

# FINAL REPORT



SAN BERNARDINO COUNTY  
CIVIL GRAND JURY  
2023



December 15, 2023

Honorable R. Glenn Yabuno, Presiding Judge  
Superior Court of California, County of San Bernardino  
247 West Third Street, 11th Floor  
San Bernardino, CA 92415-0302

To the Honorable Judge Yabuno,

It is my honor and privilege as the Foreperson of the 2023 San Bernardino County Civil Grand Jury to present to you, and the citizens of San Bernardino County, the 2023 San Bernardino County Civil Grand Jury Final Report.

As a Grand Jury, we are selected to represent the people of San Bernardino County, investigate local government, and suggest change. The nineteen members who served on this year's Civil Grand Jury were an exceptional group of critical thinkers who strove to ensure that empirical, fact-based reports were produced free from bias or persuasive arguments. Every investigation the Grand Jury undertook was comprehensive in its scope, diligent in its verification of facts, and meticulously written and edited. I would like to thank the jurors who served San Bernardino County with unfailing courtesy, a cooperative spirit, passion, and good humor. I am privileged to have had the opportunity to work with such a dedicated group.

During our year together, some of our members had loved ones pass away, including husbands, fathers, uncles, brothers, and sisters. All the jury members supported them in their time of need.

The Grand Jury's role is to oversee county government and I applaud the courage of this year's Grand Jury. We are hopeful that our government and elected officials mirror that passion when considering and responding to the recommendations in this report. A community cannot move forward without participation from both its citizens, its elected officials, and other governmental agencies. The Grand Jury hopes that the necessary dialogue will happen, and bring about the needed changes, paving the way for progress, and understanding.

This year's Grand Jury reviewed and addressed citizen complaints throughout the year.

The Civil Grand Jury is mandated by California Penal Code section 919(B) to inquire into the condition and management of the public prisons within the county. In this capacity the San Bernardino County Civil Grand Jury visited both state prisons in our county: the Women's Prison in Chino and the Men's Prison in Chino. Both facilities showcase their expanding rehabilitation programs, support staff and well-knitted administrations. The tours were both enlightening and informative to the San Bernardino County Civil Grand Jury. Rehabilitation, recovery, and reintegration appear to be the central goal for the prisons in San Bernardino County. The Grand Jury wants to thank both facilities for the extensive time and effort given to strive for these high standards.

On behalf of all the Civil Grand Jury members, I would like to express our gratitude to all the departments and agencies of the County of San Bernardino, for their exemplary cooperation. A special thank you to you, Judge Yabuno, for always being available, even on short notice. It was a true pleasure to work with you.

A thank you to Sheriff Shannon Dicus for his cooperation with, and assistance to, the Grand Jury. Sheriff Dicus invited the Grand Jury to experience the Sheriff's simulation experience at their training facility. We were able to participate in a "Shoot/Don't Shoot" simulation. That experience was a true eye opener, as we had to react to split second decisions. For the Grand Jurors, it was an intriguing, entertaining, and informative experience. But for the Sheriff and his deputies it is a matter of life and death.

I would also like to thank Mary Ashley of the San Bernardino County District Attorney's Office for her outstanding support. As the Grand Jury's legal advisor, Mary provided training in all aspects of the law as it



pertains to Civil Grand Juries. She had an “open door” policy and made herself available at any time throughout our term. She provided both support and counsel to the members of the Grand Jury.

A very special thank you to our Grand Jury coordinator, Valerie Silvas. Words cannot describe the amount of work she does behind the scenes for the Grand Jury. Valerie is always helpful and cheerful. She is also very discreet. The Grand Jury could not have functioned as efficiently without her.

And special gratitude to the County of San Bernardino for our new Grand Jury offices. Due to a fire last year, we were displaced from our jury room and were temporarily housed in the old courthouse. Beginning in June, we moved into a new air-conditioned office that is an outstanding facility. After we moved in, you, Judge Yabuno, brought his staff over for a visit. We very much appreciated that.

I would also like to thank the IT Department, and especially our IT Specialist Greg Henry. Greg set up our Wi-Fi, as well as all our telecommunications and computers at the new location. He checked with every Jury member on each Thursday of the year to fix any problems that may have come up. We had no down time due to IT problems. Again, thank you, Greg.

I wish to express my appreciation for having the honor of serving as the foreperson of the 2023 Civil Grand Jury. Thank you to my fellow jurors who worked so diligently in investigating concerns and complaints as well as compiling data for our final report. I personally commend and thank each Grand Juror for their dedication and commitment to the success of our term. I know the Jurors spent many hours interviewing, investigating, and debating the merits of each investigation.

As foreperson, it has been a distinct honor for me and my fellow jurors to serve our community during these past twelve months. It is important that all the people of the county be part of the process. We encourage every citizen of this county to consider participating in future Civil Grand Juries. We believe our efforts help improve San Bernardino County, making it a better place for all its citizens.

Sincerely,

A handwritten signature in cursive script that reads "Bruce Miner". The signature is written in dark ink on a light-colored background.

Bruce Miner, 2023 Civil Grand Jury Foreperson

# SAN BERNARDINO COUNTY 2023 CIVIL GRAND JURY

## OFFICERS:

BRUCE MINER	*	FOREMAN
BRUCE MCGUIRE	*	FOREMAN PRO TEM
MARGARET BREWSTER	*	SECRETARY
LIZA LOPEZ	*	SECRETARY
TIMOTHY STEENSON	*	SERGEANT-AT-ARMS

## MEMBERS:

ULYSSES ALBERT JR.	*	DONNA KENNEY-CASH
EDWARD BROWN	*	NONIE KLEINHANS
MARILYN CARROLL	*	LINO MARTINEZ
DAVID CEBALLOS	*	DAVID MUNOZ
WILLIAM CHAPMAN	*	MELVIN PICKENS
THOMAS GAFNEY	*	KIMBERLY REDDIX
DONNA JORDAN	*	FELIX SEPULVEDA

## ADMINISTRATION:

PRESIDING JUDGE	*	R. GLENN YABUNO
LEGAL ADVISOR	*	MARY ASHLEY, DDA
GRAND JURY COORDINATOR	*	VALERIE SILVAS
AUTOMATED SYSTEMS ANALYST	*	GREG HENRY
GRAPHIC DESIGNER	*	OSCAR AGUIRRE



# SAN BERNARDINO COUNTY 2023 CIVIL GRAND JURY



*Back Row (left to right):* Bruce Miner, William Chapman, Melvin Pickens, Timothy Steenson, Thomas Gafney, David Ceballos, Bruce McGuire, Edward Brown, Lino Martinez

*Front Row (left to right):* Donna Jordan, Liza Lopez, Felix Sepulveda, Donna Kenney-Cash, Marilyn Carroll, Kimberly Reddix, Ulysses Albert Jr.

*Not Pictured:* Margaret Brewster, Nonie Kleinhans



Honorable  
R. Glenn Yabuno

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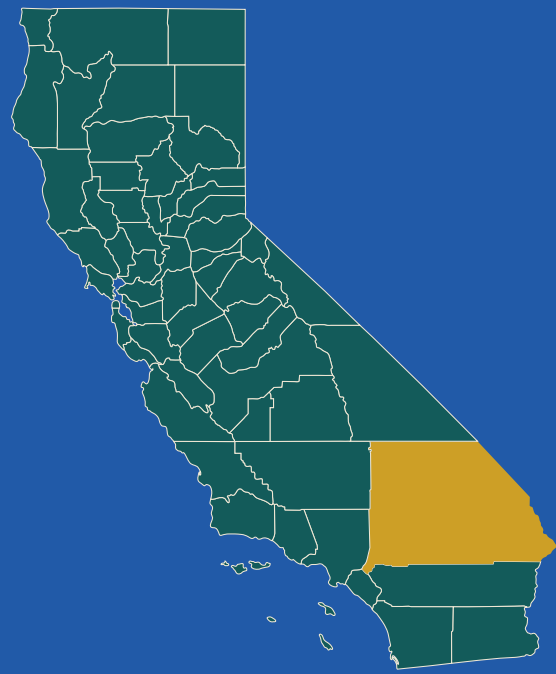
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Established April 26, 1853

Named in 1810 by Francisco Dumetz

20,105 Square Miles

2020 Population was 2,181,654

24 Cities

5 Native American Reservations

7 National Forests And Parks

35 Official Wildness Areas

8684 Acres of County Regional Parks

12 Airports (2 International)

12 Colleges and Universities

33 School Districts

50 Public Libraries

34 Museums

2500 miles of roads and 300 bridges



President Lyndon B Johnson at the age of 17 (1925) worked as an elevator operator in the San Bernardino's Plat Building



Home of the first McDonald's restaurant in 1940 at 1398 North E Street



The Rolling Stones first US concert tour started in San Bernardino on June 5, 1964 at The Swing Auditorium



The City of Colton's first Marshall (1887-1889) was Virgil Earp, the older brother of Wyatt and Morgan Earp







# RESPONSE ACCOUNTABILITY



SAN BERNARDINO COUNTY  
CIVIL GRAND JURY  
2023



# RESPONSE AND ACCOUNTABILITY REPORT

## SUMMARY

The 2023 San Bernardino County Civil Grand Jury examined the responses to the Final Report published by the 2022 Civil Grand Jury. This report follows up on the responses to the 2022 Civil Grand Jury's recommendations. Those reports were:

- *For the Children: The San Bernardino County Children and Family Services: Is It Too Broken to Fix?*
- *Working Together for the Animals: Redlands Animal Shelter*

## THE LAW

### Penal Code § 933.05(b):

- **Responses** are to be received in a timely manner. Elected officials must respond within 60 days of the report's publication. Boards must respond within 90 days. The Final Report was published December 16, 2022.
- **Responses** to the **findings** will be 1) agrees, 2) partially disagrees, or 3) disagrees. Any disagreement with a finding will include the text of the finding and an explanation for the disagreement.
- **Responses to recommendations:** the respondent is required by law (Penal Code § 933.05(b) to indicate one of the following (b 1, b 2, b 3 or b 4):

b1) The recommendation has been implemented, with a summary regarding the implemented actions.



- b2) The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.
- b3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for the discussion by the officer or head of the agency or department being investigated, including the governing body of the public agency when applicable. The timeframe shall not exceed six months from the date of the publication of the Grand Jury report.
- b4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.

## **BACKGROUND**

The duties of the Response and Accountability Committee are to follow up on the previous year's recommendations of the Grand Jury Final Reports and to evaluate the responses that are received for each listed recommendation. The Response and Accountability Committee verifies the legal compliance of each response and evaluates the continuity of recommendations that have been or will be implemented.

## **METHODOLOGY**

The 2023 San Bernardino County Civil Grand Jury reviewed the responses to the two reports published in 2022. The Grand Jury reviewed the responses for compliance and conducted observations.

The Civil Grand Jury (CGJ) visited the San Bernardino County Children and Family Services (CFS) office in the City of San Bernardino. The CGJ also conducted an observation of the Redlands Animal Shelter. Both visitations were made to understand how some recommendations have or have not been implemented, and if changes have indeed been made.

## **DISCUSSION**

### **San Bernardino County Children and Family Services**

The 2023 Civil Grand Jury received the responses from CFS within the allowed 90-day timeline. All Findings were responded to and marked *Agree* or *Disagree*. All responses are legally compliant.

During the visit to the CFS office on May 17, 2023, the Civil Grand Jury noted that the children who are temporarily housed in the office while waiting for placement are housed near the bathrooms, but still have no showers in the building. Also, plans are pending for more temporary beds in foster homes throughout the county. Assistant Social Workers (ASWs) are taking over some of the paperwork tasks, thus freeing the social workers to spend more time in the field. Hiring shortages and staff retention continue to be a problem at CFS.

All responses (see Appendix A) to the recommendations by the 2022 Civil Grand Jury are compliant with the law, regarding Penal Code § 933.05(b). However, it is also noted that most responses to recommendations will not be implemented.

### **Redlands Animal Shelter**

The 2023 San Bernardino County Civil Grand Jury received the responses from the Redlands Animal Shelter within the required 90-day timeline. All Findings were responded to and marked *Agree* or *Disagree*.

The Civil Grand Jury noted that the Redlands Animal Shelter has made several positive changes beginning in July 2022, after the CGJ had been investigating the shelter since March 2022. The reassignment from the Police Department to the Facilities and Community Services Department in the City of Redlands was instrumental in the positive changes.

All of Redlands' responses are legally compliant (see Appendix B) and most recommendations are being implemented. Of those which have not yet been implemented, many will be in the future.

Many improvements were noted during the visitation of May 19, 2023. The shelter now has a permanent Animal Control Officer Supervisor. Shelter

All of Redlands' responses are legally compliant (see Appendix B) and most recommendations are being implemented. Of those which have not yet been implemented, many will be in the future.

Many improvements were noted during the visitation of May 19, 2023. The shelter now has a permanent Animal Control Officer Supervisor. Shelter management is very knowledgeable and optimistic. The shelter is clean, and many positive changes have been implemented. These changes include:

- working with community-based rescues
- already utilizing 20 plus volunteers with the potential for additional volunteers in the future
- exercising the dogs many times per week
- fostering out most of the cats and kittens
- doing community outreach events multiple times per month
- searching for a Supervisor of Volunteers
- soliciting bids for veterinary services

The San Bernardino County Civil Grand Jury commends the Redlands Animal Shelter, the Department of Facilities and Community Services and the Redlands City Council for all the positive changes implemented since July 2022.

## **CONCLUSION**

The 2023 San Bernardino County Civil Grand Jury appreciates the responses received from the entities above. The Redlands Animal Shelter has implemented many positive changes since the Civil Grand Jury began its investigation in March 2022.

However, notwithstanding some of the improvements noted, the Civil Grand Jury is disappointed with many of the responses from the San Bernardino County Department of Children and Family Services.

