\$0
	Totals	\$58,407,091
	Unencumbered Funds	\$0
	Non ARPA Funds	\$4,471,006

ATWATER - ARPA Funds Summary		
	Amount received	\$7,071,142
	ARPA DEPOSIT 2021	\$3,535,571
	ARPA DEPOSIT 2022	\$3,535,571
	Interest other	\$17,108
	Grand Total	\$7,088,250
	1. Public Health	\$0
	2. Negative Economic Impact	\$0
	3. Public Health - Negative Economic Impact	\$0
	4. Premium Pay	\$602,188
	Premium Pay to Essential Wrkrs	\$409,293
	COVID Related Employment Exp	\$192,895
	5. Infrastructure	\$6,201,487
	Fruitland Ave Rd Improvements	\$1,047,936
	Civic Building- Civic Center #1	\$1,067,889
	Police Dept Remodel/Rehab	\$340,296
	Civic Building- Civic Center #2	\$2,025,239
	HVAC Retrofit System PD Dept	\$12,502

	HVAC Retrofit System Youth Center	\$22,399
	Broadway Ave ReTasking Traffic	\$1,000
	City-Wide Lighting	\$0
	City-Wide Security	\$67,308
	Cedar and First Parking Lot	\$150,000
	Osborn Park Renovation	\$558,625
	Third & Atwater Blvd Sidewalks	\$59,988
	City Council Chambers Improvmt	\$27,517
	Palm/Bellevue ST/SLWK Improv.	\$157,255
	Station 41 Flooring	\$55,533
	Ralston Park Restrooms	\$1,000
	Third & Fourth Alley Pavement	\$6,000
	Shaffer/Brownell Alley Pavement	\$1,000
	First Street Overlay	\$600,000
	6. Revenue Replacement	\$0
	7. Administrative	\$574,461
	Drop In	\$30,060
	Recreation & Community Events	\$44,218
	Professional Services	\$112,795
	Memberships & Subscriptions	\$7,518
	Professional Services	\$247,912
	Machinery & Equipment	\$131,958
	Totals	\$7,378,136
	Unencumbered Funds	
	Non ARPA Funds	\$289,886

DOS PALOS - ARPA Funds Summary

Amount received		\$1,322,176
	ARPA DEPOSIT 2021	\$661,088
	ARPA DEPOSIT 2022	\$661,088
1. Public Health		\$0
2. Negative Economic Impact		\$0
3. Public Health - Negative Economic Impact		\$0
4. Premium Pay		\$0
5. Infrastructure		\$1,322,176
	Rehabilitate 750,000 Gallon water tank	\$1,322,176
6. Revenue Replacement		\$0
7. Administrative		\$0
Totals		\$1,322,176
Unencumbered Funds		\$0
Non ARPA Funds		

GUSTINE - ARPA Funds Summary

Amount received		\$1,140,445
	ARPA DEPOSIT 2021	\$570,227
	ARPA DEPOSIT 2022	\$570,228
1. Public Health		\$0
2. Negative Economic Impact		\$141,176
	209 Multi Media Corporation	\$70,000
	Kenny Pham (Mimi's Nails and Spa)	\$2,500
	Hair's the Place (Joyce M. Caetano)	\$3,905
	Monica M Barnes (Cornerstone Dance)	\$4,971
	Vance L Wolfson (Wolfson Meat & Sausage)	\$2,500
	Jennifer McDonald (Gustine Club)	\$2,500
	Patricia A Test (Pat's House of Beauty)	\$5,000
	Pastime Club LLC (William R. Marsigli)	\$5,000
	Aged to Perfection (Sherri M Marsigli)	\$5,000
	Salvador Lupian Manzo (El Piscosito)	\$7,500
	Jennifer Suzanne Villalobos (A Crafter's Paradise)	\$5,000
	Bazil Ali Thabit (Texas Burger Drive LLC)	\$2,500
	Megan Ventura (Ventura Fitness & Training)	\$2,500
	James D Freitas (Perry's More than Pizza)	\$5,000
	Mikayla Parreira (MK Salon & Boutique)	\$5,000
	Kenneth M Lopes (Ken's Cobblery)	\$4,800
	Martin Godinez (Martin Godinez Carmona dba MG Bakery)	\$5,000
	Jonathan Robert Flanagan (Four of Hearts Screen Printing)	\$2,500
3. Public Health - Negative Economic Impact		\$0
4. Premium Pay		\$37,060
	Payroll-Workers Pay	\$30,127
	Payroll-Workers Taxes	\$6,932
5. Infrastructure		\$200,000
	Water Sewer Line Mapping	\$200,000
6. Revenue Replacement		\$183,863
7. Administrative		\$0
Totals		\$562,099
Unencumbered Funds		\$578,346
Non ARPA Funds		

LIVINGSTON - ARPA Funds Summary		
Amount received		\$3,563,440
	ARPA DEPOSIT 2021	\$1,781,720
	ARPA DEPOSIT 2022	\$1,781,720
1. Public Health		\$0
2. Negative Economic Impact		\$0
3. Public Health - Negative Economic Impact		\$0
4. Premium Pay		\$344,480
5. Infrastructure		\$2,563,131
	Well 8A	\$2,000,000
	Disc and Ripper Tractor – Utility Rate Study	\$188,131
	Emergency Repairs Wastewater Treatment Plant	\$375,000
6. Revenue Replacement		\$0
7. Administrative		\$0
Totals		\$2,907,611
Unencumbered Funds		\$655,830
Non ARPA Funds		

LOS BANOS-ARPA Funds Summary		
Amount received		\$9,851,930
	ARPA DEPOSIT 2021	\$4,908,432
	ARPA DEPOSIT 2022	\$4,908,432
	Refund from RAD Card Program	\$35,066
1. Public Health		\$187,284
	Young's Air Conditioning	\$108,668
	The Radar Shop Inc.	\$540
	LN Curtis & Sons	\$4,788
	Proforce Law Enforcement	\$30,059
	Victory Tactical Gear LLC	\$12,332
	Cook's Communications	\$12,434
	Pen-Link LTD	\$19,553
	Truck Vault Inc	\$7,475
	US Bank Corp	\$13,174
	AT&T Mobility	\$39
	Proforce Law Enforcement	\$9,030
	Penlink C omputer	\$5,349
2. Negative Economic Impact		\$1,200,600
	Merced County Human Services	\$200,000
	US Bank Corp	\$2,500
	Law Office of William Vaughn	\$225
	RAD Card Funding	\$514,375
	Elaine Cory (Central Hotel)	\$25,000
	Kenneth Lambert (Biggins Texas BBQ)	\$25,000
	IEM InnovationEngineering Modular (Monica Herrador)	\$25,000
	Jimmy Wayne Dueval (Tony's Rendezvous)	\$25,000
	Reginald S Grimes (The Academy of Performing Arts and Fitness)	\$25,000
	Donna Koblis (Body Transformations)	\$25,000
	Chenny Francine Turner (Turner's Dance Explosion)	\$25,000
	Los Banos Chamber of Commerce (Michelle Sandoval)	\$25,000
	Mount Brow Lodge82 (Larry Johnson)	\$25,000
	Jose M Parra (RP Communication)	\$5,000
	Ziad Husein (The Fun Zone)	\$15,000
	BK Beauty Services Inc. (Baljeet Kour Singh)	\$8,000
	Maria Tostada (Westside Elderly Care)	\$6,000
	Santa Martinez Ortiz (Courtyard Mimosas)	\$19,000
	El Behemio Sport Bar Inc. (Rafael R Jurado)	\$10,000