## APPENDIX A

<b><i>For the Children: The San Bernardino County Children and Family Services: Is It Too Broken to Fix?</i></b>					
<p>Pursuant to <b>Penal Code § 933.05</b>, the San Bernardino County Civil Grand Jury requires a response from the following:  <b>CFS (Children and Family Services)</b></p> <p><b><u>(2022 Grand Jury Final Report)</u></b></p>					
<p><b>Compliance Chart</b>  <b>R: Recommendation</b>  <b>b-1:</b> The recommendation has been implemented  <b>b-2:</b> The recommendation will be implemented in the future  <b>b-3:</b> The recommendation needs more consideration  <b>b-4:</b> The recommendation will not be implemented because it is not warranted or reasonable</p>					
Responding Agency	Recommendation	Response Date: Timely or Tardy?	CFS Response	Penal Code § 933.05	Compliant ? Yes/No
CFS	<b>R1:</b> Disband CFS	<b>Timely – Received March 13, 2023</b>	Will not be implemented	b-4	<b>YES</b>
CFS	<b>R2:</b> Create Community Outreach Services Unit	<b>Timely – Received March 13, 2023</b>	Will not be implemented	b-4	<b>YES</b>
CFS	<b>R3:</b> Form a Watchdog Commission	<b>Timely – Received March 13, 2023</b>	Will not be implemented	b-4	<b>YES</b>
CFS	<b>R4:</b> Medical/Mental Examinations before Placement	<b>Timely – Received March 13, 2023</b>	Will not be implemented	b-4	<b>YES</b>

<b>CFS</b>	<b>R5:</b> CFS to implement system to track abuse allegations	<b>Timely – Received March 13, 2023</b>	Part has been implemented ; Part will not be implemented	b1 and b4	<b>YES</b>
<b>CFS</b>	<b>R6:</b> Four visitations per month by Social Workers	<b>Timely – Received March 13, 2023</b>	Will not be implemented	b-4	<b>YES</b>
<b>CFS</b>	<b>R7:</b> Mandatory monthly training for Resource Parents	<b>Timely – Received March 13, 2023</b>	Will not be implemented	b-4	<b>YES</b>
<b>CFS</b>	<b>R8:</b> Checklist for Child Abuse Interviews	<b>Timely – Received March 13, 2023</b>	This has been implemented	b1	<b>YES</b>
<b>CFS</b>	<b>R9:</b> Hire additional Child Life Specialists	<b>Timely – Received March 13, 2023</b>	Will not be implemented	b-4	<b>YES</b>
<b>CFS</b>	<b>R10:</b> Hire additional mental health specialists	<b>Timely – Received March 13, 2023</b>	Will not be implemented	b-4	<b>YES</b>
<b>CFS</b>	<b>R11:</b> Quarterly Review by CFS & Law Enforcement of Child Abuse Cases	<b>Timely – Received March 13, 2023</b>	Part has been implemented ; Part will not be implemented	b-1 and b-4	<b>YES</b>
<b>CFS</b>	<b>R12:</b> Reduce Social Workers' caseloads	<b>Timely – Received March 13, 2023</b>	Part has been implemented ; Part will not be implemented	b-1 and b-4	<b>YES</b>
<b>CFS</b>	<b>R13:</b> Standardize interview & written report of children's interviews by Social Workers	<b>Timely – Received March 13, 2023</b>	This has been implemented	b-1	<b>YES</b>

<b>CFS</b>	<b><u>R14:</u></b> Required Number & Attendees for Baby & Toddlers' Monthly Visits	<b>Timely – Received March 13, 2023</b>	Will not be implemented	b-4	<b>YES</b>
<b>CFS</b>	<b><u>R15:</u></b> Create Temporary Sheltering Centers	<b>Timely – Received March 13, 2023</b>	Will not be implemented	b-4	<b>YES</b>
<b>CFS</b>	<b><u>R16:</u></b> Train Children to Identify Grooming & Predatory Behaviors	<b>Timely – Received March 13, 2023</b>	Will not be implemented	b-4	<b>YES</b>
<b>CFS</b>	<b><u>R17:</u></b> Provide Medi-Cal cards & info to Foster Family Agencies w/in 20 days.	<b>Timely – Received March 13, 2023</b>	Will not be implemented	b-4	<b>YES</b>
<b>CFS</b>	<b><u>R18:</u></b> Vetting Process of Foster & Visitation Settings	<b>Timely – Received March 13, 2023</b>	Will not be implemented	b-4	<b>YES</b>

## APPENDIX B

<b>Working Together for the Animals: Redlands Animal Shelter</b>					
Pursuant to <b>Penal Code §933.05</b> , the San Bernardino County Civil Grand Jury requires a response from the following: <b>the Redlands City Council (RCC)</b>  <b><u>(2022 Grand Jury Final Report)</u></b>					
<b>Compliance Chart</b>					
R: Recommendation					
b-1: The recommendation has been implemented					
b-2: The recommendation will be implemented in the future					
b-3: The recommendation needs more consideration					
b-4: The recommendation will not be implemented because it is not warranted or reasonable					
Responding Agency	Recommendation	Response Date: Timely or Tardy?	Redlands Response	Penal Code § 933.05	Compliant? Yes/No
RCC	<b>R1:</b> Plans for new building	Timely – Received March 14, 2023	Needs more consideration	b-3	YES
RCC	<b>R2:</b> Track medications	Timely – Received March 14, 2023	This has been implemented	b-1	YES
RCC	<b>R3:</b> Checklist for each cage	Timely – Received March 14, 2023	Will not be implemented	b-4	YES
RCC	<b>R4:</b> Clean cages 3 times daily	Timely – Received March 14, 2023	Will not be implemented	b-4	YES
RCC	<b>R5:</b> Animal Intake procedures	Timely – Received March 14, 2023	Part has already been implemented, and part will	b-1 and b-4	YES

			not be implemented		
<b>RCC</b>	<b>R6:</b> Euthanasia tracking	<b>Timely – Received March 14, 2023</b>	This has been implemented	<b>b-1</b>	<b>YES</b>
<b>RCC</b>	<b>R7:</b> Develop partnerships with rescue groups	<b>Timely – Received March 14, 2023</b>	Part has already been implemented, and part will not be implemented	<b>b-1 and b-4</b>	<b>YES</b>
<b>RCC</b>	<b>R8:</b> Relinquish animals to rescue groups	<b>Timely – Received March 14, 2023</b>	This has been implemented	<b>b-1</b>	<b>YES</b>
<b>RCC</b>	<b>R9:</b> Hire full-time Shelter Manager	<b>Timely – Received March 14, 2023</b>	This has been implemented	<b>b-1</b>	<b>YES</b>
<b>RCC</b>	<b>R10:</b> Increase number of employees	<b>Timely – Received March 14, 2023</b>	Needs more consideration	<b>b-3</b>	<b>YES</b>
<b>RCC</b>	<b>R11:</b> Utilize Volunteers	<b>Timely – Received March 14, 2023</b>	This has been implemented	<b>b-1</b>	<b>YES</b>
<b>RCC</b>	<b>R12:</b> Sexual Harassment & adverse working conditions training	<b>Timely – Received March 14, 2023</b>	Part will be implemented in the future, and part will not be implemented	<b>b-2 and b-4</b>	<b>YES</b>
<b>RCC</b>	<b>R13:</b> Anonymous reporting of sexual harassment	<b>Timely – Received March 14, 2023</b>	Will not be implemented	<b>b-4</b>	<b>YES</b>
<b>RCC</b>	<b>R14:</b> Cameras & audio in Animal Control Officers' trucks	<b>Timely – Received March 14, 2023</b>	Will not be implemented	<b>b-4</b>	<b>YES</b>



<b>RCC</b>	<b><u>R15</u></b> : Conduct adoption events	<b>Timely – Received March 14, 2023</b>	Part has already been implemented, and part will not be implemented	<b>b-1 and b-4</b>	<b>YES</b>
<b>RCC</b>	<b><u>R16</u></b> : Develop volunteer training materials	<b>Timely – Received March 14, 2023</b>	This will be implemented in the future	<b>b-2</b>	<b>YES</b>
<b>RCC</b>	<b><u>R17</u></b> : Employees to complete Certified Animal Control Officer Program	<b>Timely – Received March 14, 2023</b>	Part will be implemented in the future, and part will not be implemented	<b>b-2 and b-4</b>	<b>YES</b>
<b>RCC</b>	<b><u>R18</u></b> : Employee Continuing Education	<b>Timely – Received March 14, 2023</b>	Part will be implemented in the future, and part will not be implemented	<b>b-2 and b-4</b>	<b>YES</b>
<b>RCC</b>	<b><u>R19</u></b> : Donation Amount & Usage Reporting	<b>Timely – Received March 14, 2023</b>	Will not be implemented	<b>b-4</b>	<b>YES</b>
<b>RCC</b>	<b><u>R20</u></b> : Donation receipts	<b>Timely – Received March 14, 2023</b>	This has been implemented	<b>b-1</b>	<b>YES</b>
<b>RCC</b>	<b><u>R21</u></b> : Specific purpose donation tracking	<b>Timely – Received March 14, 2023</b>	Will not be implemented	<b>b-4</b>	<b>YES</b>
<b>RCC</b>	<b><u>R22</u></b> : Monthly physical inventory of supplies	<b>Timely – Received March 14, 2023</b>	This has been implemented	<b>b-1</b>	<b>YES</b>
<b>RCC</b>	<b><u>R23</u></b> : Bidding on veterinary services	<b>Timely – Received March 14, 2023</b>	Will not be implemented	<b>b-4</b>	<b>YES</b>

<b>RCC</b>	<b>R24:</b> Rescue Groups & Volunteers to help with Fundraising	<b>Timely – Received March 14, 2023</b>	This has been implemented	<b>b-1</b>	<b>YES</b>
<b>RCC</b>	<b>R25:</b> Shelter Manager to take grant writing class & apply for grants	<b>Timely – Received March 14, 2023</b>	Will not be implemented	<b>b-4</b>	<b>YES</b>
<b>RCC</b>	<b>R26:</b> Operational audit by an independent agency	<b>Timely – Received March 14, 2023</b>	This has been implemented	<b>b-1</b>	<b>YES</b>
<b>RCC</b>	<b>R27:</b> Form an oversight committee for the shelter	<b>Timely – Received March 14, 2023</b>	Needs more consideration	<b>b-3</b>	<b>YES</b>
<b>RCC</b>	<b>R28:</b> Complaint handling process	<b>Timely – Received March 14, 2023</b>	Will not be implemented	<b>b-4</b>	<b>YES</b>

# RESPONSE AND ACCOUNTABILITY REPORT

## SUMMARY

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## THE LAW

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- **Responses** to **recommendations**: the respondent is required by law (Penal Code § 933.05(b) to indicate one of the following (b 1, b 2, b 3 or b 4):

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# COMPLAINTS



SAN BERNARDINO COUNTY  
CIVIL GRAND JURY  
2023



## COMPLAINTS

The San Bernardino County Civil Grand Jury receives numerous citizen complaints throughout the year. The 2023 Grand Jury received a total of 25 complaints. Every complaint is carefully reviewed by the Grand Jury for issues regarding appropriate jurisdiction and importance of the complaint topic.

After completion of the initial review of a citizen complaint, the Grand Jury may approve the complaint and assign it to an appropriate committee. The committee will conduct an investigation with appropriate oversight by the full Grand Jury. A written report of the committee's findings and recommendations regarding a specific complaint may or may not be included in the year-end Grand Jury's Final Report.

The process of submitting a citizen complaint is to obtain a Confidential Citizen Complaint form from either the Grand Jury's website or by calling the Grand Jury's office at (909) 382-3971. The website is <http://wp.sbcounty.gov/grandjury/file-a-complaint/>. Once the complaint form has been completed and signed, it can be returned to the Grand Jury's office for processing. Although the Grand Jury usually does not investigate anonymous complaints, it may conduct an investigation depending on the issue.



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# REPORTS



SAN BERNARDINO COUNTY  
CIVIL GRAND JURY  
2023





## **WHO LET THE DOGS OUT? A TAIL IN TWO CITIES**

## SUMMARY

The 2023 San Bernardino County Civil Grand Jury (Civil Grand Jury, Grand Jury, GJ) has concerns with the increasing reports of dog bites and how they are handled by the animal services departments within San Bernardino County. An investigation was initiated by the Grand Jury and the following report contains the findings of said investigation.

On the morning of October 7, 2022, an elderly woman was walking in the Baldy Mesa area of San Bernardino County when she was attacked by two Dogo Argentino dogs. These animals are muscular, weigh between 80 and 100 pounds and, in the early twentieth century, were bred for dog fighting and hunting large game, such as wild boar.

When deputies arrived to assist, the woman was unresponsive. The 80-year-old had been mauled to death.

The 2023 Grand Jury found that hundreds of people nationwide are bitten or attacked by dogs. Unfortunately, many of the victims are children ([www.Dogsbite.org](http://www.Dogsbite.org)).

Indeed, in a comparison with a city similar in population to San Bernardino, the Grand Jury found San Bernardino with a population of 220,328 had twice as many dog bites as Rancho Cucamonga with a population of 176,336 (US 2020 Census).

Dogs running loose and the number of dog bites have been on the rise in the City of San Bernardino. The San Bernardino City Animal Services Shelter is full of dogs waiting to be picked up by their owners or to be adopted by someone.

Many city residents have sustained bites by stray or loose animals. It is often difficult to find the dogs who bite people, and then locate their owners once a bite happens because:

- the dog runs away
- the owner, in fear of losing his/her dog to Animal Services, refuses to cooperate with the Animal Control Officer (ACO) who is attempting to assist
- the person bitten is not likely to chase after the dog

“Studies conducted by the American Veterinary Medical Association have concluded that the most common causes of fatal dog attacks are preventable factors related to irresponsible ownership, abuse and/or neglect and failure to properly supervise large or strong dogs. Most fatalities are usually the result of human controlled factors specific to the circumstances surrounding the incident.” ([www.avma.org](http://www.avma.org))

Bites from dogs are an important public health issue. According to “DogsBite.org”, a research and education nonprofit organization, in the period between 2010 to 2019, there were 369 dog bite fatalities in the US. Five of these fatalities occurred in San Bernardino County. Three of those five were children under the age of three.

Whether in the City of San Bernardino, the County of San Bernardino or nationally, dog bites can lead to death, disfigurement, disability, and infectious diseases such as rabies. In most cases, it is a traumatic experience that can be reduced by a variety of means.

The 2023 Grand Jury investigated the City of San Bernardino Department of Animal Services. For the purpose of this report, the name San Bernardino City Animal Services will be used (SBCAS, Animal Services). The Grand Jury toured and observed the kennels; however, the focus of this investigation centered on Animal Control Officers and Field Services.

Evidence revealed that the public has a misconception of the ACO’s role dealing with safe, healthy, pet ownership. Animal Control Officers are not the “Dog Catcher”. ACOs do not stalk the streets with large nets attached to long poles. The goal of the officer is to intervene and provide public education and safety. They are dedicated and educated animal lovers who have the skills, knowledge and compassion to assist the dog owner in keeping their animals safe, healthy and home for the life of the animal.