Jenifer Correia (Crossfit Valleyview)	\$15,000
Crystal Martinez (Sheen Riah)	\$12,100
Tori D. Gonzalez (TDJ & Associates Photography)	\$5,000
Maria Lou Vierra (Lou's Beauty Salon)	\$15,000
Miguel Alejandre (Compound Grounds LLC)	\$20,000
Patricia Reyes (Jesse's Bar)	\$20,000
Ray Lewis Walton (League of United African American Citizens (LUAAC))	\$7,500
Karla Navarro Sevier (Hair by Karla)	\$7,500
Los Banos Elks Lodge No. 2510	\$24,987
Pedro L Cintora (Pete's Barber Shop)	\$20,000
Anthony M Parolise (Parolise Chiropractic Office)	\$11,500
Chester D Hogue (Central Valley GEEKS)	\$10,000
Strike Fitness LLC, (Amber Pope)	\$25,000
Giovanni Rodriguez (Giovanni Rodriguez Hair)	\$15,000
Los Banos Elks Lodge No. 2510	\$25,987
Crystal Martinez (Sheen Riah)	\$12,900
3. Public Health - Negative Economic Impact	\$0
4. Premium Pay	\$2,251,438
Payroll-Workers Benefits	\$159,438
Payroll-Workers Pay	\$2,092,000
5. Infrastructure	\$313,993
Anthony Gomes	\$2,337
Callander Assoc Landscape Architect	\$26,388
Electro-Mech Scoreboard Co	\$11,800
Halcyon Creek Inc.	\$9,260
Law Office of William Vaughn	\$563
Ronny's Inc	\$245,054
SIJ Holdings Inc	\$315
US Bank Corp	\$375
Valley Iron Inc.	\$2,036
Quad Knopf, Inc.	\$15,866
6. Revenue Replacement	\$6,409,183
7. Administrative	\$225
Law Office of William Vaughn	\$225
Totals	\$10,398,879
Unencumbered Funds	
Non ARPA Funds	\$546,949

Merced City ARPA Funds Summary

Amount received		\$27,427,882
	ARPA DEPOSIT 2021	\$13,713,941
	ARPA DEPOSIT 2022	\$13,713,941
1. Public Health		\$523,046
	COVID-19 City Expense	\$523,046
2. Negative Economic Impact		\$0
3. Public Health - Negative Economic Impact		\$0
4. Premium Pay		\$1,000,000
	Stimulus Payments	\$1,000,000
5. Infrastructure		\$13,861,400
	Bob Hart Square Expansion	\$800,000
	Broadband Infrastructure	\$2,650,000
	Mainstreet Traffic/Directional Enhancement	\$750,000
	Parklets/Beautification	\$200,000
	Water Infrastructure	\$2,500,000
	Community Park #42	\$4,536,400
	Applegate Zoo Renovation/Expansion	\$2,000,000
	Applegate Restroom	\$425,000
6. Revenue Replacement		\$13,885,686
	Parklets/Beautification project - CP240043	\$393,686
	Provision of Government Services	\$20,000
	Non-Profit Support	\$7,500,000
	Utility Bill Relief	\$1,500,000
	Stimulus Payments	\$1,000,000
	Job Training Program	\$772,000
	Expanded Youth Programs	\$2,200,000
7. Administrative		\$250,000
	Supplies and Services	\$250,000
Totals		\$29,520,132
Unencumbered Funds		
Non ARPA Funds		\$2,092,250

FINDINGS

- F1: Local guidelines for the awarding of Small Business grants by the city of Los Banos were not clearly defined or adequately publicized despite numerous requests from the public.
- F2: The Treasury Department issued interim guidelines which we believe created a situation where cities were unclear until the final rule was adopted.
- F3: County and Cities often relied on their established internal control procedures which varied between cities and relied on antiquated procedures on how to track funds.
- F4: Public opportunity for local input on the use of ARPA funding was inadequate.
- F5: Criteria for determining the awarding of ARPA funds were often vague and confusing.
- F6: Decisions about how funds were spent were solely made by the City Councils or the Board of Supervisors in accordance with the Treasury Department Final Rule Guidelines that took effect on April 1, 2022. However, these procedures were not followed consistently.
- F7: During our investigation, we discovered Dos Palos and Livingston were quick to invest in identified needs immediately, whereas other cities retained their funds until the issuance of the Final Rule.

RECOMMENDATIONS

- R1: The County and its incorporated cities should develop policies and procedures keeping transparency and public input first and foremost for

possible future occurrences of unexpected funding. Minimal Funding required. (F1)

- R2: Each Agency should designate at least one individual or office to serve as a one-stop-shop for residents, small business owners, contractors, and other members of the business community. This individual(s) should provide guidance and recommendations to assist in determining eligibility for Federal, State or Local funds. Moderate funding required. (F1)
- R3: In addition to using internal controls, ARPA funds received should be audited regularly by an outside agency to ensure accountability and transparency. Moderate funding required. (F4)
- R4: The amount of ARPA-related funding received, and its proposed usage, should be posted prominently on public agency's websites and social media sites detailing the receipt and distribution of all ARPA-related funds. Minimal funding required. (F2, F3, F5, F6,)
- R5: Cities and the County need to provide information to residents to easily track the amount of funding received and its usage including contracts awarded for ARPA related projects, progress on ARPA funded projects and the impact of the funding on their community. Minimal funding required. (F2, F3, F4, F6)

REFERENCES

^[1] California Legislative Information, Penal Code, Part 2, Title 4, Chapter 3, Article 2, Section 925. Published 1977. Accessed March 17, 2022, from https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=PEN§ionNum=925.

^[2] United States Department of Treasury Department, "Coronavirus State and Local Fiscal Recovery Funds," Final Rule. Federal Register, Vol. 87, No. 18, Rules and Regulations. Published January 27, 2022. Accessed March 21, 2022, from [2022-00292.pdf](https://www.federalregister.gov/documents/2022/01/27/2022-00292) (govinfo.gov)

^[3] Department of Finance.ca.gov/budget/state-fiscal-recovery-fund/ State Fiscal Recovery Funds

^[4] AMERICAN Rescue Plan Spending: Recommended Guiding Principles from American Rescue Plan Spending: Recommended Guiding Principles (gfoa.org)

^[5]US Department of Treasury Management contact GFOA-Treasury and Management Best Practices

^[6] Associated Press, “States and cities slow to spend federal pandemic money.” Published October 3, 2021. Accessed March 21, 2022, from AP: States and cities slow to spend federal pandemic money | AP News

^[7] Treasury.gov/news/press-releases Treasury Issues Final Rule for State and Local Fiscal Recovery Funds Program to Support the Ongoing COVID Response | U.S. Department of the Treasury

^[8] mrsc.org/explore topics/finance/revenues/American rescue plan Interim rule MRSC - American Rescue Plan Act (ARPA)

^[9] <https://home.treasury.gov/system/files/136/SLFRF-Final-Rule.pdf> SLFRF-Final-Rule.pdf (treasury.gov)

REQUESTS FOR RESPONSES

Pursuant to Penal Code Section §933.5, the following responses are required written in 60 days.

- Merced County Board of Supervisors. Response to R-1 through R-3.
- Merced County CEO. Response to R-1 through R-5.
- County Councils of the incorporated cities of Atwater, Dos Palos, Gustine, Livingston, Los Banos and Merced. Responses R-1 through R-5.

The following responses are required within 90 days.

- City Managers of the aforementioned incorporated cities.

Responses are to be submitted to the Presiding Judge of the Merced County Superior Court in accordance with Penal Code Section §933.05.

DISCLAIMER

Reports issued by the Grand Jury do not identify the individuals who have been 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.

Merced County Civil Grand Jury
June 30, 2024
Housing Authority County of Merced

SUMMARY

The Housing Authority of Merced County (HA) fulfills an important need for residents of Merced County who require necessary services obtaining permanent housing within the guidelines of the State of California Housing Authority Agency. This service is open to residents who qualify for low-income housing under Section VIII, and under several other state and federal guidelines.

The HA has a responsibility fiscally and to the community, through the large number of services they provide. The HA has no record of review of their policies and procedure manuals. There are delays filling Board of Commissioners (BOC) vacancies. The HA is a legal entity created by statute (i.e. section 34200 et seq) and the BOS has an obligation to select 5 of the members of the BOC of the HA.

BACKGROUND

The HA was created pursuant to the provisions of California Health and Safety Code Section 34200 et seq. (Housing Authority Law) and shall operate its business in compliance with the applicable laws and regulations of the United States of America, the U.S. Department of Housing and Urban Development, and the Housing Authority Law.