In the investigation into SBCAS, the Grand Jury also read documents and interviewed witnesses from Rancho Cucamonga Animal Field Services (RCAFS, RCAS) in order to compare Animal Services of a city of similar population.

## **BACKGROUND**

According to the American Veterinary Medical Association, more than 4.5 million people are bitten by dogs each year in the United States. More than 800,000 of these bites require medical attention, and at least half of those are children. The United States Postal Service reports that the state with the most dog bites against carriers is California. ([www.usps.com](http://www.usps.com)) For the City of San Bernardino, the statistics reveal 238 dog bites on citizens from December 2021 to December of 2022. Some of these bites happen on the dog owner's property, some occur while families with small children are out walking or when adults are outside exercising.

The 2023 Civil Grand Jury decided to investigate San Bernardino City Animal Services. In order to do that, the Grand Jury reviewed the statistics of Rancho Cucamonga Animal Field Services as well, because both cities are of similar size in population.

Evidence shows that the majority of Rancho Cucamonga's and San Bernardino's residents are responsible dog owners. The few that are not may face legal action being taken against them by the City and the County, as well as hefty fines.

## **METHODOLOGY**

In this investigation into the San Bernardino Department of Animal Services, the Grand Jury read documents from both the SBCAS and RCAFSS, including Animal Control Field Reports, 2022 statistics and euthanasia records. The Grand Jury conducted multiple interviews of administration, employees, Animal Control Officers, victims of dog bites and owners of stray, aggressive dogs. The GJ also read documents and conducted interviews of Rancho Cucamonga City Animal Care Services employees in order to compare what a city of similar size is doing to combat the number of stray, aggressive and biting dogs.

In fact, although Rancho Cucamonga has a larger population per square mile, (Rancho Cucamonga: 4,349.4, San Bernardino: 3,574.7 per US 2020 Census) and despite San Bernardino Animal Control Officers being better equipped with laptops, phones and SBACS dispatchers. San Bernardino still has twice as many dog attacks on their citizens as Rancho

Cucamonga. This adds to the perception that the sheer number of stray dogs in the city of San Bernardino may be an important element in the number of dog attacks and should be addressed. (See the charts below)

The Grand Jury attended a court hearing involving dogs impounded in the City of San Bernardino. The GJ completed a ride-along with Animal Control Officers in San Bernardino. Finally, the Civil Grand Jury visited the City of San Bernardino Animal Shelter to observe the condition of the shelter and the workings of Animal Services.

## **DISCUSSION**

In the City of San Bernardino, dog bites can often be prevented, but that must include the understanding that responsible pet owners be routinely educated about:

- their choice of dog breeds
- the time owners are willing to put into training their animal
- the proper response to a stray or strange animal
- the fact that Animal Control Officers are there to assist
- rewards that come with owning an animal

Knowledge and skill in dealing with an aggressive or stray canine can help reduce the number of dog attacks. This was on full display as part of the Grand Jury investigation.

Evidence showed the City of San Bernardino ACOs are well trained. They are efficient at arriving at a scene and de-escalating a situation where there are loose dogs. The ACOs remain calm and in control.

They are trained to scan for micro-chips, to identify the owner, and place the animals in separate cages/trucks and transport them to the San Bernardino Animal Shelter. The officers display skill and knowledge rather than fear in their rescue of the dogs of unknown temperament.

## **Guidelines/Website Information**

The City of San Bernardino Animal Services recommends the following to the public on their website: ([www.SBCity.Org/City-Hall-Animal](http://www.SBCity.Org/City-Hall-Animal))



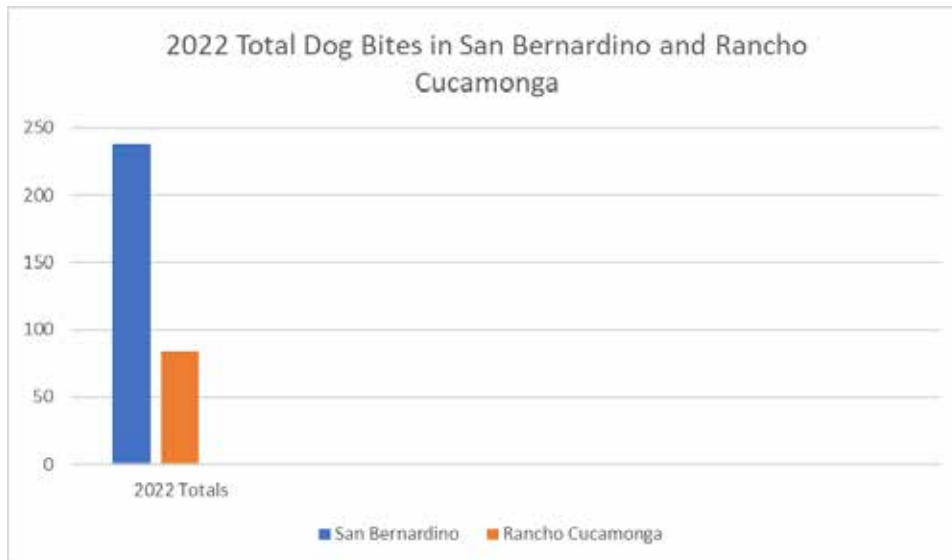
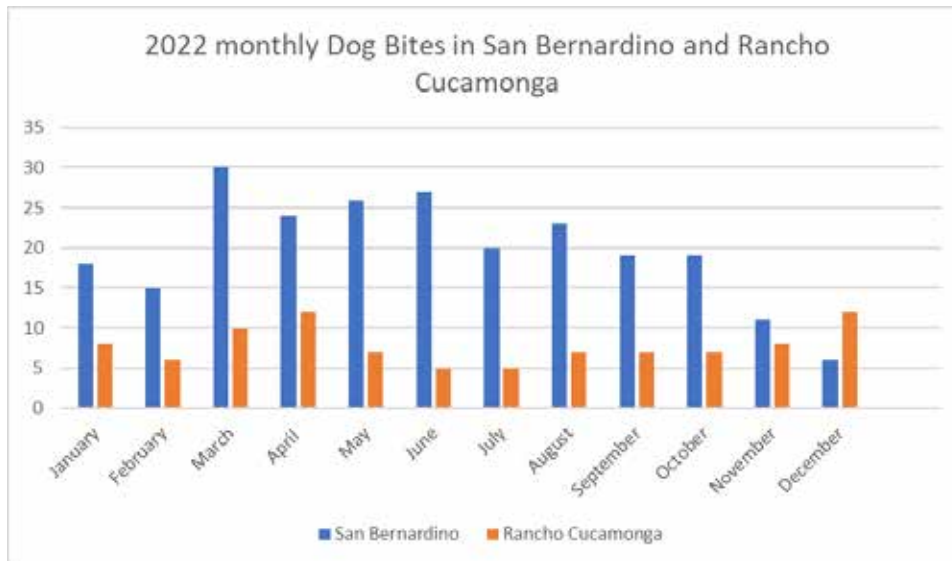
- Keep your dog in an adequately fenced enclosure that enables it to exercise according to its size
- Lock your gate to prevent unauthorized access
- Housetrain your dogs so they can be inside with their family
- Control your dog with a handheld leash when away from home
- Socialize with other people and pets as circumstances permit
- Look for opportunities for formal training at your local pet store, veterinarian or city recreation department. This will offer a structured environment to train and socialize your animal with other pets and people
- Spay or neuter your dog. This will reduce your dog's desire to roam
- If you don't know how your dog will react to a new situation, proceed carefully
- Never leave your dog unattended with a small child

Simple guidelines, as the ones noted above, can help prevent many dog bites. There are numerous consequences for dog owners when their pet bites someone. There are fines attached to some bite incidents that the owner is responsible to pay. Also, their pet can be confined in quarantine, or euthanized if no other alternative is available for the pet's safe return.

National Dog Bite Prevention Week, sponsored by the AVMA, is slated for the second full week in April each year. The focus is education on dog bite prevention and sharing tips on what to do if you find yourself in a situation with an aggressive dog.

## Comparison of the two cities

### Bar Charts



Data Source: San Bernardino and Rancho Cucamonga Animal Services data. Charts created by the Grand Jury.

The Grand Jury found, using the US 2020 Census Bureau's report, that the City of Rancho Cucamonga had a total population of 176,336. The population per square mile was 4,349.4. The total land mass in square miles is 40.11.

The same year's report revealed the City of San Bernardino had a population of 220,328. The population per square mile was 3,574. The total land mass in square miles is 62.13.

In the Grand Jury's comparison of RCAFS and SBCAS, the Grand Jury is aware that geographic size is a contributing factor for the increase of stray dogs and dog bites. However, when compared, the larger number of attacks on citizens of San Bernardino, which contained a smaller population per square mile, compelled an investigation.

### **Funding Needed for a New Shelter**

The San Bernardino Animal Shelter is located at 333 Chandler Place, San Bernardino, CA 92408. It is comprised of three modular buildings that serve as Animal Services offices and a public lobby. There are five cinder block buildings of which four are kennels. They are segregated by male, female, quarantined and cats.

The San Bernardino Animal Shelter was built in 1960 and is in need of constant repair and additional kennels.

San Bernardino Animal Services reports that 10 to 12 dogs are received each day. In 2021, there were 2154 adult dogs and 324 puppies processed. In 2022, they processed 2887 adult dogs and 771 that are six months or younger.

Currently there are up to six animals in one kennel. The overcrowding hinders proper socialization because the animal is not meant to be in confinement and makes it more difficult to achieve a successful adoption. Evidence revealed that keeping animals in overcrowded kennels may cause stress on the animals and people may observe behavioral issues which could hinder potential adoptions. (See Photos below)



**SAN BERNARDINO ANIMAL SERVICES DOG KENNEL**



**SAN BERNARDINO ANIMAL SERVICES DOG KENNEL**





**SAN BERNARDINO ANIMAL SERVICES ROW OF KENNELS**



## **SAN BERNARDINO ANIMAL SERVICES CEMENT SLAB FOR KENNEL EXPANSION**

### **INCREASED FUNDING NEEDED**

In the City of San Bernardino in 2022, 1250 adult dogs were adopted by private parties. There were 374 puppies adopted. Eight hundred and fifteen adult dogs and 230 puppies were transferred to rescue services (non-profit organizations who sometimes adopt animals with behavioral issues and prepare them for adoption). Five hundred animals, adults and puppies, were returned to their owners.

Evidence showed increased funding is needed for:

- additional Animal Control Officers
- an additional supervisor
- an on-site veterinarian
- a veterinary technician
- public education to inform the public about reactions to stray or aggressive dogs, proper yard confinement and the partnership role that San Bernardino Animal Services offers to the public

San Bernardino Animal Services has been allocated land for a new facility. The cost for the land alone is estimated at \$2 million. The building of the new facility itself would run an additional \$70 million.

The preliminary design for the facility has been completed. What is needed now is additional funding.

## **POLICY AND PROCEDURES MANUAL**

Currently, evidence shows the San Bernardino City Shelter has begun writing a Policy and Procedures Manual. However, the current unfinished Manual refers to specific staff names, instead of positions. The staff names need to be deleted, and staff positions be inserted instead. The reason to eliminate staff names is to provide consistency in case of staff leaving. The GJ found the Manual needs to be finished and updated, with specific staff names removed.

## **VETERINARIAN NEEDED ON SITE**

Low-cost spaying or neutering averages around \$200. There is a mandatory spay or neuter ordinance in San Bernardino City. Due to the lack of veterinarian accessibility, the animal may be sent home with an “I will neuter later” form. Animal Services takes a \$100 deposit that is paid back to the owner once proof is shown of spaying or neutering. Immediate on-site spaying or neutering would dramatically reduce the number of loose dogs and dog bites.

Evidence revealed that spaying and neutering pets will significantly decrease the number of stray dogs because they are less likely to leave their yard to look for a mate if they are spayed or neutered. However, many pet owners in the city do not have the funds for altering their dog. San Bernardino Animal Services contracts with an outside veterinarian and animals must be transferred to that veterinarian. An in-shelter veterinarian will help reduce the backlog of dogs who need to be neutered or spayed before being adopted out. Additionally, this may reduce the cost of medical procedures for the shelter and for pet owners.

## **PET OWNER PERCEPTION: EDUCATION PROGRAM NEEDED**

Evidence showed that the public has a negative, adversarial image of animal services. Public outreach is needed to inform people that Animal Control Officers are available to find their lost dog, advise them about proper yard confinement, advise and assist in vaccinations, spaying and neutering. They are not there for the sole purpose of confiscating the dog. If Animal Control Officers had their own “beat” (area, see Glossary), they could be more visible and answer more questions from dog owners.

## **COMMENDATIONS**

The 2023 San Bernardino County Civil Grand Jury commends the San Bernardino Department of Animal Services for the positive changes that have been made in the last four years. For example, ACOs now have laptops in their trucks as standard equipment. This saves time by making the field entries immediately. Evidence shows new trucks have been added to the department this year, which is helping deal with the tremendous number of strays daily.

The City of San Bernardino Department of Animal Services is to be commended for doing their own dispatch services, thereby prioritizing the needs of the community when dealing with stray, aggressive and/or biting dogs.

The Animal Control Officers who work for the City of San Bernardino Department of Animal Services are to be commended for their dedication, caring and hard work to help animals.





## SAN BERNARDINO ANIMAL SERVICES NEW TRUCK



## **SAN BERNARDINO ANIMAL SERVICES TRUCK**

The Grand Jury was very impressed with Animal Services and their staff, who displayed professionalism and a deep level of concern for the welfare of the animals. The Grand Jury commends the administration and staff for making every effort to identify a properly socialized dog for adoption and searching for reasons not to euthanize the animal.

## **CONCLUSION**

The investigation into the San Bernardino City Department of Animal Services resulted in the Grand Jury coming to the following conclusions:

- Animal Services is doing the best it can in light of the huge job they are undertaking, and the Department is improving
- Animal Services needs additional finances to immediately hire additional ACOs
- Animal Services needs additional finances to immediately order equipped ACO trucks
- Animal Services needs a public education program to inform and assist dog owners about their responsibilities, how to deal with an aggressive dog and the partnership role that Animal Services offers
- a fully staffed Animal Services could assign specific territories or beats to the Animal Control Officers. This would help the ACO in identifying “escape” prone dogs, learning about the owner and his home, and identifying aggressive animals. These beats are not withstanding in the event of emergency assistance needed in another area of town
- hire an on-site veterinarian

The Grand Jury concludes that the San Bernardino Animal Services Department continues to strive to ensure the Animal Control Officers do an effective job for the City of San Bernardino.

FINDINGS	RECOMMENDATIONS	IMPLEMENTATION DATE	REQUIRED RESPONSE
<p><b>F-1:</b> The Animal Services Department is underfunded and understaffed.</p>	<p><b>R-1a:</b> Increase funding for Animal Services.</p> <p><b>R-1b:</b> The Grand Jury recommends increased funding is necessary to allow Animal Services to hire additional ACOs.</p>	<p>July 1, 2024</p>	<p>The San Bernardino City Council</p>
<p><b>F-2:</b> San Bernardino Animal Services needs a veterinarian on site to take care of pets' medical needs.</p>	<p><b>R-2a:</b> Hire an on-site veterinarian which would save time and money.</p> <p><b>R-2b:</b> The Grand Jury recommends a Partnership with San Bernardino City Unified School District to create an Animal Services Pathway program for high school students to learn about animal care, becoming groomers, veterinary technicians and veterinarians.</p> <p><b>R-2c:</b> Create an outreach program for prospective veterinary hires.</p>	<p>September 1, 2024</p>	<p>The San Bernardino City Council</p>
<p><b>F-3:</b> San Bernardino Animal Services does not currently have a checklist that all ACOs may use to inspect the yard of an offending owner of a stray or biting dog. This is needed</p>	<p><b>R-3:</b> The Grand Jury recommends that the Animal Services Department develop a uniform written checklist for ACOs to check and ensure that the yard is secure. A copy of the checklist is to be given to the owner.</p>	<p>April 1, 2024</p>	<p>The San Bernardino City Council</p>

<p>for consistency of documenting the encounter and putting the owner on notice to remediate the problem area.</p>			
<p><b>F-4:</b> The SBCAS Policy and Procedure Manual is not complete, nor updated every year, thus the procedures for ACOs are not completely clear and laid out in written form.</p>	<p><b>R-4a:</b> The Grand Jury recommends that the SBCAS complete writing the Policy and Procedure Manual and eliminate the names of employees and use the staff positions instead. Review the Manual annually and present current changes in laws to staff monthly.</p> <p><b>R-4b:</b> Hold monthly or bimonthly staff meetings at the Shelter with management and ACOs to bring everyone up to date on the latest laws and/or developments in the field of Animal Care.</p>	<p>July 1, 2024</p>	<p>The San Bernardino City Council</p>
<p><b>F-5:</b> Currently, ACOs do not have assigned areas (beats) of responsibility within the City of San Bernardino. If SBCAS assigned different beats to each ACO, it would save time and fuel, provide a quicker response, and increase time for educating the pet owners and public who reside</p>	<p><b>R-5a:</b> The Grand Jury recommends that SBCAS divide the city into separate beats of the city and require ACOs to cover just that portion of the city each day.</p> <p><b>R-5b:</b> The Grand Jury recommends the City of San Bernardino provide animal care training to the public twice annually. Each ACO is to provide training for pet owners in his/her beat via online or in-person.</p>	<p>September 1, 2024</p> <p>September 1, 2024</p>	<p>The San Bernardino City Council</p>

in the ACO's area.			
<b>F-6:</b> The public perception of Animal Control Officers is that they are a threat to their pet.	<b>R-6:</b> The Grand Jury recommends that the SBAS reach out and educate the public about Animal Services via in-person and other forms of media.	September 1, 2024	The San Bernardino City Council
<b>F-7:</b> One of the biggest reasons for the continued spike in dog attacks/bites in the City of San Bernardino is due to the number of non-spayed/neutered animals in the city.	<b>R-7:</b> The Grand Jury recommends the SBAS reach out and educate the public in the City of San Bernardino about the benefits of spaying/neutering dogs. Education to be delivered in-person and other forms of media.	September 1, 2024	The San Bernardino City Council

## **REQUIRED RESPONSES**

**San Bernardino City Council**

## **INVITED RESPONSES**

**Kristine Watson, Director of City of San Bernardino Animal Services**

## GLOSSARY

The following Glossary was created by the Grand Jury to provide context and information to terms used in this report.

1. **American Veterinary Medical Association (AVMA):** A not-for-profit association of veterinarians that provide continued education, publications and other resources about animals to the public.
2. **Animal Control Officers:** The staff of San Bernardino City Department of Animal Services who are responsible for responding to the public's calls and dealing with dogs, and other animals, in the city limits.
3. **Beat:** An assigned area of responsibility for each Animal Control Officer.
4. **Euthanasia:** The medical process of ending the life of an animal.
5. **Foster care for animals:** The temporary care of an animal pending a successful permanent adoption.
6. **RCAFS:** Rancho Cucamonga Animal Field Services.
7. **SBCDAS:** San Bernardino City Department of Animal Services.

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***OMNITRANS: THE WHEELS ON THE BUS KEEP GOING ROUND AND ROUND***



## **SUMMARY**

Safety issues on public transportation have been in the news a great deal since the outbreak of COVID-19. In Los Angeles County, serious injuries and attacks on coach operators, (bus drivers, drivers) passengers and innocent by-standers have been reported multiple times in 2022-23. There have been reports of people dying nationally on public transportation. Based on these headlines, the 2023 San Bernardino Civil Grand Jury (Civil Grand Jury, Grand Jury, GJ) decided to investigate whether these safety issues are evident on OmniTrans (OT) coaches within San Bernardino County.

The County of San Bernardino contracts with OmniTrans, and has made this partnership a Joint Power of Authority. (JPA: see Glossary). The 2023 San Bernardino County Civil Grand Jury began to investigate safety issues on the coaches of OmniTrans. Safety problems concerning the Grand Jury at OT were twofold: the safety of the coach operators and the passengers. The investigation focused on the time frame of January 2022 to the present.

The Civil Grand Jury found that, although some safety problems have been addressed by OmniTrans, more can be done to ensure that coach operators and passengers are safe while riding on the buses.

## **BACKGROUND**

OmniTrans was established in 1976 through a joint power's agreement. (See the summary of the law below). The agreement is a contract between OmniTrans (a private company), and various cities within the County of San Bernardino. OmniTrans is the largest transit operator in San Bernardino County (SBC). Their main office is located at: 1700 West Fifth Street in the City of San Bernardino.

Although ridership has declined in recent years, OmniTrans still services over four million riders per year and currently has an operating budget of \$90M+ a year.

All OT buses are equipped with accessibility features like lifts or ramps to board wheelchairs and other mobility devices. The coach operator will assist these passengers with boarding the bus, if needed. They may be used by persons with disabilities who cannot use the steps to board the bus, including riders using the following devices:

- Wheelchairs
- Scooters
- Orthopedic strollers or similar mobility devices
- Walkers
- Canes
- Crutches
- Portable oxygen units<sup>1</sup>

OmniTrans also offers free fares for school students, making public transportation more affordable for, and accessible to, them.

Newly hired coach operators go through classroom training and then behind-the-wheel training. Once students have successfully completed their training, OmniTrans assists them with obtaining their Commercial Driver's License (CDL).

OmniTrans designed and installed custom-made plexiglass barriers in all its buses to protect against the air-borne virus during the Covid 19 Pandemic. The barriers are magnetized to securely snap into position. The OmniTrans website states that “this added layer of protection has been deemed adequate for division between drivers and passengers”.<sup>2</sup> However, these dividers were installed to protect coach operators from sick passengers. These dividers were never meant for protection against aggressive or violent passengers. New, expanded dividers made from harder material are now needed so that the drivers can be physically protected while they are operating the coaches.<sup>3</sup> (Note: Evidence revealed that new dividers were installed in 2022. However, it is unclear if all buses are equipped with these new safety dividers.)

Other safety measures are also needed to protect coach operators and their precious cargo: the passengers. The purpose of this report is to suggest additional safety measures that may be implemented.

## **THE LAW**

### **JPA Agreement**

This joint power authority (JPA) is a contract between a local government and a transit company that outlines the terms of their partnership toward public transit.<sup>4</sup>

This includes details regarding what roles and responsibilities each party undertakes per the contract. For example, the transit company agrees to run certain pre-determined routes in exchange for a monetary sum from the participating government agencies. The purpose of the joint participation agreement is to ensure that both parties understand and acknowledge the obligations they assume under the terms of the contract. This protects their legal interests and promotes an amicable relationship between the two. See the reference section of this report for the current agreement from 2016.

### **PC §925a and §933.1**

“JPAs can be created in three different formats: as a joint power's authority (an entity), as a joint powers agency (also an entity), or as a joint power's agreement (a contract). Regardless of the format, JPAs all have one thing in common: they involve two or more local agencies coming together to share their independent powers towards accomplishing a mutual goal.

Civil Grand Juries have the authority to investigate all local JPAs, with the caveat that they do not have jurisdiction to investigate policy issues.

When investigating a joint powers authority or agency, a Grand Jury can focus on the JPA operations and make recommendations on how those could be improved. In this case the Grand Jury would require the governing boards of the JPA members to respond to the recommendations.”<sup>5</sup>

When investigating a joint powers agreement, a Grand Jury may focus on whether and to what extent the parties to the agreement are performing in accordance with the agreement. The Grand Jury’s findings and recommendations would be directed to the board; in this case it would be the San Bernardino County Board of Supervisors.

## OmniTrans Board of Directors

The Board of Directors for the County of San Bernardino and OmniTrans:

John Dutrey (Chair)	<a href="#">City of Montclair</a>
Frank Navarro	<a href="#">City of Colton</a>
Supervisor Curt Hagman	<a href="#">County, Fourth District</a>
Supervisor Joe Baca Jr.	<a href="#">County, Fifth District</a>
Supervisor Dawn Rowe	<a href="#">County, Third District</a>
Supervisor Jesse Armendarez	<a href="#">County, Second District</a>
Eunice Ulloa	<a href="#">City of Chino</a>
Cynthia Moran	<a href="#">City of Chino Hills</a>
Bill Hussey	<a href="#">City of Grand Terrace</a>
John B. Roberts, Jr.	<a href="#">City of Fontana</a>
Penny Lilburn	<a href="#">City of Highland</a>
Alan Wapner	<a href="#">City of Ontario</a>
Ron Dailey	<a href="#">City of Loma Linda</a>
Denise Davis	<a href="#">City of Redlands</a>
Rafael Trujillo	<a href="#">City of Rialto</a>
Kristine Scott	<a href="#">City of Rancho Cucamonga</a>
Helen Tran	<a href="#">City of San Bernardino</a>

Bill Velto	<a href="#">City of Upland</a>
Bobby Duncan	<a href="#">City of Yucaipa</a>

## METHODOLOGY

The 2023 San Bernardino County Civil Grand Jury read multiple documents about OmniTrans. These documents included organizational charts, manuals, handbooks, records, budgets, incident reports and passenger complaints. The Grand Jury interviewed several employees, including administrators, directors, supervisors, coach operators and field supervisors. The Grand Jury members visited the OmniTrans operational center and toured the grounds. The members also took part in a training class for coach operators. The Grand Jury members rode on a coach to observe a coach operator and some passengers in the City of San Bernardino.

## DISCUSSION

The reason for the 2023 Grand Jury investigation into OmniTrans was to look at both coach operator and passenger safety. Safety on public transportation is not just an issue in San Bernardino County. To strengthen security and efficiency for both veteran and prospective riders of L.A.'s public trains and buses, Los Angeles Metro has hired at least 300 *'transit ambassadors.'* These ambassadors are to assist passengers with any issues and report unwanted passenger behavior on the buses and subways, which allows the operator to do the job for which they were hired: to drive the bus safely. This could be an option for OmniTrans since they are planning to extend bus services to Pomona, California, which is in Los Angeles County.

In the County of San Bernardino, the Victor Valley Sheriffs' Department has contracted with, and will now have, a team comprised of one sergeant and four deputies, assigned to the Victor Valley Transit Authority. The one sergeant and four deputies will enhance the safety of passengers and drivers. Passengers will see deputies randomly riding different buses, as

well as monitoring activity at bus stops and the Victor Valley Transportation Center.<sup>6</sup>

Neighboring Riverside County Transit Agency, according to their website, still relies on their coach operators to directly inform their dispatchers of safety issues and requesting assistance. There are no sheriffs or transit ambassadors in neighboring Riverside County.<sup>7</sup>

The 2023 San Bernardino County Civil Grand Jury has many concerns for the safety of the public and the coach operators while riding/operating any OT bus in San Bernardino County.

According to OmniTrans, *“Our values are the shared beliefs that represent what are most important to us as an organization.”* The OmniTrans website goes on to state, *“Our Strategic Plan maintains strategic continuity with the previous Strategic Plan and features several new strategic directions that will drive our work over the next five years. We will:*

- ***SECURE*** our finances long-term and explore new funding sources
- ***EXPAND*** our customer base
- ***ENHANCE*** our role in providing mobility and connectivity to the community
- ***ENGAGE*** in local and regional planning to promoting transit as a part of sustainable development
- ***STRENGTHEN*** our communication with all our stakeholders
- ***BE bold, entrepreneurial and innovative”***

Not one of the statements above from OmniTrans’ five-year strategic plan specifically mentions the safety of coach operators or their passengers. Evidence revealed that a coach is a \$2 million machine that carries the most precious cargo.<sup>8</sup>