The Federal Housing Act of 1937 provided subsidies to be paid by the U.S. Government to local public housing agencies to improve living conditions. The Housing and Urban Development (HUD) Act of 1965 created HUD as a cabinet-level agency and initiated a leased housing program to make privately owned housing available to low-income families. The Act expanded funding for existing federal housing programs, provided rent subsidies for the elderly and disabled, veterans, assisted in the construction of more low-income housing and provided funds for public work projects.

Since 1942 the HA has facilitated providing affordable housing to low and very-low-income families throughout the county. October 1, 1999, is the effective date

of the merging of the Section Eight Certificate and Voucher Program into the Housing Choice Voucher Program.

The HA operates under the auspices of a seven-member BOC. Five of the members are from the community at large and two members are residents of the Authority. At its annual meeting in March, the Board elects a Chairperson and Vice Chairperson to serve for one year. The five at large members are selected by the (BOS). Funding for the various programs is provided by HUD, the Federal Rural and Economic Development Administration and through the State Department of Housing and Community Development.

The HA owns, operates, and maintains the following County Residences or Support System

Housing Choice Vouchers	2,950	Vouchers
Public Housing	421	Housing Units
Valley View Homes	73	Housing Units
Merced Commons I/II	147	Housing Units
Oak Terrace	65	Housing Units
Migrant Farm Worker Homes	228	Housing Units
Year-Round Farm Labor	50	Housing Units
Total Units	3934	Housing Units

METHODOLOGY

The Merced County Civil Grand Jury (Grand Jury) members interviewed several HA employees from varying levels of the HA both current and former, a representative of the BOC, and the complainant. We reviewed minutes and agendas of the BOC'S meetings and requested documentation for review. We attempted to attend a meeting of the BOC, but it was cancelled without notice.

DISCUSSION

The Grand Jury received a complaint regarding the HA. The Grand Jury conducted a thorough investigation that consisted of multiple interviews, requested and reviewed documents and attempted to attend BOC meetings. The Grand Jury attempted to attend the September 13, 2023 BOC meeting. That

meeting was canceled due to a lack of a quorum. A quorum is necessary in order to conduct specific actions during a board meeting.

The HA is responsible for an annual budget of \$28,227,822 as cited in their Annual Plan FY 2023-2024 document. The HA has a responsibility to Merced County to administer housing assistance programs to our residents. Management of funds and distribution of monies through the HA on behalf of the public demands thorough oversight. The BOC and BOS are responsible for providing this oversight.

Financial Resources: Planned Sources and Uses		
Sources	Planned \$	Planned Uses
1. Federal Grants (CY 2021 grants)		
a. Public Housing Operating Fund	1,607,510	Public Housing
b. Public Housing Capital Fund CA01P02350122	1,469,649	Unit Rehab
c. HOPE VI Revitalization		
d. HOPE VI Demolition		
e. Annual Contributions for Section 8 Tenant-Based Assistance	22,224,258	Housing Choice Rental Assistance
f. Resident Opportunity and Self-Sufficiency Grants	54,400	Ross Coordinator
g. Community Development Block Grant		
h. HOME		
Other Federal Grants (list below)	266,317	
USDA - RD Rental Assistance		
CARES Public Housing OpFund		
CARES Section 8 Tenant Based Assistance		
2. Prior Year Federal Grants (unobligated funds only) (list below)		
j. Resident Opportunity and Self Sufficiency Grants		
Public Housing Capital Fund 2022	940,486	
3. Public Housing Dwelling Rental Income	2,031,711	Public Housing Operations
4. Other income (list below)		
Shelter Plus Care	77,010	Rental Assistance
VASH	726,475	Rental Assistance
Mainstream	111,187	Rental Assistance
CARES - Mainstream		
5. Non-Federal Sources (list below)		
State Programs	1,489,586	Operations
Local	243,031	Operations
Total Resources	28,227,822	
Source - Housing Authority of the County of Merced Annual Plan for Fiscal Year 10/1/23 - 9/30/24		

Site excerpt from <https://www.merced-pha.com/admin/1-PHA%20Annual%20Plan%20FY%202023-2024.pdf> “1-PHA Annual Plan FY 2023-2034 pg. 9

The Grand Jury discovered the absence of formal standard operating procedures invites non-uniform implementation of rules and regulations of housing programs thus exposing the agency to liabilities and a loss of trust by the public.

The BOC is comprised of seven commissioners, including five who are appointed by the BOS, two are selected by the BOC which must be approved by the BOS and are at large from the tenant population. The BOC has had a vacancy on their Board since 2022. As of this report the BOS has not filled the seventh vacancy. Without a full Board, there are problems with obtaining a quorum necessary to conduct business meetings that requires a vote.

The Grand Jury was informed that the BOC best practice is to provide an annual report to the BOS. This report was requested of the BOS by the Grand Jury. The BOS was not able to provide the report to the Grand Jury.

While conducting this investigation the Grand Jury experienced challenges in contacting individuals within leadership (Administrative leadership and BOC) of the HA for interviews and general questions because modes of communication (phone numbers and e-mails) were not listed on the website for the HA, neither in the “Contact Us” section nor the BOC section. Communication with the leadership was achieved through secretarial administrative personnel and more indirect means.

FINDINGS

- F1: There is an absence of urgency by both the BOC and the BOS to fill vacancies on the BOC in a timely manner.
- F2: There is a lack of direct lines of communication (e.g.: phone lines, agency email) with the members of the BOC and the Executive Administration of the HA.

RECOMMENDATIONS

- R1: Fill any BOC vacancies within 90 days of vacancy. (F1)

- R2: Update website contact information for all employees and for the BOC (e.g.: phone, agency email). (F2)
- R3: Create and publish a clear, direct line of communication for the public with the BOC and the Executive Administration of the HA. (F2)

REQUEST FOR RESPONSE(S)

Pursuant to Penal Code §933.05, the following response is **required** in 60 days

- Merced County Board of Supervisors respond to (R1)

The following are **invited** to respond in 90 days:

- Merced County Housing Authority Board of Commissioners respond to (R1)
- Merced County Housing Authority Executive Director respond to (R1, R2)

Responses are to be submitted to the Presiding Judge of the Merced County Superior Court in accordance with Penal Code Section §933.05.

DISCLAIMER

Reports issued by the Grand Jury do not identify the individuals who have been 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.
--

Merced County Civil Grand Jury
June 30, 2024
Merced City School District – Our Students Deserve More

SUMMARY

The Merced City School District (District) Administration along with the Merced City School District Board of Trustees (Board) have lost respect and trust from some of those they serve. Evidence obtained by the Merced County Civil Grand Jury (Grand Jury) indicated the Board committed multiple Brown Act violations and failed to adhere to the norms and procedures outlined in the Merced City School District (MCSD) Governance Team Handbook. The Board has approved Policies and Administrative Regulations regarding complaints. The District does not have written procedures outlining how those policies are followed. The absence of procedures creates confusion for those who want to file or have filed complaints.

Evidence obtained by the Merced County Civil Grand Jury (Grand Jury) indicated the Board committed multiple Brown Act violations and failed to adhere to the norms and procedures outlined in the Merced City School District (MCSD) Governance Team Handbook. The Board has approved Policies and Administrative Regulations regarding complaints. The District does not have written procedures outlining how those policies are followed. The absence of procedures creates confusion for those who want to file or have filed complaints.

BACKGROUND

The District is comprised of 4 middle school and 14 elementary school sites, providing educational services to over 11,400 students, and employment opportunities to over 1400 certificated and classified staff. The District is led by the Superintendent, who is the sole employee of the Board. The Superintendent implements Board decisions and manages the operation of the schools. The Board is comprised of five members, one elected from each of the five district areas.

The Grand Jury received complaints regarding the current Board and District administration citing Brown Act violations, Board misconduct and policy violations involving but not limited to sexual misconduct, harassment and

bullying/intimidation in the workplace. On multiple occasions stakeholders publicly expressed concern for the future of the District under current District administration and the Board.

METHODOLOGY

The Grand Jury conducted extensive interviews with complainants and witnesses, reviewed Board minutes, Board policies, attended Board meetings, watched multiple Board meeting video recordings and requested records from the District office. The Grand Jury researched court cases filed against the District. Records obtained through the California Public Records Act, including complaints against the District, text messages and emails were reviewed. Additionally, the MCSD Governance Team Handbook, the California School Board Association's Brown Act handbook and the California Education Code were referenced.

DISCUSSION

Complaints received by the Grand Jury against the Board stemmed from the unauthorized release of a "Stakeholder Input Report for Merced City School District, Merced, California" (Report). The report was compiled by the executive recruitment firm McPherson & Jacobson hired by the District to identify the best Superintendent candidate.

According to the September 22, 2023, Board minutes, the Board terminated the services of McPherson and Jacobsen for not meeting their contractual obligation. During the meeting, Board President Brooks stated McPherson and Jacobsen did not provide a "high-level summary" report to the Board. The Board decided the report was not a "high-level summary" therefore they claim a report was never received. There is evidence that members of the District administration, the Board and public had access to the "Stakeholders Input Report for Merced City School District, Merced, California" written by McPherson & Jacobson prior to the September 22, 2023, Board meeting. At the September 22, 2023 meeting, the Board denied receiving any report. Per the Board Minutes from the September 22, 2023, meeting, "Board President Brooks reported . . . You may have heard about a potential report that was supposed to be created by the consultants. The Board has not received any such report."

Although the Board denied receiving any report, evidence in the form of text messages and emails amongst District staff, Board Trustees, non-District employees collected by the Grand Jury indicated Board Trustees and members of the public viewed copies of the Report. It is unclear who initially released the report, however, it is clear a report existed. The Grand Jury has a copy of the report. Board Trustees who discussed this report outside of closed session violated the Brown Act.

In addition to this Brown Act violation, the Grand Jury discovered other Brown Act and California Education Code violations committed by the Board. These violations included disclosure of closed session information, serial meetings, and failure to approve Board minutes.

Evidence in the form of text messages and emails which led to the discovery that multiple Board Trustees violated the Brown Act by conducting serial meetings in which more than two Trustees were involved in emails and/or texting other Trustees.

According to the California School Board Association (CSBA) Brown Act School Board and Open Meeting Laws handbook referencing Government Code 54952.2, "Serial meetings occur when members contact and speak individually to other members, and by contacting each other one by one, a majority of the board discusses, deliberates, or reaches a decision on a proposed action. A serial meeting also occurs when a majority of the full board obtains information about the other members' views on a particular subject outside of a public meeting. Two versions of serial meetings are the "hub-spoke" meeting and the "daisy-chain" meeting. The "hub-spoke" serial meeting occurs when one board member, or their representative, contacts other board members so that a majority of board members become involved in a discussion of an item of business or a transaction. The "daisy-chain" serial meeting occurs when one of the members calls another to discuss business and then the second member calls a third to discuss the conversation, and so on.

Additionally, the attorney general has opined that Government Code 54952.2 prohibits a majority of the board from sending emails to each other to develop a collective concurrence as to an action to be taken by the board even if the emails are (1) sent to the secretary and chairperson, (2) posted on the district's website, and (3) distributed at the next meeting.

According to California Ed Code 35145(a) “Minutes shall be taken at all of those meetings, recording all actions taken by the governing board. The minutes are public records and shall be available to the public.” The District website has a link for “Agendas and Minutes”. Selecting this link takes the user to Board Docs where links to Board meeting agendas and minutes are located. The Grand Jury utilized the site to verify Board meeting information. According to District personnel, minutes and agendas are posted on the website. The Grand Jury found the following issues concerning minutes:

- Hyperlinks for minutes were not consistently available on the District website.
- Minutes were not published on the District website.
- Previous minutes were not included as a Consent Agenda item for Board approval.
- 6/13/23 to 4/30/24 Board Agendas are linked on District website.
- 21 out of 28 hyperlinks to minutes were not posted on the meeting date page.
- Users had to open up the Agenda, look for Consent Agenda items, and check for a hyperlink to the minutes.
- 6 out of 16 Regular meeting agendas didn’t have previous meeting minutes to approve under Consent Agenda items.
- At the 12/12/23 meeting Consent Agenda item listed was the approval of the 11/14/23 minutes, but they were not attached. The Board voted to remove that item from the Consent Agenda.
- 8 out of 12 Special meeting minutes were not published or voted on for approval.

The Grand Jury visited the District office on May 10, 2024, and requested copies of minutes for October 24, 2023, and February 13, 2024, meetings. District personnel attempted to demonstrate how to access the minutes online through the District website. They were unsuccessful in locating those minutes on the website. District personnel attempted unsuccessfully to connect the Grand Jury with the staff member responsible for Board minutes. The Grand Jury left contact information and requested to be called regarding our request for Board minutes. The Grand Jury did not receive a response, or the minutes requested.

Board Minutes Log June 2023 – April 2024

Board Meeting Date	Type	Which previous meeting (date) minutes were approved	Date this meeting's minutes were approved	Link to Minutes on Website 1/10/23 to 6/13/23 posted	Board Meeting Date	Type	Which previous meeting (date) minutes were approved	Date this meeting's minutes were approved	Link to Minutes on Website 1/10/23 to 6/13/23 posted
6/13/2023	Regular	5/23/2024	6/27/2023	Yes	1/9/2024	Regular	None	None	No
6/20/2023	Special	None	8/8/2023	No	1/16/2024	Special	None	None	No
6/27/2023	Regular	6/13/2023	8/8/2023	Yes	1/17/2024	Special	None	None	No
7/11/2023	Special	None	8/8/2023	No	1/23/2024	Regular	12/12/2023	None	No
8/8/2023	Regular	6/20/23, 6/27/23, 7/11/23	8/22/2023	No	2/5/2024	Special	None	None	No
8/22/2023	Regular	8/8/2023	9/12/2023	No	2/6/2024	Special	None	None	No
8/29/2023	Special	None	9/26/2023	Yes	2/13/2024	Regular	None	None	No
9/12/2023	Regular	8/22/2023	9/26/2023	Yes	3/6/2024	Special	None	None	No
9/22/2023	Special	None	9/26/2023	Yes	3/12/2024	Regular	None	None	No
9/26/2023	Regular	8/29/23, 9/12/23	10/24/2023	Yes	3/13/2024	Special	None	None	No
10/10/2023	Regular	9/22/2023	11/14/2023	No	3/26/2024	Regular	None	None	No
10/24/2023	Regular	9/26/2023	Missing	No	4/23/2024	Regular	None	None	No
11/14/2023	Regular	10/10/2023	*	No	4/25/2024	Special	None	None	No
12/12/2023	Regular	*Recommended 11/14/23 approval, not attached and no vote recorded.	1/23/2024	Yes	4/30/2024	Special	None	None	No

The Grand Jury attended a Board meeting on May 14, 2024. Three of the five Trustees were present during the meeting. The Trustees were asked to approve the Consent Agenda which included minutes for October 24, 2023, and November 14, 2023, Board meetings. The initial vote to approve the Consent Agenda did not pass. After the vote did not pass, Trustees discussed the consent items, and a concern was raised that the trustees were requested to approve minutes from meetings held up to 8 months prior. A specific concern was a potential lack of remembrance of Board meetings held that long ago.

A second motion with the removal of Consent Agenda item B, Minutes (October 24, 2023, and November 14, 2023, minutes) was approved. District staff acknowledged that “the minutes need to be caught up” and “they are working hard on getting caught up”. A Trustee recommended that the public watch the Board meetings on YouTube, however the links to these meetings are not available on the District website as of October 2023 and forward. The Grand Jury had to search YouTube to locate the videos of the Board meetings. “Minutes of Board meetings must be kept as a record of every official board action taken” per the Education Code 35145, 35163.

The Board Policy (BP 9324) states “The Governing Board recognizes that maintaining accurate minutes of Board meetings helps foster public trust in Board

governance and provides a record of Board actions for use by district staff and the public.” Per this policy “minutes shall be public records and shall be made available to the public upon request”. Additionally, this policy states that the “Superintendent or designee shall distribute a copy of the “unapproved” minutes of the previous meeting(s) with the agenda for the next regular meeting. The Board shall approve the minutes as circulated or with necessary amendments”.