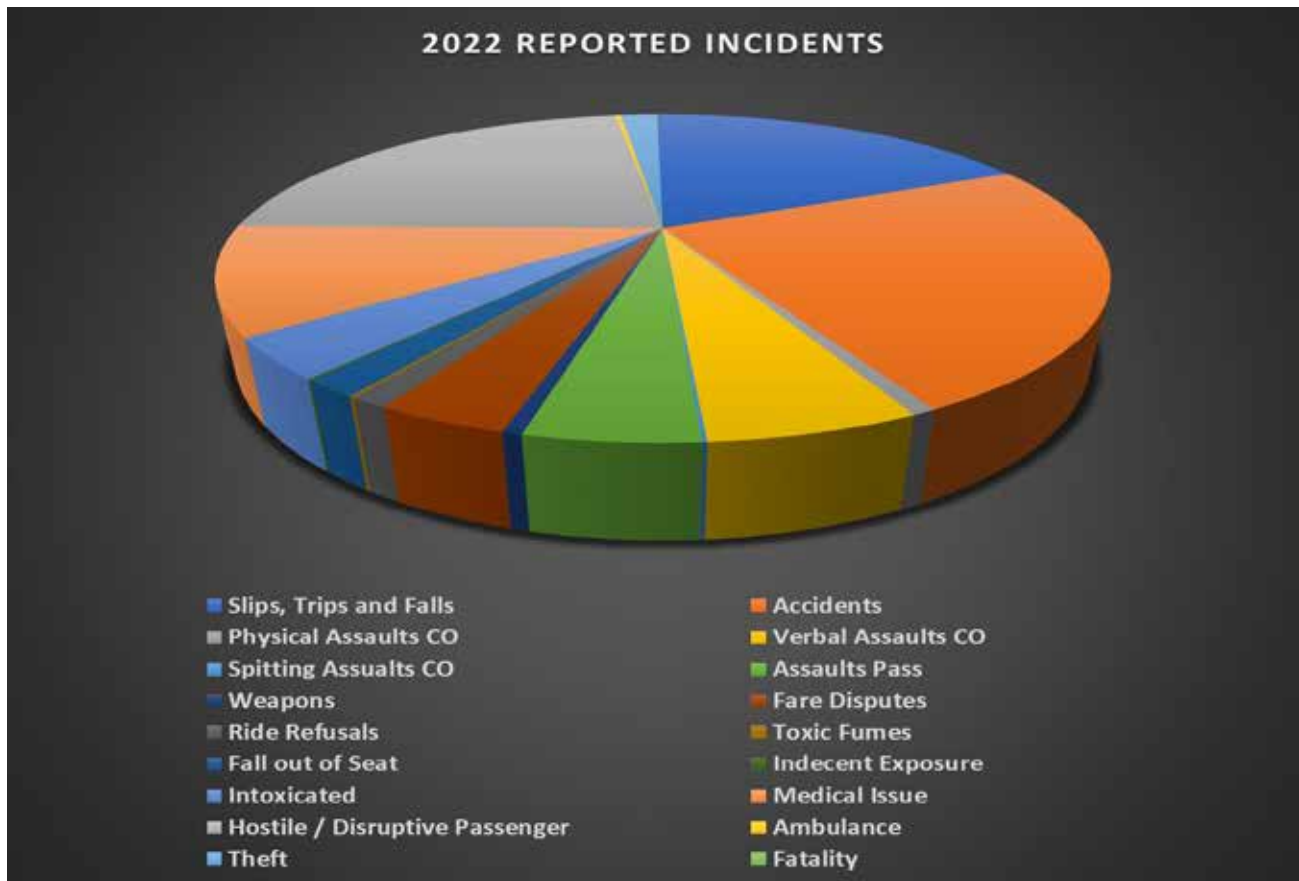


## Safety Record

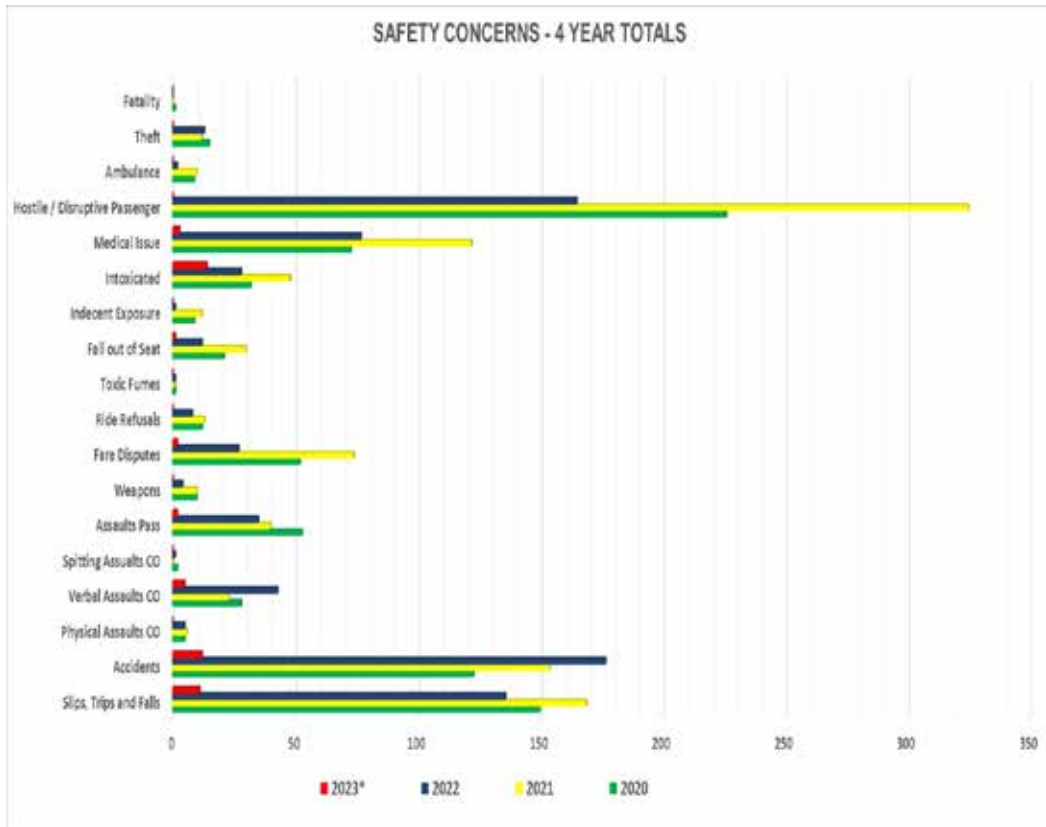
OmniTrans does not have a particularly good record when it comes to the safety of their drivers or their ridership. Yet their plan is to increase the number of coach operators and their customer base over the next five years, placing more people at risk.

## Safety Incidents

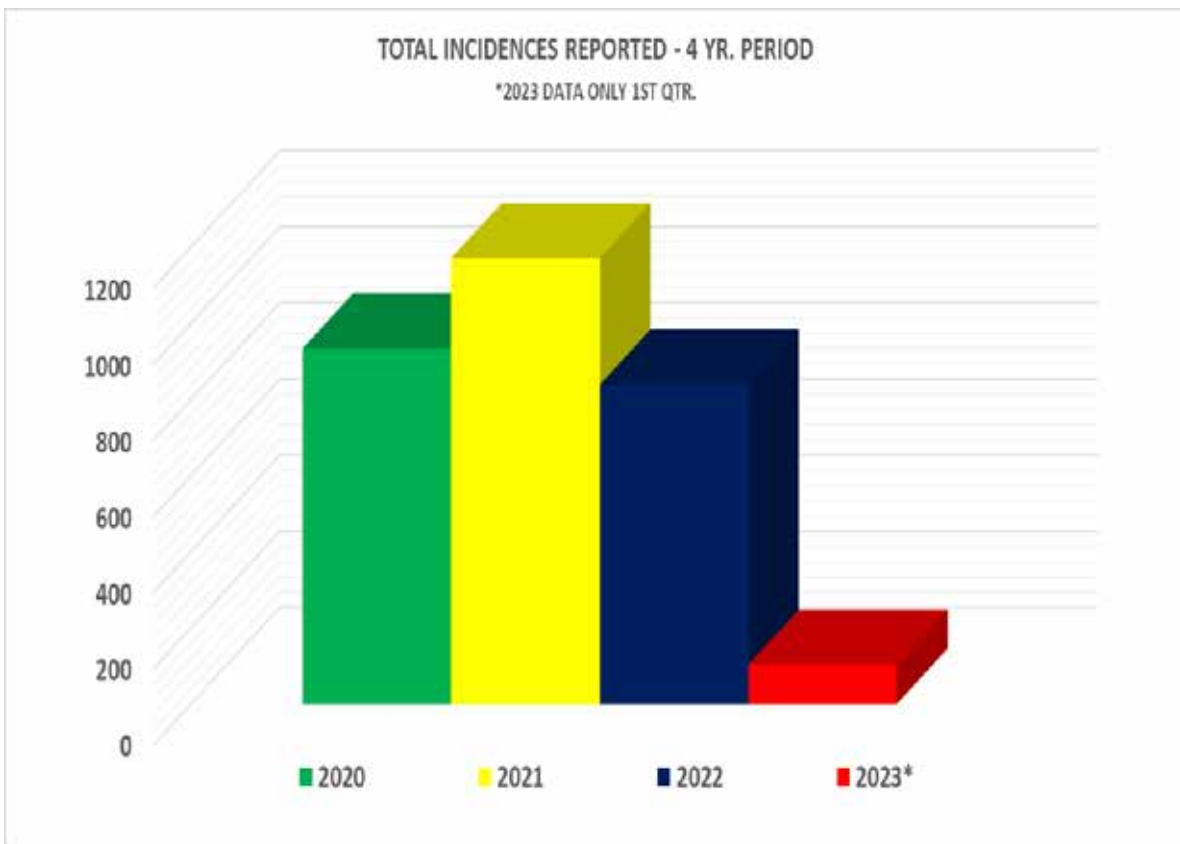
The following graphs show safety incidents for 2022. The data was provided by OmniTrans as reported to the Grand Jury.



(Data source provided by OmniTrans; chart created by Grand Jury)



(Data source provided by OmniTrans; chart created by Grand Jury)



(Data source provided by OmniTrans; chart created by Grand Jury)

## Safety Measures

### Plexiglass Barriers

Plexiglass barriers had been installed on all OmniTrans buses for the Covid-19 pandemic to help slow the spread of germs. These plexiglass shields are still in place, even though Covid-19 numbers had been dwindling in San Bernardino County. The evidence has shown that the plexiglass is not enough to protect drivers from verbal threats, spitting, getting urine thrown on them, assaults, gun threats and fights between passengers.



(Photo of Coach Operator's Cabin with Plexiglass partition)

OmniTrans has implemented several safety procedures:

- Multiple cameras have been placed on all coaches (inside and out)
- Coach operators have been instructed to quote the fare but not to argue if a rider refuses to pay
- Coach operators are instructed not to leave their seats
- Coach operators are instructed to pull over safely and open both sets of doors in case of conflicts/problems

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- Multiple cameras have been placed on all coaches (inside and out)
- Coach operators have been instructed to quote the fare but not to argue if a rider refuses to pay
- Coach operators are instructed not to leave their seats
- Coach operators are instructed to pull over safely and open both sets of doors in case of conflicts/problems
- Coach operators are instructed not to use their cell phones
- Coach operators are instructed to press the index button which bookmarks the point in the recording where an incident occurs, and to press either the dispatch or the panic button, depending upon the situation

However, the Grand Jury found that:

- Drivers need additional training in de-escalation and handling passengers with mental health issues
- Plexiglass barriers need to be extended and/or replaced with dividers made of stronger material (Note: some buses are now being equipped with dividers made of stronger material)
- An additional mirror is needed so that drivers can see directly behind them since the operator cannot see passengers in handicapped seats
- Install a camera on the rear of the coach looking out so that drivers can back-up safely

## Budget

The chart below shows OmniTrans operating expenses.

(Data source provided by OmniTrans; graph created by Grand Jury)

Approved Budget		Variance	Variance
(in Millions)			
FY 2022-23	FY 2023-24	(\$)	(%)

### Sources

Revenue (Operating Funds)	\$90.60	\$103.00	\$12.40	13.70%
Reserves (Capital Funds)	\$158.70	\$47.00	-\$111.70	-70%
Less Capital Budget Used for Operating	-\$4.60	-\$14.30	-\$9.70	209%
<b>Total Source of Funds</b>	<b>\$244.70</b>	<b>\$135.70</b>	<b>-\$109.00</b>	<b>-44.6%</b>

## Uses

Salaries & Benefits	\$50.40	\$55.00	\$4.70	9%
Services	\$6.90	\$8.10	\$1.20	17%
Supplies	\$6.80	\$9.80	\$3.00	44%
Occupancy	\$5.40	\$6.30	\$0.90	17%
Casualty & Liability	\$9.60	\$10.00	\$0.40	4%
Capital Expenditures	\$10.30	\$12.20	\$1.90	18%
Misc & Leases	\$0.30	\$0.80	\$0.50	147%
Other Expenses	\$0.80	\$0.90	\$0.10	6%
Total Expenditures/ Designations	\$90.50	\$103.10	\$12.70	14%

Vehicle purchases/improvements will decrease by \$14 million in 2023-24. OT budgeted to pay \$113 million to a third-party entity in 2022-23; the purpose for this payment is unclear. There is no expected payment to a third-party entity in the subsequent fiscal year. OT is expected to spend \$6 million on radio/information technology in the subsequent fiscal year to increase communication between drivers, field supervisors and dispatchers. However, the Grand Jury found that much more money needs to be going toward security on the most high-risk bus routes and at all stations.



Salaries and benefits are expected to increase by 9% in the subsequent fiscal year. However, the GJ found evidence that in the past, salary increases have not been equitable. The current budget does not delineate exactly who will receive these salary increases. The Grand Jury found coach operators and field supervisors need increases in pay and/or additional incentives to both recruit and retain employees in these positions because of high turnover and retention problems. Higher salaries and increased benefits may help attract additional applicants and retain employees. It would reduce turnover because those hired may stay longer to reap those benefits.

## **Training**

OmniTrans offers initial training for new applicant coach operators so they can test for, and obtain, their Commercial Driver's License. The training lasts six weeks and is comprised of mostly lecture format in the classroom. Some of this training is in PowerPoint or in the form of a video. Some of the six-week training period is out on the coaches with instructors.

The instructors may change from week to week. Evidence showed that because the instructor changes, the training from week to week may be inconsistent. The GJ also found that the amount of hands-on training is inconsistent from instructor to instructor. Training varies for each applicant because of this inconsistency. The Grand Jury found that having one trainer for the entire six-week training period would be beneficial to the trainees and would help with the consistency of the training.

Evidence revealed the simulator, virtual and interactive training is very important so the students can learn in a real-life situation. Without interactive scenarios presented to the trainees, the students may receive their CDL, but may still be unprepared for situations that come up when they are driving their routes. The simulator currently in the training classroom is outdated and cannot be repaired. OmniTrans has no virtual learning program that can teach the students how to react in real-life situations. The Grand Jury recommends that OmniTrans purchase a virtual program and/or a new simulator for use in the training classrooms.

The Grand Jury found that the trainees benefitted from the time spent teaching the prospective drivers out on the buses in person. If one instructor and three or four students went out on routes in real coaches, the teacher could model safe driving, and then the trainees could each take turns driving the bus with the instructor guiding them. Evidence showed that the students would benefit greatly from this type of interactive training.

OmniTrans also reteaches current coach operators annually to refresh their training. These classes are taught on PowerPoint or videos with little student interaction. At the end of the class, coach operators play an interactive game in 'Jeopardy!' style format. The class participants were much more involved in the learning at that point. Interactive methods are encouraged as much as possible.