The Grand Jury heard public comment and received copies of emails calling into question the actions and behaviors exhibited by the Board and District Administrative staff. The MCSD Governance Team Handbook states, “The Merced City School District Board of Education is elected by the community to provide leadership and citizen oversight of the District. The Board shall ensure that the District is responsive to the values, beliefs and priorities of the community.”

The Board adopted a document titled, “Merced City School District (MCSD) Board of Education Protocols” on August 24, 2021. The document outlines expectations for the Board. Item 10 on this document states, in part, “We will be open-minded and willing to listen to all speakers/presenters. We agree that we can disagree and will do so using common courtesy and respect for others.” This document was revisited by the Board at the September 26, 2023, Board meeting. The Grand Jury reviewed the video recording of this meeting, Board members were observed shaking their heads, rolling their eyes, laughing and interrupting each other and the public.

The public finds comments and gestures made by the Board in reaction to Public comments, concerning. According to the MCSD Governance Team Handbook, “The District is governed by a Board, not by individual Trustees. While understanding our separate roles, the Board and Superintendent work together as a “governance team.” This team assumes collective responsibility for building unity and creating a positive organizational culture in order to govern effectively.” After viewing several Board meeting videos and attending in person, actions of the Board do not reflect their own adopted norms. The Grand Jury attended Board meetings and reviewed multiple video recordings of Board meetings. Countless times on several occasions, the Grand Jury observed, Board members interrupted each other, interrupted public speakers, spoke to each other while others were speaking, rolled their eyes, smirked at others. Though it is not

uncommon for a Board to disagree with public comments, actions and Behaviors such as these, do not build unity or create a positive organizational culture. It is noted that the Board participated in four Governance Workshops in 2024.

During the Board meeting January 23, 2024, it was recommended that the Board accept Board Policy 9005 as a second reading. There are no minutes available for this meeting as of this report date to confirm its adoption. The Censure policy states “All Board members shall abide by federal and state laws, as well as District Board policies, regulations, and bylaws. Violation of such laws, policies, regulations, or bylaws damages the good name of the District and undermines the effectiveness of the Board.”

Multiple sources expressed concern to the Grand Jury that sexual harassment, intimidation, and fear of retaliation exist within District. The Grand Jury discovered multiple sexual harassment lawsuits filed against District.

The Grand Jury discovered the following claims involved sexual harassment:

- 2005 Cravalho v Merced City School District: Discrimination based on race; Sexual Harassment; and Racial Discrimination
- 2018 Alejandra Ramirez v Merced City School District: Merced City School District for Failure to Prevent Sexual Harassment, Negligent Hiring and Emotional Distress.
- 2021 Nicole Hamlin v Merced City School District Superintendent Al Rogers: Sexual Assault and Battery, Sexual Harassment
- 2021 Nicole Hamlin v Merced City School District: Labor Lawsuit

The Grand Jury requested information from the District regarding complaints filed with them including allegations of bullying, harassment, intimidation and sexual harassment by students, staff and/or administration. The following is a timeline relating to the Grand Jury request for this information.

3/20/24 - Public Records request for Uniform Complain Procedure (UCP) complaints submitted to District

3/29/24 - District replied via their attorney, no UCP complaints were filed

4/05/24 - Broader Public Records request for complaint submitted to District

5/24/24 - District Complaint Data received from the District's attorneys

District Complaint Data					
Type of Complaint	FY 19/20	FY 20/21	FY 21/22	FY 22/23	FY 23/24
Complaints – Bullying, gender disc., sexual harassment, sexual assault	1	0	3	2	1
Grievances – Bullying, gender disc., sexual harassment, sexual assault	0	0	0	0	0
Parent/Public Complaints – Bullying, gender disc., sexual harassment, sexual assault	0	0	0	0	2
UCP	0	0	0	0	0

The “District Complaint Data” conflicted with information obtained by the Grand Jury. This discrepancy led to the examination of how complaints are filed, categorized, and processed with the District. The Grand Jury interviewed various District personnel who were asked to describe the complaint process. Although there is no written complaint procedure, there is an informal process followed for complaints. Personnel agreed on the following: anyone can file a complaint, interviews are conducted, evidence is gathered, and resolutions are reached. There are multiple levels of complaints.

The complaint process is not clear in the following ways:

- Four different complaint forms are available; knowing which form to complete is not clearly identified.
- Of the four complaint forms, only the UCP form is accessible on the District website.
- The other three forms were located only through an external internet search. That search yielded a District webpage that was not linked to their website.
- The District Parent/Public Complaint Form found through an external internet search, was only available in English.

- The District does not have written procedure(s) in place for those filing complaints including which form to complete, who to file it with, process after filing, etc.
- The Level I Parent/Public complaint form does not specifically indicate who the form should be submitted to.
- The “Received By” section of the Level I Employee Complaint Form does not say who to submit the form to but does have a signature line for the principal or supervisor who investigated and responded to the complaint.
- No written guidelines for filing a complaint against a superior could be located.
- No written guidelines for filing a complaint against the Superintendent could be located.

The complaint process includes actions to be taken by the Director of Human Resources and the Associate Superintendent of Human Resources. There is no written process to follow when a complaint is filed against the Superintendent that does not include the Associate Superintendent of Human Resources. The Acting Superintendent holds the position of Associate Superintendent of Human Resources concurrently.

The District does not have an employee handbook for certificated or classified employees. An employee handbook communicates the rules. It holds everyone accountable to those standards, while building trust and transparency between employers and staff.

FINDINGS:

F1: The Board fails to follow the guidelines set forth in both their MCSD Governance Team Handbook and their MCSD Board of Education Protocols.

F2: The Board violated the Brown Act on multiple occasions.

- Text messages and emails indicated Trustees engaged in serial meetings because a majority of the full board obtains information

about the other members' views on a particular subject outside of a public meeting.

- Text messages and emails indicated Trustees engaged in discussion of closed session topics outside of closed session amongst themselves and with non-Board members.

- F3: The District violated Education Code 35145, 35163 by not having minutes of Board meetings available to the Public.
- F4: Since September 26, 2023, no links to Board Meetings have been posted on the District website under the Board Meeting Video Archive tab, as the writing of this report.
- F5: Inappropriate behaviors of the Board, specifically facial expressions, side conversations, and verbal criticism from one trustee towards another occurred on multiple occasions.
- F6: The Board has failed to approve Board minutes for multiple meetings.
- F7: The District has failed to prepare and include prior board meeting minutes on multiple consent agendas.
- F8: The Board Trustees have displayed open hostility towards one another in public meetings and have used their Censure Policy to silence one another in Board meetings.
- F9: The District does not have an employee handbook for certificated or classified employees.
- F10: The District does not have written procedure(s) in place for individuals filing complaints including which form to complete, who to file it with, process after filing, etc.

RECOMMENDATIONS:

- R1: The Board should regularly review their MSCD Governance Team Handbook. (F1)
- R2: The Board should review their MSCD Board of Education Protocols prior to each meeting. (F1)

- R3: The Board along with the Superintendent should be required to attend Brown Act training, at minimum once a year or more frequently if violations exist. (F2)
- R4: The District should create and follow a process regarding Board minutes: an example of this process could include typing minutes of prior Board meetings, making those minutes available at the next Board meeting for Board approval, and publishing approved Board minutes for public viewing within one week of Board approval. (F3, F4, F6, F7)
- R5: The Board should follow their MCSD Governance Team Handbook as it relates to engaging in private conversations during Board meetings. (F5)
- R6: The Board's MCSD Governance Team Handbook states the following:
- Operate openly, with trust and integrity.
 - Govern in a dignified and professional manner, treating everyone with civility and respect
 - Maintain a collegial tone, where discussion and debates are thoughtful and respectful. (Tone includes both verbal and non-verbal behaviors.)

The Board should follow their MCSD Governance Team Handbook as it is a guide for proper professional behavior to building unity and creating a positive organizational culture in order to govern effectively. (F5)

- R7: The District should post links to Board meeting videos on the MSCD website under the Board Meeting Video Archive tab within a week of the Board meeting. (F4)
- R8: The Board's Censure policy can be a valuable tool when used correctly and with discretion. The Board should use caution when silencing trustees through the censure process and procedure. (F8)
- R9: The District should create and provide an employee handbook for certificated or classified employees. (F9)
- R10: The District should create and follow a written procedure for individuals filing complaints. (F10)

R11: The Board should follow their governing policies as written, including but not limited to their MCSD Governance Team Handbook and the MCSD Board of Education Protocols. (F1, F2, F5, F8)

REQUEST FOR RESPONSE(S):

Pursuant to Penal Code Section 933.05, the following responses are required in 60 days:

- Merced City School District Board of Trustees respond to (R1, R2, R3, R5, R6, R8, R11)
- Merced City School District respond to (R4, R7, R9, R10)

Responses are to be submitted to the Presiding Judge of the Merced County Superior Court in accordance with Penal Code Section §933.05.

DISCLAIMER

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.

RECUSAL: Juror Diana Zuniga

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 2022-2023 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.

Election Office Ballot Errors

FINDINGS

- F1: Incorrect ballots sent to voters caused anxiety and confusion for candidates and voters in districts within the County.
- F2: Accuracy of the mapping of district and precinct boundaries was hindered by the lack of a detailed work plan to guide the efforts of staff.
- F3: The Elections Office did not take full advantage of advanced software to assist with the mapping process.
- F4: The County of Merced responded in a swift and effective manner to correct the mapping errors, to issue corrected ballots and to communicate with affected voters and candidates.
- F5: County personnel demonstrated a commitment to ensuring the integrity of Merced County elections.

RECOMMENDATIONS

- R1: The Registrar of Voters to implement single point addressing before the next General Election.
- R2: The Registrar of Voters to create a comprehensive Work Plan for the mapping process that follows the 10-year redistricting. Review and update annually.
- R3: The Registrar of Voters to create a training model for each position in the Elections Office and use that model for current employees and new hires to identify training needs.

REQUEST FOR RESPONSES(S)

Pursuant to Penal Code Section 933.05, the following responses are required:

- Assistant CEO of the County of Merced respond to R1, R2 and R3 within 90 days.



Melvin E. Levey
Registrar of Voters

2222 "M" Street
Merced, CA 95340
Main: (209) 385-7541
Fax: (209) 385-7387

www.mercedelections.org

To: The Honorable Steven K. Slocum, Presiding Judge of the Civil Grand Jury, Superior Court of California, County of Merced

Response from the Merced County Registrar of Voters regarding Elections Office Ballot Errors and associated recommendations.

Integrity in our elections is paramount to maintaining the trust and legitimacy of the American elective process. The Merced County Registrar of Voters is determined to reinforce electoral integrity and ensure that all elections conducted in this County happen in a free, fair, transparent, and secure manner. The issues, detailed in the Grand Jury Report, that occurred during the run-up to the 2022 General Election were serious in nature and have received a high level of attention and focus from the Board of Supervisors, the CEO's office, and the Merced County Registrar of Voters. While the impact to the election was mitigated through the extensive and efficient response from County leadership and personnel, measures are being taken to ensure that these errors do not happen in the future. The following is a response to each recommendation from the Grand Jury.

Recommendation: R1. The Registrar of Voters to implement single point addressing before the next General Election.

The Merced County Registrar of Voters is completing a full review of the 2023 District Boundary Maps as a result of issues identified during the previous election cycle. The review of 100% of the data is intended to ensure the accuracy of our elections maps and restore confidence in the County's maps, boundaries, and precinct lines. The review will consist of a thorough analysis of all lines and maps, utilizing Geographic Information Systems (GIS) technology to ensure that Merced County's maps and associated voter data is updated according to the latest census, drawn in accordance with the Elections Code, and places voters in their correct locations and districts throughout the County.

The Registrar of Voters will be converting all voter location data to a single-point address convention in connection with GIS maps. By converting this previous non-spatial data to spatial points, the Elections Department will be able to be more precise with mapping and locating voters in the County. Leveraging this technology also enables the Elections Department to use additional tools and software to confirm the accuracy of our voter locations within their districts and precincts. The combination of human training and checking and GIS-based technology systems will bring the Merced County Registrar of Voters to the forefront of elections operations, outpacing many other Counties in their use of mapping technology. Thus, the implementation of single-point addressing will be completed in 2023, well ahead of the 2024 Presidential Primary in March 2024 and in line with the recommendation provided here by the Civil Grand Jury.

Recommendation: R2. The Registrar of Voters to create a comprehensive Work Plan for the mapping process that follows the 10-year redistricting. Review and update annually.

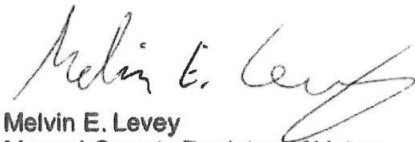
The work of the 2023 District Boundary Review, mentioned in the response to Recommendation 1, will not be over once single-point addressing is implemented. Rather, data and mapping operations will be ongoing to prevent issues from building up between decennial censuses, and to ensure voter information is correct prior to every election. In support of that work, the Merced County Elections Department stood up the new Merced County Registrar of Voters Data and Mapping Center in mid-2023. Staffed by current Elections Department team members, this Center will provide a continuous in-house capability to integrate, analyze, and apply GIS data and other technology platforms to the critical mapping and other data-driven tasks that the Department has. These are no-fail tasks and building that capacity within the Department is an important step in ensuring these critical skills are built organically and embedded throughout the Department's operations.

Ongoing, the Elections Department will focus on regular updates as new voters and addresses are added to the system and voters move throughout the County. Additionally, throughout the 2023 District Boundary Review, the Registrar of Voters is documenting and creating the written training, procedures, and processes associated with this project to ensure that the expertise they are building can be maintained and built upon.

Recommendation: R3. The Registrar of Voters to create a training model for each position in the Elections Office and use that model for current employees and new hires to identify training needs.

Training within the Elections Department is critical and the Merced County Registrar of Voters has identified numerous opportunities to revamp and enhance the training regimen. The Department's training program is now anchored by weekly department-level training sessions designed to increase the cohesiveness, knowledge, and effectiveness of the staff. In addition, onboarding training has been recreated and refreshed to ensure that each member of the Department is trained to their position, meeting or exceeding the baseline level of performance that is expected of them. The training program is being standardized across the Registrar of Voters Department, beginning with the critical individual skills that each member must execute and then moving to the more complex team-level tasks of the Department. To support this new operational and training model, formal teams have been organized or recreated, where necessary. This model will allow for every member of the Department to become an expert in their position and open up opportunities for cross-training as needed.

Respectfully,



Melvin E. Levey
Merced County Registrar of Voters
209-385-7541

Melvin.Levey@countyofmerced.com



Marci Barrera
Assistant County Executive Officer
209-385-7637

Marci.Barrera@countyofmerced.com

Crisis Services - Behavioral Health and Recovery Services

FINDINGS:

- F1: The available mental health programs in Merced County do not prominently display the number to call for immediate crisis assistance for individuals contemplating self-harm. This may make it difficult for individuals in need of immediate help to access the necessary resources.
- F2: The recently implemented 988 Suicide and Crisis Lifeline is an easy-to-remember three-digit dialing code that routes the caller to the National Suicide Prevention Lifelines.
- F3: The BHRS Services Brochure revision of November 2022, does not identify the 988 number as another resource for persons in crisis to call. This may limit the accessibility of this resource for individuals who may benefit from it.
- F4: An easy-to-remember crisis number like 988 can help ensure individuals get the help they need as quickly as possible.
- F5: Based on a small call test sample, delays were encountered when crisis calls required the assistance of an interpreter for LEP individuals. This may be indicative of a larger problem.

RECOMMENDATIONS:

- R1: Prominently display the 988 number on all BHRS materials: To ensure that individuals in crisis are aware of the 988 service, the BHRS should include the 988 number on all their printed brochures, websites, and other materials.
- R2: Provide immediate crisis assistance number in threshold languages: BHRS should also make sure that the immediate crisis assistance number is prominently displayed in threshold languages (Spanish and Hmong) on their materials.
- R3: Simplify crisis hotline numbers: The current numbers for the BHRS crisis hotlines are not easy to remember. Simplifying the numbers to make them

more memorable, like 988, can help ensure that individuals in crisis can quickly and easily access the help they need.