### **Train the Trainers Pilot Program**

“Research indicates that the shelf life for skills may be five years or less. We are in a cycle of near constant upskilling and reskilling of the workforce. Train the Trainer programs equip trainers and instructional designers with the skills they need to provide the best learning experience to employees. Train the Trainers facilitators need to have strong leadership skills, effective communication capabilities, exceptional listening skills, and emotional intelligence.”<sup>9</sup>

The Grand Jury has learned teaching adults who have personal experiences and opinions is a difficult task and not just anyone can jump into this role. The evidence revealed that the trainers need:

- to be qualified and proficient in teaching to all learning styles
- more planning and team-building times
- time to work with one another so the delivery of the material to coach operators is consistent
- consistency in delivering the same material
- one instructor for the initial six-week period of training class
- a “train the trainers” program, for consistency in instruction

## **De-escalation Training**

Evidence revealed that coach operators (new trainees *and* experienced drivers) at OmniTrans would be better prepared and equipped if the training included ideas on how to de-escalate a situation that arises on the coaches and at stops. Drivers who know exactly how to de-escalate a confrontation, argument and other situations can then draw from their training ideas and put them into use while out on their routes. Probationary trainees, as well as seasoned drivers, need the best ideas for de-escalation so that small problems do not become huge problems while they are trying to operate their coaches. The Grand Jury recommends that OmniTrans hire de-escalation experts to teach the best and most current methods for de-escalation so that drivers can feel confident with the tools they learn. Qualified vendors can be sought and hired to be guest speakers/trainers during classes.

A qualified third-party trainer to instruct the coach operators in dealing with passengers who have mental illness issues would also benefit the drivers and give them more training in how to deal with some of the passengers they encounter on a regular basis. The operators could draw from their training to use ideas to deal with these passengers in a safe and non-confrontational way.

## **Use of Simulators**

“Transit bus driver training simulators have been successfully used to increase proficiency throughout the transportation industry. Simulators/virtual methods used in training programs simplify periodic retraining, improve customer service, and help transit operators to learn to better manage the stresses associated with passenger issues on fixed routes. This would also ease the transition to Electric Vehicle (EV) buses. With simulation-based bus operator training transit agency will get entry-level drivers their commercial driver’s license more quickly and retain them longer.”<sup>10</sup> “Driving simulators allows learners to experience the consequences of their actions in an almost unlimited range of driving situations without risk of material damage and/or injury.”<sup>11</sup>

According to an expert company who manufactures simulators:

“Most importantly, when using a bus driving simulator, you can reap all these benefits at any hour, in any weather, with absolutely no risk to equipment, workers, passengers, or the community.”<sup>12</sup>



(Photo of Non-operable Simulator at OmniTrans)

“At most agencies, simulators are used to train new drivers and specifically to teach defensive driving techniques, to “show them what they don’t know.” These training sessions equated to relatively short durations in the simulators of around 10-20 minutes per driver. Simulators are viewed as worthwhile for demonstrating techniques like “rock and roll,” in which the trainee checks blind spots. Simulators offer the opportunity for drivers to see what they would miss by not implementing the technique. Several agency representatives mentioned the case of pedestrians in a blind spot as a particular situation which is effectively conveyed to drivers using a simulator.”<sup>13</sup>

“Bus driving simulators are widely used throughout the transit industry to support driver training. Drivers generally find them credible and useful in learning important driver safety techniques and principles. However, space must be provided to store and operate systems and funding sources must be identified to provide the necessary resources to maintain the operation of a driving simulator.”<sup>14</sup>

“Transit bus driver training simulators have been successfully used to increase throughput in training programs, simplify periodic retraining, improve customer service, help transit operators to learn to better manage the stresses associated with passenger issues on fixed routes, and ease the transition to EV buses. With simulation-based bus operator training your transit agency will get entry-level drivers their commercial driver’s license (CDL) quickly and retain them longer.”<sup>15</sup>

### **Coach Operator Safety**

During the Grand Jury investigation into OmniTrans safety practices, the GJ discovered that installing plexiglass barriers between the operator and passengers worked well during Covid-19 because they were installed to prevent the spread of disease rather than for security risks. However, today’s safety issues aboard public transportation have advanced well beyond the spread of germs. Drivers need an unobstructed view all around the bus from their coach operator area (both inside and outside of the bus) with adjustable barriers around the driver’s area, to avoid physical confrontations with passengers. The plexiglass operator barriers, which OmniTrans installed at the beginning of Covid-19, were an improvement, but passengers can still reach around it to physically contact the driver. Extended barriers made of harder material are needed for the safety of the coach operators.

The Grand Jury learned it would be beneficial to have a class on how to deal with people and how to use de-escalation techniques. Instructors can use more interactive training about how to handle aggressive and upset passengers. Some people get angry, so a third-party professional should come in and explain to the drivers how to deal with such situations and behavioral issues. There are some people with mental disabilities that coach operators must deal with on a routine basis. OmniTrans instructors can train with these expert professionals in using more interactive scenarios (without drivers leaving their seats or physically confronting anyone) and dealing with people with mental illness, since societal issues have changed over the years.

### **Passenger Safety**

The transit center in the City of San Bernardino is the only transit center owned by OmniTrans and provides their own security. OmniTrans contracts with Allied United Security for security at other transit centers. OmniTrans contracts with Allied United Security for three years with two-year renewal options.

OmniTrans does not control the security at any other stations. The Grand Jury learned OmniTrans does not own the transit center in Fontana. It is a very busy transit center, and the City of Fontana maintains that property and provides security. Therefore, there is no consistency in security at the various transit centers.

The Grand Jury discovered most safety incidents happen between passengers. Sometimes these incidents begin at the station and then continue onto the bus. All buses are equipped with multiple video cameras that also records sound. The coach operators do not have access to the videos. Usually, the PA (public announcement) system is used by coach operators to try to de-escalate arguments. OmniTrans currently has a \$90M+ budget, and they are required to spend two percent of that on security annually.



The Grand Jury found that several bus stops have been turned into homeless encampments, so passengers tend to stand away from the actual bus stop while waiting for a bus. Therefore, the driver may pass up a stop. There was evidence that solar lighting could be installed at all bus stops as a deterrent and to discourage homeless people from loitering, sleeping and camping at the bus stops. Solar lighting is more practical than electric lighting as you do not have to install electricity at the bus stop.

## **WeTip®**

WeTip was founded in 1972 to aid law enforcement and provide anonymous reporting resources and empowerment to citizens. Through WeTip's success, crime incidents have dramatically reduced in both communities and schools nationwide. Since its inception, WeTip has led to over 1.2 million crimes reported, 16,000 arrests, and 8,000 convictions. OmniTrans, San Bernardino Sheriff's Department and San Bernardino International Airport have utilized this program for years.

WeTip is advertised at the OmniTrans office in San Bernardino for drivers to use, if needed. At one time, there were WeTip notices on the backs of passenger's seats as well as at the front of each coach, for passengers to access. The Grand Jury learned that many passengers have torn these off. Perhaps displaying only the QR code could help. WeTip provides a dedicated telephone number with dedicated hotlines and QR Codes. Reports are always anonymous. They also offer confidential text message reporting. Passengers often use WeTip to report complaints<sup>16</sup>.

The Grand Jury found that passengers need easy access to the WeTip information at many locations on the bus and not just at the front of the bus.



## Field Supervisors

With so many issues that coach operators must face, the Grand Jury also investigated the role of field supervisors and how they assist coach operators with safety issues.

Bus drivers are to radio dispatch if there is a problem, and the drivers are also responsible for writing up incident reports, but they are not allowed to call 911. Field supervisors will receive a call from dispatch if there is a bus incident in their area (East or West Valley). These supervisors will assess the situation and then determine if his or her presence is required for that incident, depending on the severity of the situation. Field supervisors will determine whether to call the local law enforcement immediately or not at all. They will later go over the videos from the coach and write a report which is then disseminated to various departments at OmniTrans.

Evidence revealed that there are an insufficient number of field supervisors to cover the area and number of routes serviced by OmniTrans, since there is only one field supervisor per shift, per area. It also impacts efficiency and shortens the field supervisors' response times. Additional supervisors must be hired to ensure the safety of OT coach operators and passengers as well as the vehicles.

## **Hiring and Retention of Staff**

Evidence shows that a high turnover of staff is a problem for OmniTrans. The Grand Jury found that multiple administrative positions have been unfilled for long periods of time. OmniTrans requires that existing staff perform those jobs, so many employees are wearing multiple hats. Employees are stretched so thin that it is difficult to perform the duties of multiple positions. Consequently, time management becomes a concern.

Additionally, OmniTrans is having difficulty hiring and retaining coach operators. OmniTrans has implemented some incentive programs to retain and reward its staff. However, the Grand Jury finds that additional programs and incentives would be beneficial. Some coach drivers apply at OmniTrans, go through coach driver training and receive their CDL only to leave soon afterwards for higher paying jobs or jobs with better incentives.

The Grand Jury discovered some drivers are pressured to work additional days beyond their tour-of-duty. If they fail to come in and work, there are negative consequences, such as earning demerits. Reaching 100 demerits on a driver's record can result in automatic termination. Coach operators may end up working seven days a week for an extended period. The Grand Jury has found this affects their performance and morale. It is evident that burnout would affect the safety of the driver, passengers, pedestrians and the bus.

## **The Future of OmniTrans Safety**

### **Victor Valley Transit Authority**

The Grand Jury has learned that the Victor Valley Transit Authority (VFTA) has partnered with the San Bernardino County Sheriff's Department (SBCSD) to enhance the safety of its passengers and coach operators. This partnership, which consists of one sergeant and four deputies, was created mid-year to help improve the sense of security and well-being

among the commuters. The Grand Jury has tried several times to contact VVTA and verify their data, findings, and progress on this program. That effort was unsuccessful. However, the Grand Jury recommends that the San Bernardino County Board of Supervisors and OmniTrans look at this partnership as a litmus test to evaluate its implementation. Victor Valley Transit Authority could be a model for a pilot program for OmniTrans to cover its riskier routes.<sup>17</sup>

## **COMMENDATIONS**

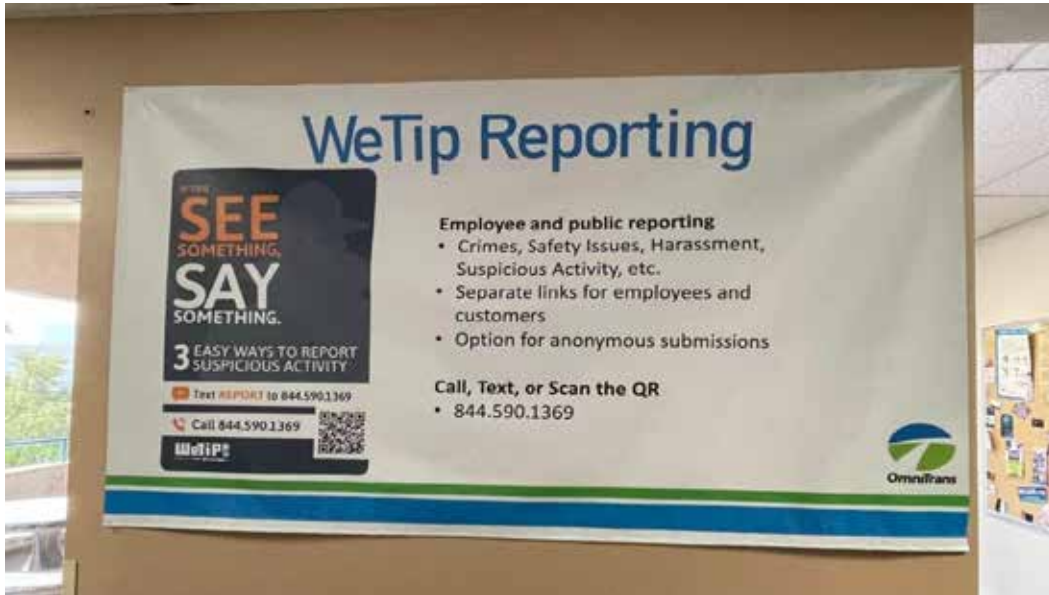
- OmniTrans invested in acquiring zero emission buses (ZEBs); for example, hydrogen fueled coaches
- OT currently has 4 electric buses
- OmniTrans has an agreement to add 18 additional electric buses
- the Grand Jury was pleased to discover multiple compliments from passengers about helpful and friendly drivers
- OmniTrans is making efforts with driver and passenger safety
- free Fares for School Program is a great idea
- OT's willingness to work with the Grand Jury, providing requested documents and making it possible for employees to come in for interviews
- OmniTrans listens to and welcomes coach operator safety suggestions
- police officers and firefighters ride for free on all OmniTrans buses if they are wearing their uniform

## **CONCLUSION**

OmniTrans does show concern for safety issues aboard their buses, but the Grand Jury sees the need for more improvement. OmniTrans bus stops still need to be cleared of sleeping people and the amount of trash left behind according to evidence received. Installing solar lights at stops may deter people who are homeless from camping there.

OmniTrans is understaffed and struggles with employee retention. For example, some driver applicants are hired, trained, receive a commercial driver's license at OmniTrans' expense but then immediately leave for higher-paying jobs elsewhere. OmniTrans would benefit from setting up a better incentive plan whereby attendance and retention bonuses are paid at certain short milestones when employees continue their employment with OmniTrans.

The Grand Jury believes that OmniTrans will address these concerns and continue "moving" in the right direction, so that the wheels on the bus will keep going round and round—safely.