- R4: Conduct an extensive internal audit of the amount of time it takes to complete transfers when crisis calls require the assistance of an interpreter for LEP individuals.
- R5: Streamline interpretation services: The seven-step process to reach an interpreter for LEP individuals during a crisis may be too lengthy. BHRS should work to streamline the interpretation service to ensure that LEP individuals can access immediate interpretation services during a crisis.
- R6: Ensure staff members are trained in Section 1557 compliance: BHRS staff members should receive training on how to comply with Section 1557 and provide language assistance services to LEP individuals. This will help ensure that individuals with Limited English Proficiency can access the resources they need to address their mental health needs.

REQUEST FOR RESPONSES(S) Pursuant to Penal Code Section 933.05, the following responses are required:

- Director of Behavioral Health and Recovery Services to R1-R5 within 90 days.



**BEHAVIORAL HEALTH and
RECOVERY SERVICES (BHRS)
Administration**

Kimiko Vang, DSW, LCSW
BHRS Director

Administration
301 E. 13th Street
Merced, CA 95341
(209) 381-6813
(209) 725-3676 Fax
www.co.merced.ca.us

Mailing Address
PO Box 2087
Merced, CA 95344

Equal Opportunity Employer

July 14, 2023

The Honorable Steven K. Slocum
Presiding Judge of the Civil Grand Jury
Superior Court of California
County of Merced

Dear Judge Slocum:

I have received and reviewed the 2022-2023 Grand Jury Report with regard to the Crisis Services at the Behavioral Health & Recovery Services Department. As requested, please accept this as my response to the recommendations R1-R5 listed in the report.
Regarding the Recommendations:

R1. Prominently display the 988 number on all BHRS materials: To ensure that individuals in crisis are aware of the 988 service, the BHRS should include the 988 number on all their printed brochures, websites, and other materials.

Response to R1:

The federally mandated crisis number, 988, became available to all landline and cell phone users in July 2022. It is a suicide and crisis lifeline that individuals can access via phone call or text that connects them to trained counselors to provide free and confidential emotional support and crisis counseling 24 hours per day, seven days a week in the United States. Prior to the 988 number going into effect, BHRS had, and continues to have, the Central Valley Suicide Prevention Hotline number, 1-888-506-5991, displayed on BHRS materials.

BHRS is committed to ensuring that individuals in our community have access to crisis services and a suicide prevention hotline when needed. While not all BHRS materials have the 988 number and information currently on them, BHRS has created new outreach materials such as business card size materials and refrigerator magnets with the 988 information. In addition, the 988 suicide and crisis lifeline number is now prominently displayed on the BHRS landing page on the Merced County website. The BHRS Department is actively reviewing its written materials, including several dozens of program brochures and flyers, to add the 988 information to them.

R2. Provide immediate crisis assistance number in threshold languages: BHRS should also make sure that the immediate crisis assistance number is prominently displayed in threshold languages (Spanish and Hmong) on their materials.

Response to R2:

BHRS recognizes that language access and culturally responsive practices are critical components to effective client care. The Department has maintained a "Cultural Humility, Health Equity, and Social Justice" committee composed of staff and community partners that meets on a monthly basis to discuss cultural competency as well as language access for our monolingual residents. In our Fiscal Year

2023-2024 budget, resources have been added to be able to comprehensively engage in this translation work, including having information available for the immediate crisis assistance in Spanish and Hmong. Additionally, in July 2023, the 988-crisis line added the capacity to serve monolingual Spanish speakers. BHRS will continue to market the 988-crisis line in outreach activities, as it provides an additional resource for Spanish speaking residents.

R3. Simplify crisis hotline numbers: The current numbers for the BHRS crisis hotlines are not easy to remember. Simplifying the numbers to make them more memorable, like 988, can help ensure that individuals in crisis can quickly and easily access the help they need.

Response to R3:

As stated in the Response to R1, BHRS is in the process of adding the 988-crisis information onto its materials. Individuals dialing or texting 988 will be routed to local crisis lines and resources. This ensures that individuals are provided proper support by connecting to resources that are local to them. Prior to the launch of the national 988 number, BHRS partnered with other Central Valley counties to make the Central Valley Suicide Prevention hotline available to our residents. This was a critical resource for our County that predates the 988 number and adds an additional resource for our community. The Central Valley Suicide Prevention hotline is a toll-free number. As it is a regional hotline, BHRS does not have the ability to make changes to this number. The BHRS local number, 209-381-6800, is used as an access to all services, including crisis services. This is an established number in the community and making changes to it could potentially cause harm and unnecessary confusion.

R4. Conduct an extensive internal audit of the amount of time it takes to complete transfers when crisis calls require the assistance of an interpreter for LEP individuals.

Response to R4:

When individuals are in crisis, it is important that they are efficiently connected to proper resources. BHRS completes internal monthly test calls to evaluate quality assurance. As part of this process, the Department is focused on improving transfers, especially concerning crisis calls. Through this internal quality assurance measure, BHRS has identified the need to train staff who answer telephone calls to our 24/7 access line or those who work in our reception areas.

R5. Streamline interpretation services: The seven-step process to reach an interpreter for LEP individuals during a crisis may be too lengthy. BHRS should work to streamline the interpretation service to ensure that LEP individuals can access immediate interpretation services during a crisis.

Response to R5:

BHRS is committed to ensuring that monolingual individuals receive proper interpretation services in a timely manner. In Fiscal Year 2023-2024, BHRS will be engaged in efforts to build internal and external capacity for interpreting services.

BHRS plans to send all staff who answer telephone calls or sit in our reception areas to customer service training and cultural competency training. An objective of cultural competency training is ensuring that services are provided in the preferred language of individuals who call.

To further address this recommendation, all staff who answer telephone calls or sit in reception areas will be provided with a list of certified bilingual staff to have quicker access to staff who can interpret.

Staff will also be trained and empowered to immediately contact our interpretation service, Cyracom. This will eliminate a multi-step process to access an interpreter.

BHRS has identified the need to create an internal workgroup to increase engagement and services in for monolingual Spanish speaking populations. BHRS recently identified training, "Spanish for Mental Health Professionals" for bilingual Spanish-speaking staff to increase skills and confidence translating in a behavioral health or substance use crisis.

The BHRS Department appreciates the efforts of the Civil Grand Jury in identifying areas of improvement in our crisis services. We are committed to providing the highest level of care in a timely manner to all our community members.

Sincerely,



Kimiko Vang, DSW, LCSW
BHRS Director

Road Maintenance – Pot Holes

FINDINGS:

- F1: The City of Los Banos has an excellent internal process for tracking and reporting repairs.
- F2: The City of Dos Palos lacks the capability for online reporting of road issues.
- F3: The City of Merced has an online portal to enter complaints about road conditions.
- F4.: The City of Livingston has an online capacity for citizens to enter complaints.
- F5: The City of Atwater has a visible link on the home page of their website for reporting a road problem.
- F6: All cities are responsive to complaints from citizens about needed road repairs.

RECOMMENDATIONS: None

Responses are not required for this report.

Mandated Detention Facilities Inspections

Merced County Sheriff's Department Main Jail

FINDINGS

- F1: Groundbreaking for modernization of jail facilities and demolition of the current jail in downtown Merced has not broken ground.
- F2: Despite challenges, the staff continue to perform their duties admirably.

RECOMMENDATIONS: None

John Latorraca Correctional Facility

FINDINGS

- F1: Reconstruction of the JLCC has not broken ground.
- F2: The sign at the entrance to the JLCC provides misleading directions to the correctional center and parking lot.

RECOMMENDATIONS

- R1. The MCCGJ recommends that the Sheriff's Department create an entrance sign that provides clear directions to the correctional center and parking lot.