(Banner hangs in the OmniTrans Headquarters)

## **FINDINGS & RECOMMENDATIONS – 90-Day Response Requested:**

### **REQUIRED RESPONSES**

1. San Bernardino County Board of Supervisors
2. OmniTrans Board of Directors

### **INVITED RESPONSES**

1. Erin Rogers - CEO and General Manager of OmniTrans



FINDINGS	RECOMMENDATIONS	IMPLEMENTATION DATE	REQUIRED RESPONSE
<p><b>F-1:</b> There is a lack of armed security guards/law enforcement officers riding the coaches, especially on the most troublesome bus routes.</p>	<p><b>R-1:</b> OmniTrans is recommended to begin having armed security guards/law enforcement officers on the most troublesome routes as a 'pilot program' by the suggested implementation date.</p>	<p>September 2024</p>	<p>1. OmniTrans Board of Directors  2. SB County Board of Supervisors</p>
<p><b>F-2:</b> There are an insufficient number of field supervisors to support the coach operators in the event of safety incidents.</p>	<p><b>R-2a:</b> OmniTrans to hire additional field supervisors.  <b>R-2b:</b> Use higher pay and incentives to attract/retain field supervisors.</p>	<p>September 2024</p>	<p>1. OmniTrans Board of Directors  2. SB County Board of Supervisors</p>
<p><b>F-3:</b> Homeless people are encamping/loitering at bus stops, precluding passengers from physically waiting at the bus stops.</p>	<p><b>R-3:</b> Solar lighting is to be installed at all bus stops to deter loitering at these bus stops.</p>	<p>September 2024</p>	<p>1. OmniTrans Board of Directors  2. SB County Board of Supervisors</p>
<p><b>F-4:</b> OmniTrans offers some incentives to address the coach operator hiring shortage, and retention problem, but more incentives are needed.</p>	<p><b>R-4:</b> Implement additional incentives for new hires and existing coach operators. For example, mini bonuses for every month driving after being hired by OmniTrans.</p>	<p>July 2024</p>	<p>1. OmniTrans Board of Directors  2. SB County Board of Supervisors</p>
<p><b>F-5:</b> Utilizing interactive education, real-life situations, hands-on training and simulators and/or virtual learning will improve the safety training for the coach operators.</p>	<p><b>R-5:</b> Utilize interactive education, real-life situations (which the coach operators are likely to face), hands-on training and simulators and/or virtual learning so that the training will look more like what the operators face every day.</p>	<p>September 2024</p>	<p>1. OmniTrans Board of Directors  2. SB County Board of Supervisors</p>

FINDINGS	RECOMMENDATIONS	IMPLEMENT DATE	REQUIRED RESPONSE
<p><b>F-6:</b></p> <p>There is inconsistency and lack of effectiveness in the training process due to no 'train the trainers' program in place to ensure quality and consistency.</p>	<p><b>R-6:</b></p> <p>Set up a program for 'train the trainers' that will ensure effectiveness and consistency throughout the training.</p>	<p>September 2024</p>	<p>1. OmniTrans Board of Directors</p> <p>2. SB County Board of Supervisors</p>
<p><b>F-7:</b></p> <p>The OmniTrans training manual does not always match what is taught in actual classroom training.</p>	<p><b>R7:</b></p> <p>Ensure that the manual completely matches the training.</p>	<p>July 2024</p>	<p>1. OmniTrans Board of Directors</p> <p>2. SB County Board of Supervisors</p>
<p><b>F-8.</b></p> <p>Expert third-party training in de-escalation techniques is needed.</p>	<p><b>R-8:</b></p> <p>Implement de-escalation training from outside experts.</p>	<p>September 2024</p>	<p>1. OmniTrans Board of Directors</p> <p>2. SB County Board of Supervisors</p>
<p><b>F-9:</b></p> <p>The bus simulator used for coach operator training is outdated and unrepairable and has not been used by any new hires in the last few years.</p>	<p><b>R-9:</b></p> <p>Purchase a new bus simulator for use in training coach operator students.</p>	<p>September 2024</p>	<p>1. OmniTrans Board of Directors</p> <p>2. SB County Board of Supervisors</p>

## GLOSSARY

The following Glossary was created by the Grand Jury to add context and information to the report above.

1. **Commercial Driver's License (CDL):** a driver's license required in the United States to operate large and heavy vehicles (including trucks, buses and trailers) or a vehicle of any size that transports hazardous materials or more than 15 passengers (including the driver).
2. **Coach Operator:** Person who drives large passenger vehicles, known as coaches, for tours, charters and other scheduled services. Coach operators transport passengers.
3. **Joint Powers Authority (JPA):** The OmniTrans Joint Powers Authority is a California public agency formed pursuant to the Joint Exercise of Powers Act, Chapter 5 (commencing with Section 6500 of Division 7 of Title 1 of the Government Code) through those certain joint powers' agreement titled "Amended and Restated Joint Powers Agreement between the County of San Bernardino and the Cities of Chino, Chino Hills, Colton, Fontana, Grand Terrace, Highland, Loma Linda, Montclair, Ontario, Rancho Cucamonga, Redlands, Rialto, San Bernardino, Upland and Yucaipa, creating a county wide transportation authority to be known as 'OmniTrans', dated July 1, 2016 (referred to as the "Joint Powers Authority").
4. **OmniTrans:** the largest public transportation agency in San Bernardino County. Established in 1976. It covers approximately 480 square miles.
5. **Route:** a way or course taken in getting from a starting point to a destination.

## REFERENCES

### A. California Penal Code §933

This law requires the governing body of any public agency which the Grand Jury has reviewed, and about which it has issued a final report, to comment to the Presiding Judge of the Superior Court on the findings and recommendations pertaining to matters under the control of the governing body. Such comment shall be made no later than 90 days after the Grand Jury publishes its report (filed with the Clerk of the Court).

Additionally, in the case of a report containing findings and recommendations pertaining to a department or agency headed by an elected County official (e.g., District Attorney, Sheriff, etc.), such elected County official shall comment on the findings and recommendations pertaining to the matters under that elected official's control within 60 days to the Presiding Judge with an information copy sent to the Board of Supervisors. Furthermore, California Penal Code Section 933.05 specifies the manner in which such comment(s) are to be made as follows: (a) As to each Grand Jury finding, the responding person or entity shall indicate one of the following: (1) The respondent agrees with the finding. (2) The respondent disagrees wholly or partially with the finding; in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor. (b) As to each Grand Jury recommendation, the responding person or entity shall report one of the following actions: (1) The recommendation has been implemented, with a summary regarding the implemented action. (2) The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation. (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This time frame shall not exceed six months from the date of publication of the Grand Jury report. (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefore.

(c) If a finding or recommendation of the Grand Jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the Board of Supervisors shall respond if requested by the Grand Jury. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department. Comments to the Presiding Judge of the Superior Court in compliance with Penal Code §933.05 are required and requested from

**B.** See below a recent job posting for the Field Supervisor position at OmniTrans:

### **2023 Field Supervisor Recruitment from OmniTrans**

#### **Salary**

\$62,667.96 - \$94,002.00 Annually

#### **Location**

San Bernardino, CA

#### **Job Type**

Full Time

#### **Job Number**

1307

#### **Department**

Operations

#### **Opening Date**

07/20/2023

#### **Closing Date**

8/4/2023 11:59 PM Pacific

## JOB DESCRIPTION

### The Job:

**Ride OMNITRANS to a satisfying career that lets you make a difference in the San Bernardino Valley.** OmniTrans, provider of public mass transit for the San Bernardino Valley in Southern California is seeking a highly skilled professional to join our award-winning team. The ideal Candidate hired will supervise, coach and mentor the Agency's coach operators, ensuring efficient and courteous service.

### Examples of Duties

The duties listed below are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related, or a logical assignment to this position:

Monitors the daily performance/operation of fixed routes, including efficiency, system safety and on time performance; makes recommendations for adjustments. Develops routes for detours and special events.

- Monitors motor coaches on the road and determines location of bus stops, zones, and amenities. Research service and makes recommendations.
- Supervises and monitors operator performance including on-board ride checks and overall compliance with rules, regulations, and safety requirements.
- Issues fare evasion citations and code enforcement.
- Assists operators with passenger relations. Investigates customer complaints and acts as liaison for the Agency with the general public and public works/safety personnel.
- Responds to, investigates, and submits reports on accidents, incidents and claims involving Agency vehicles and personnel.
- Maintains, monitors, and analyzes logs and records relative to coach operator efficiency and performance such as attendance, on time performance, and disciplinary records.



- Evaluates and documents work performance and counsels' subordinates, recommending and implementing disciplinary actions as required.
- Monitors on street performance of contract operated services and vehicles.
- Acts as an emergency responder for natural and man-made disasters that involve public mass transit services.
- Assists the dispatch office, providing dispatch relief for meetings, breaks, emergency coverage or other duties.
- Enforces and rates on a scale coach operator safety performance including rules and regulations compliance and implements corrective action.
- Other duties may be assigned.

## **SUPERVISORY RESPONSIBILITIES**

Directly supervises coach operators in the Operations Department. Carries out supervisory responsibilities in accordance with the organization's policies and applicable laws. Responsibilities include planning, assigning, and directing work; appraising performance; rewarding employees; addressing complaints and resolving problems.

## **The Requirements**

To perform this job successfully, an individual must be able to perform each essential duty satisfactorily. The requirements listed below are representative of the knowledge, skill, and/or ability required. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

## **Education and/or Experience**

Possession of two years post high school education and four years of recent transit operational experience or a minimum of two years of relevant supervisory experience; or an equivalent combination of education and supervisory experience. Must be familiar with current business operating systems, software, and programs.

Knowledge of Transit operations and applicable laws and regulations; Union contracts, rule books and progressive disciplinary procedures; basic accident investigation procedures; and two-way radio functions. **Ability to** prepare reports; handle pressure and emergency situations; establish and maintain effective working relationships with a variety of individuals, departments, outside agencies and the employees' labor union.

### **Certificates, Licenses, Registrations**

Possession of or ability to obtain a valid California Class A or B driver's license, no air brake restrictions, with passenger endorsements and a valid Medical Examiner's Certificate.<sup>18</sup>

## **C. San Bernardino County 2016 Joint Powers Authority**

**AMENDED AND RESTATED JOINT POWERS AGREEMENT BETWEEN THE COUNTY OF SAN BERNARDINO AND THE CITIES OF CHINO, CHINO HILLS, COLTON, FONTANA, GRAND TERRACE, HIGHLAND, LOMA LINDA, MONTCLAIR, ONTARIO, RANCHO CUCAMONGA, REDLANDS, RIALTO, SAN BERNARDINO, UPLAND, AND YUCAIPA CREATING A COUNTY WIDE TRANSPORTATION AUTHORITY TO BE KNOWN AS "OMNITRANS".**

**THIS AGREEMENT**, originally dated for convenience on the 8<sup>th</sup> day of March, 1976, is hereby amended and restated on July 1, \_\_\_\_\_, 2016, is entered into by and between the COUNTY OF SAN BERNARDINO and the Cities of CHINO, CHINO HILLS, COLTON, FONTANA, GRAND TERRACE, HIGHLAND, LOMA LINDA, MONTCLAIR, ONTARIO, RANCHO CUCAMONGA, REDLANDS, RIALTO, SAN BERNARDINO, UPLAND and YUCAIPA, all of which are bodies politic in the STATE OF CALIFORNIA;

**WITNESSETH:**

**WHEREAS**, the County of San Bernardino (hereinafter sometimes referred to as "County") and the Cities of Chino, Chino Hills, Colton, Fontana, Grand Terrace, Highland, Loma Linda, Montclair, Ontario, Rancho Cucamonga, Redlands, Rialto, San Bernardino, Upland, and Yucaipa (hereinafter sometimes referred to as "Cities") have a mutual interest in deciding upon and implementing a public transit system to serve all the parties, and

**WHEREAS**, previously certain transit service authorities served sub-areas of the County, utilizing either the County of San Bernardino or San Bernardino Transit System as transit operators; and

**WHEREAS**, the parties now wish to continue to better coordinate transit efforts by amending and restating the agreement used in creating a single umbrella agency which will provide transit services as requested by the transit service authorities, and will serve the transit needs of the San Bernardino Valley and other areas as required.

**NOW, THEREFORE**, the County and Cities above mentioned, for and in consideration of the mutual promises and agreements herein contained, do agree as follows:

**SECTION 1. PURPOSE.**

Each party to this Agreement has the power to own, maintain, and operate a public transportation system. Under authority of Title I, Division 7, Chapter 5, as amended, of the Government Code of the State of California, the parties desire by joint exercise of their common power, to create and constitute a public transportation entity separate and distinct from each of the parties to be known as “Omnitrans”, which will own, maintain, operate and administer a public transportation system. This transportation system will serve as a unifying umbrella agency to coordinate service desires of the various transit service authorities throughout the San Bernardino Valley, and to provide such service either directly or through subcontract with other operators. The transportation system initially absorbed the public transportation operations of the San Bernardino Transit System, and the County of San Bernardino Transportation Department’s Public Transit Division. Omnitrans will provide a standardized system of fares, a universal system of transfers, and expanded transit services and facilities for the benefit of the citizens of the parties.

**SECTION 2. CREATION OF AUTHORITY.**

Omnitrans was created pursuant to Section 6506 of the California Government Code and said Authority is a public entity separate and apart from the Cities and County which are parties to this Agreement.

**SECTION 3. GOVERNING BOARD.**

A. Membership.

The Authority (Omnitrans) shall be administered by a Board of Directors. The membership of the Board of Directors shall consist of an officially designated Mayor or Council Member from each member City and four seats to be officially designated members from the Board of Supervisors who currently hold the office of Supervisor of the County of San Bernardino. Each City representative may have one alternate who shall be a Mayor or City Council Member officially designated by the City Council. The County representatives may have one alternate who shall be a County Supervisor. The alternates shall serve in an official capacity and be entitled to vote only in the absence of the official representatives.

B. Voting.

Each member of the Board of Directors shall have one vote. A quorum shall consist of a majority of the membership of the Board of Directors, except that all County representatives on the Board of Directors shall be counted as one for the purpose of establishing a quorum. Less than a quorum may adjourn from time to time. All actions taken by the Board shall require a majority vote of the members present, with a quorum in attendance, provided, however, that adoption of By-laws, Amendment of By-laws, adoption of an annual budget and such other matters as the Board may designate shall require a majority vote of the entire membership of the Board. An abstention shall be considered neither an affirmative nor a negative vote, but the presence of the member abstaining shall be counted in determining whether or not there is a quorum in attendance.

Votes to issue bonded debt shall require a majority vote of the total membership.

C. Meetings.

(1) Regular Meetings.

The Board of Directors shall provide for its regular meetings; provided, however, it shall hold at least one (1) regular meeting during each quarter of each fiscal year. The dates, hour, and place of the holding of the regular meetings shall be fixed by the Board by resolution.

(2) Ralph M. Brown Act.

All meetings of the Governing Board, including, without limitation, regular, adjourned regular, and special meetings, shall be called, noticed, held, and conducted in accordance with the provisions of the Ralph M. Brown Act (commencing with Section 54950 of the Government Code).

(3) Minutes.

The Secretary of the Board shall cause to be kept minutes of regular, adjourned regular, and special meetings of the Governing Board, and shall cause a copy of the minutes to be forwarded to each member of the Board and to each of the parties hereto.