REQUEST FOR RESPONSES(S) Pursuant to Penal Code Section 933.05, the following responses are required:

- Merced County Sheriff's Department responds to R1 within 90 days

Sheriff's Response

C.F. Bludworth Substation
9481 Shanks Road
Delhi, CA 95315
Phone: (209)385-7660
Fax: (209)669-7771

Animal Services Bureau
2150 Shuttle Drive
Atwater, CA 95301
Phone: (209)385-7436
Fax: (209)722-3627

Main Detention Facility
700 W. 22nd Street
Merced, CA 95340
Phone: (209)385-7410
Fax: (209)385-7489

Merced County Sheriff's Office
Vernon H. Warnke
Sheriff/Coroner

Corey M. Gibson
Undersheriff

Sheriff's Administration
700 W. 22nd Street • Merced, CA 95340
Phone: (209) 385-7451 • Fax: (209) 385-7696

Jess Bowling Substation
445 "I" Street
Los Banos, CA 93635
Phone: (209)827-2110
Fax: (209)827-1433

Coroner's Bureau
455 E. 13th Street
Merced, CA 95340
Phone: (209)385-7369
Fax: (209)725-3390

John Latorraca
Correctional Center
2584 W. Sandy Mush Road
Merced, CA 95341
Phone: (209)385-7575
Fax: (209)725-3944

June 26, 2023

To: The Honorable Steven K. Slocum, Presiding Judge
Merced County Civil Grand Jury

Re: FY 22-23 Grand Jury Response

Merced County Sheriff's John Latorraca Correctional Facility (JLCC)

Findings:

- F1. Reconstruction of the JLCC has not broken ground.
- F2. The sign at the entrance to the JLCC provides misleading directions to the correctional center and parking lot.
- R1. The MCCGJ recommends that the Sheriff's Department create an entrance sign that provides clear directions to the correctional center and parking lot.

Requested Response:

F1 & R1; The reconstruction of JLCC began on April 24, 2023. The construction will be completed in stages over a 36-month period. During this time frame the entrance to JLCC will be changing and temporary entrance signs will be utilized to guide visitors during the construction at JLCC. Permanent signs will be placed towards the end of construction.

Sincerely



Vernon H. Warnke
Sheriff-Coroner

Board of Supervisors Responses



September 26, 2023

The Honorable Steven K. Slocum
Presiding Judge of the Civil Grand Jury
Superior Court of California, County of Merced
2260 N Street
Merced, CA 95340

RE: BOARD OF SUPERVISORS' 2022-23 CIVIL GRAND JURY RESPONSE

Dear Judge Slocum:

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.

Report – Elections Office Ballot Errors

Recommendations/Findings:

This year's Civil Grand Jury looked into the vote-by-mail ballot errors that occurred in the run-up to the November 8, 2022 General Election. The Civil Grand Jury found that the ballot errors resulted in anxiety and confusion for candidates and voters, there was a lack of a detailed work plan as post-redistricting precinct boundaries were reworked, and the Elections Office didn't take full advantage of software to assist with the mapping process. The Civil Grand Jury further found that staff responded swiftly and effectively to correct the errors and communicate with voters and candidates, and County personnel demonstrated a commitment to ensuring the integrity of Merced County elections.

Recommendations were made to implement a single point of addressing before the next General Election, create a comprehensive work plan for the mapping process that follows redistricting, and create a training model for each position in the Elections Office.

Response:

The Merced County Board of Supervisors appreciates the Civil Grand Jury's analysis of this issue. The integrity of our elections is a central part of our mission and needs to be safeguarded. As alluded to in the Civil Grand Jury findings, the Merced County organization sprang into action once the vote-by-mail errors were identified. Corrected ballots were mailed out, an online "Election Mapping Tool" was made available for residents to determine if they were in an affected precinct or not,

Board of Supervisors

Rodrigo Espinosa
Supervisor, District One

Josh Pedrozo
Supervisor, District Two

Daron McDaniel
Supervisor, District Three

Lloyd Pareira, Jr.
Supervisor, District Four

Scott M. Silveira
Supervisor, District Five

Raul Lomeli Mendez
County Executive Officer

Merced County
Administration Building
2222 M Street
Merced, CA 95340
(209) 385-7366
(209) 726-7977 Fax
www.countyofmerced.com

Equal Opportunity Employer

***Striving for
Excellence***

and personal phone calls were made to all impacted voters. Information was provided in both English and Spanish. If an original ballot containing errors was returned instead of the corrected version, the Elections Office personally contacted that voter so they could submit the corrected version. In the event that a voter returned an original ballot containing errors and did not return an updated ballot, only the races pertaining to the district he or she resides in was counted. The entire ballot was not voided.

At this time, the Elections Office is conducting a full review of the 2023 District Boundary Maps as a result of the prior issues. The Registrar of Voters will convert all voter location data into a single-point address convention in connection with GIS mapping. This will allow the Elections Office to be more precise with its mapping while using additional tools and software to further confirm accuracy along district and precinct lines.

Improvements have also been made to the interdepartmental training program. There is now weekly department-level training sessions. The onboarding training has been recreated to ensure effectiveness. These modules include both individual-level and team-level trainings.

Report – Crisis Services

Recommendations/Findings:

The Civil Grand Jury looked into the Merced County Behavioral Health and Recovery Services' (BHRS) resources available to individuals who may be suffering from a mental health crisis. The Civil Grand Jury found that the crisis assistance hotline is not as prominently displayed as it could be, the 988 Suicide and Crisis Lifeline is an easy to remember number, the BHRS service brochure doesn't identify the 988 number which can help individuals get the help they need in a quicker fashion, and delays were experienced when the crisis assistance hotline required interpretation.

The Civil Grand Jury recommends that the 988 number be prominently displayed on websites, brochures, and other materials, crisis assistance should be immediately available in other languages, the crisis assistance hotline should be simplified to 988, the hotline should be audited for transfer time, interpretation services should be streamlined, and staff members should be trained in Section 1557 compliance.

Response:

Crisis assistance is a critical service offered through Merced County BHRS and the Board of Supervisors is encouraged that the Civil Grand Jury has taken interest in examining this life-saving resource. It's the Board's understanding that the 988 hotline number became available to all landline and cell phone users in July 2022. BHRS has traditionally used the Central Valley Suicide Prevention Hotline number of 1-888-506-5991, but is in the process of adding the more user-friendly 988 number. This process will include placing the 988 number on all locations mentioned by the Civil Grand Jury as well as other outreach materials, such as business cards and refrigerator magnets as an example.

BHRS is acutely aware of the varying cultural needs of our community, and we agree that access in multiple languages is crucial to the success of suicide prevention efforts. The Board understands that BHRS has added resources in the budget to more comprehensively engage in translation and interpretation services, particularly Spanish and Hmong. We're also aware that the 988 hotline recently added the capacity to serve monolingual Spanish speakers.

Regarding internal auditing of the crisis hotline, the Board of Supervisors agrees that quality assurance is essential. This is one area where any call could potentially be a life and death situation. The Board has been informed that BHRS has placed an emphasis on improving transfers and additional training for members of staff who handle crisis calls.

Furthermore, language should not be a barrier to receiving assistance through this hotline. In an effort to ensure that monolingual speakers receive proper interpretation services during a crisis, BHRS is engaging in building additional internal and external interpretation capacity. For staff members who field these calls, BHRS plans to send them to customer service training and cultural competency training. This should help connect callers with the proper interpretation services in a quicker fashion. Staff will also be provided with a list of on-hand certified bilingual staff to allow for quicker access to interpretation. Additionally, staff will be further trained on the BHRS interpretation service—CyraCom—to connect users with interpretation more efficiently. The department is also looking at establishing an internal workgroup to further address these topics in the future.

Mandated Inspection – John Latorraca Correctional Center

Recommendations/Findings:

The Civil Grand Jury performed its routine inspection of correctional facilities as part of this year's report, including the John Latorraca Correctional Center (JLCC). The Civil Grand Jury reported that the jail reconstruction project has yet to break ground and noted that a sign at the entrance to the JLCC provides misleading directions to the correctional center and parking lot.

Response:

As noted in the response from the Sheriff's Office, the jail reconstruction project began in April 2023 and will be completed in stages. Temporary signage will be utilized during construction in accordance with the work being performed. Permanent signage will be installed once this work draws to a close.

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,



Scott M. Silveira, Board Chair
Merced County Board of Supervisors

cc: Carol Bowman, 2022-23 Merced County Civil Grand Jury Foreperson
Raul Lomeli Mendez, County Executive Officer