D. Officers.

The Board shall select a Chairman, a Vice Chairman, and other necessary officials. The Secretary shall be the Chief Executive Officer of Omnitrans. The Treasurer of the Authority shall be the Chief Executive Officer of Omnitrans who shall be the depository and have custody of all money of the Authority from whatever sources. Omnitrans' Director of Finance shall be the Controller of the Authority and shall draw all warrants to pay demands against the Authority. The Attorney for the Authority shall be designated by the Board. The public officers or persons who have charge of, handle or have access to any property of the Authority shall file an official bond in accordance with Section 6505.1 of the California Government Code. The Authority shall have the authority to appoint or employ such other officers, employees, consultants, advisors, and independent contractors as it may deem necessary.

E. Functions.

The Board of Directors shall perform the following functions:

- (1) Adopt the budget;
- (2) Appoint a Chief Executive Officer;
- (3) Appoint a technical committee;
- (4) Establish policy, including but not limited to:
  - (a) Uniform fares;
  - (b) Procurement Policies;
  - (c) Personnel Policies
- (5) Adopt rules and regulations for the conduct of business; and
- (6) Perform such other functions as are required to accomplish the purposes of this Agreement.

**SECTION 4. POWERS.**

Omnitrans shall have the common power of the parties to own, operate and maintain a public transit system; and, in the exercise of the power under this Agreement, Omnitrans is authorized in its own name to:

- (1) Sue and be sued;
- (2) Employ agents and employees and contract for professional services;



- (3) Make and enter contracts;
- (4) Acquire, convey, construct, manage, maintain and operate buildings and improvements;
- (5) Acquire and convey real and personal property;
- (6) Incur debts, obligations and liabilities, provided, however, the debts, obligations and liabilities incurred by Omnitrans shall not be, nor shall they be deemed to be, debts, obligations, or liabilities of any party;
- (7) Levy a fee, assessment or tax;
- (8) Power of eminent domain
- (9) Invest funds not required for immediate use as the Board determines advisable -  
- in the same manner and upon the same conditions as other local entities in accordance with Section 53601 of the Government Code; and
- (10) Do all other acts reasonable and necessary to carry out the purpose of this Agreement;
- (11) Obtain insurance;
- (12) Apply for grants under federal, state and local programs.

Such powers are subject to the statutory restrictions upon the manner of exercising the powers of the County of San Bernardino.

**SECTION 5. FISCAL YEAR.**

For the purposes of this Agreement, the term “Fiscal Year” shall mean the twelve (12) month period from July 1 to and including the following June 30.

**SECTION 6. FINANCIAL SUPPORT.**

At the time of preparing Omnitrans annual proposed operating budget and proposed capital expenditure budget, the Board shall consider the amount of financial support to be allocated by the San Bernardino Associated Governments (SANBAG) on behalf of members’ jurisdictions. SANBAG as the Transportation Planning Agency for San Bernardino County, and acting as the County Transportation Commission, is responsible for allocating Transportation Development Act (TDA) funding sources for transit and non-transit related purposes that comply with regional transportations plans.

The TDA provides two funding sources:

1. Local Transportation Fund (LTF), which is derived from a ¼ cent of the general sales tax collected statewide.
2. State Transit Assistance fund (STA), which is derived from the statewide sales tax on gasoline and diesel fuel.

#### **SECTION 7. CHIEF EXECUTIVE OFFICER.**

The Chief Executive Officer of Omnitrans shall serve at the pleasure of and upon the terms prescribed by the Board of Directors.

The Chief Executive Officer shall be responsible for carrying out the policy and directives of the Board of Directors. The duties of the Chief Executive Officer shall include:

1. The preparation and submission to the Board of Directors of the annual operating and capital improvement budgets;
2. The appointment, assignment, direction, supervision, and subject to the personnel rules adopted by the Board of Directors, the discipline or removal of Omnitrans employees;
3. Advising the Board of Directors concerning all matters relating to the operation of Omnitrans and the various programs of work, promotion and expansion;
4. Providing periodic financial reports covering Omnitrans and its operations in the manner and at the times determined by the Board of Directors; and
5. Approving for payment, under the procedure adopted by the Board of Directors, all valid demands against Omnitrans.

#### **SECTION 8. TREASURER.**

The Treasurer of the Authority shall receive, have custody of, and disburse Authority funds pursuant to the accounting procedures developed by the Authority Board in conformance with Government Accounting Standards, and shall make disbursements required by this Agreement to carry out any of the provisions or purposes of this Agreement.

## **SECTION 9. CONTROLLER.**

The Director of Finance, as Controller, shall issue checks to pay demands against Omnitrans, which have been approved by the Chief Executive Officer. He shall be responsible on his official bond for his approval for the disbursement of Omnitrans money.

The Controller shall keep and maintain records and books of accounts on the basis of the uniform classification of accounts adopted by the State Controller. The books of accounts shall include records of assets and liabilities.

There shall be strict accountability of all funds by the Controller. All revenues and expenditures shall be reported by the Controller to the Board of Directors on a quarterly basis, unless otherwise required by the Board of Directors.

Books and records of the Authority shall be open to inspection at all times during normal business hours by any representative of a member of the Board of Directors, or by any accountant or other person authorized by a member of the Board of Directors to inspect said books or records.

## **SECTION 10. BUDGET AND ACCOUNTING.**

The Chief Executive Officer shall prepare and submit to the Board of Directors in sufficient time for revision and adoption prior to July 1 of each year, the annual budget of the Authority for the next succeeding Fiscal Year.

All expenditures of the Authority shall be within the approved annual budget and in accordance with the bylaws of the Authority and all applicable rules, policies, and procedures adopted by the Board of Directors. No expenditures in excess of those budgeted shall be made without the approval of the Board of Directors.

The books of account and other financial records of the Authority shall be audited annually, or biennially if so authorized by the Board of Directors, by an independent certified public accountant and any cost of the audit shall be paid by the Authority. The minimum requirements shall be those prescribed by the State Controller under California Government Code Section 26909 and in conformance with generally accepted auditing standards. The annual audit, or biennial as the case may be, shall be submitted to the Board of Directors when completed.

## **SECTION 11. PARTIES' LIABILITY.**

Each party to this Agreement, whether individually or collectively, does not assume, nor shall a party be deemed to assume, liability for:

- (1) Any act of Omnitrans or for any act of Omnitrans agents or employees;
- (2) The payment of wages, benefits, or other compensation of officers, agents or employees of Omnitrans; or
- (3) The payment of workmen's compensation or indemnity to agents or employees of Omnitrans for injury or illness arising out of performance of this Agreement.

Indemnity by Authority: Provided that a party has acted in good faith and in accordance with this Agreement, the Authority shall defend, indemnify and hold such party free and harmless from any loss, liability or damage incurred or suffered by such party by reason of litigation arising from or as a result of any of the following: the party's participation in the Authority, or any other act performed or to be performed by the party pursuant to this Agreement, provided, however, that such indemnification or agreement to hold harmless pursuant to this Section shall be recoverable only out of Authority assets (including insurance proceeds) and not from other parties to this Agreement.

Risk Management and Insurance: The Authority shall employ the principles of sound risk management in its operations. Risks shall be identified, evaluated, and treated in a manner that protects the Authority and each party to this Agreement. The Authority shall acquire and maintain throughout the term of this Agreement insurance in the amounts and types necessary and sufficient to protect the interest of the Authority and each party to this Agreement. Unless otherwise agreed upon by the Board of Directors, each party hereto shall be named as an additional insured on the Authority's liability coverage.

## **SECTION 12. ASSIGNABILITY.**

With the unanimous approval of, and upon the terms agreed upon by the parties hereto, all or any of the rights and property subject to this Agreement may be assigned to facilitate, under the direction of another, the purpose of this Agreement, provided, however, no right or property of Omnitrans shall be assigned without compliance with all conditions imposed by any State or Federal entity from whom Omnitrans has procured financial assistance.



**SECTION 13. ADDITIONAL PARTIES.**

Any general purpose local public jurisdiction may join Omnitrans. Any such jurisdiction so joining shall become a member subject to:

- (1) Approval of the Board of Directors;
- (2) Execution of this Joint Powers Agreement.

Any such agency meeting the above conditions shall be entitled to appropriate representation on the Board of Directors as provided in Section 3.

**SECTION 14. TERM.**

This original Agreement become effective on March 3, 1976, and this Amended and Restated Agreement shall become effective on July 1, 2016, and shall continue in force until terminated by mutual agreement of the parties.

**SECTION 15. WITHDRAWAL OF PARTY.**

Any party may withdraw from this Agreement as of the first day of July of any year following six (6) months' notice to the other parties by resolution of intent to withdraw adopted by the legislative body of the party. A withdrawing party shall be compensated for its total capital asset value contributed less appreciation, by return of capital assets and/or cash payment, over a period not to exceed five (5) years, the method to be determined by the Board of Directors.

**SECTION 16. DISSOLUTION PROCEDURES.**

A. General Provision.

If this Agreement is terminated, assigned, or transferred in whole or in part, except as provided in subsection B., all assets owned by Omnitrans shall be distributed to the parties. Distribution to each party shall be made in the same proportion as that reflected in the parties' accumulated capital contribution accounts as shown in the Controller's books of accounts. Cash may be distributed in lieu of property or equipment.

If the parties cannot agree as to the valuation of property or to the manner of its distribution, the distribution or valuation shall be made by a panel of three (3) referees. One (1) referee shall be appointed by the objecting entity(ies) and one (1) referee shall

be selected and appointed by the Board of Directors, and those referees shall appoint a neutral referee.

This Agreement shall not terminate until all property has been distributed in accordance with this provision; and the winding up and property distribution hereunder shall be effected in the manner calculated to cause the least disruption to existing public transportation service.

- B. In the event that Omnitrans opts to dissolve for purposes of changing its governance structure, all assets and liabilities will transfer to the successor agency.

#### **SECTION 17. PARTIAL INVALIDITY.**

If any one or more of the terms, provisions, promises, covenants, or conditions of this Agreement shall to any extent be adjudged invalid, unenforceable, void, or voidable for any reason whatsoever by a Court of competent jurisdiction, each and all of the remaining terms, provisions, promises, covenants, and conditions of this Agreement shall not be affected thereby, and shall be valid and enforceable to the fullest extent permitted by law.

#### **SECTION 18. SUCCESSORS.**

This Agreement shall be binding upon and inure to the benefit of the successors of the parties.

#### **SECTION 19: MULTIPLE COUNTERPARTS.**

This Agreement may be executed in multiple counterparts and a copy may be used as an original.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed and attested by their proper officers thereunto duly authorized, and their official seals to be hereto affixed, as of the day and year first above written.

Dated: APR 05 2016

COUNTY OF SAN BERNARDINO

SIGNED AND CERTIFIED THAT A COPY OF THIS DOCUMENT HAS BEEN DELIVERED TO THE CHAIRMAN OF THE BOARD LAURA H. WELCH Clerk of the Board of Supervisors of the County of San Bernardino



James Ramos  
Chairman, Board of Supervisors James Ramos

By [Signature]  
Deputy

Dated: \_\_\_\_\_

CITY OF CHINO

ATTEST:

\_\_\_\_\_  
City Clerk Angela Robles

\_\_\_\_\_  
Mayor Dennis R. Yates

Dated: \_\_\_\_\_

CITY OF CHINO HILLS

ATTEST:

\_\_\_\_\_  
City Clerk Cheryl Balz

\_\_\_\_\_  
Mayor Cynthia Moran

Dated: \_\_\_\_\_

CITY OF COLTON

ATTEST:

\_\_\_\_\_  
City Clerk Carolina R. Padilla

\_\_\_\_\_  
Mayor Richard A. DeLaRosa

Dated: \_\_\_\_\_

CITY OF FONTANA

ATTEST:

\_\_\_\_\_  
City Clerk Tonia Lewis

\_\_\_\_\_  
Mayor Aquanetta Warren



IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed and attested by their proper officers thereunto duly authorized, and their official seals to be hereto affixed, as of the day and year first above written.

Dated: \_\_\_\_\_

COUNTY OF SAN BERNARDINO

ATTEST:


\_\_\_\_\_  
Clerk of the Board Laura Welch


\_\_\_\_\_  
Chairman, Board of Supervisors James Ramos

Dated: 3.15.2016

CITY OF CHINO

ATTEST:

  
\_\_\_\_\_  
City Clerk Angela Robles

  
\_\_\_\_\_  
Mayor Dennis R. Yates

Dated: \_\_\_\_\_

CITY OF CHINO HILLS

ATTEST:

\_\_\_\_\_  
City Clerk Cheryl Balz

\_\_\_\_\_  
Mayor Cynthia Moran

Dated: \_\_\_\_\_

CITY OF COLTON

ATTEST:

\_\_\_\_\_  
City Clerk Carolina R. Padilla

\_\_\_\_\_  
Mayor Richard A. DeLaRosa

Dated: \_\_\_\_\_

CITY OF FONTANA

ATTEST:

\_\_\_\_\_  
City Clerk Tonia Lewis

\_\_\_\_\_  
Mayor Aquanetta Warren

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Dated: \_\_\_\_\_

COUNTY OF SAN BERNARDINO

ATTEST:

\_\_\_\_\_  
Clerk of the Board Laura Welch

\_\_\_\_\_  
Chairman, Board of Supervisors James Ramos

Dated: \_\_\_\_\_

CITY OF CHINO

ATTEST:

\_\_\_\_\_  
City Clerk Angela Robles

\_\_\_\_\_  
Mayor Dennis R. Yates

Dated: February 23, 2016

CITY OF CHINO HILLS

ATTEST: 

\_\_\_\_\_  
City Clerk Cheryl Balz

  
\_\_\_\_\_  
Mayor Art Bennett

Dated: \_\_\_\_\_

CITY OF COLTON

ATTEST:

\_\_\_\_\_  
City Clerk Carolina R. Padilla

\_\_\_\_\_  
Mayor Richard A. DeLaRosa

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed and attested by their proper officers thereunto duly authorized, and their official seals to be hereto affixed, as of the day and year first above written.

Dated: \_\_\_\_\_

COUNTY OF SAN BERNARDINO

ATTEST:

\_\_\_\_\_  
Clerk of the Board Laura Welch

\_\_\_\_\_  
Chairman, Board of Supervisors James Ramos

Dated: \_\_\_\_\_

CITY OF CHINO

ATTEST:

\_\_\_\_\_  
City Clerk Angela Robles

\_\_\_\_\_  
Mayor Dennis R. Yates

Dated: \_\_\_\_\_

CITY OF CHINO HILLS

ATTEST:

\_\_\_\_\_  
City Clerk Cheryl Balz

\_\_\_\_\_  
Mayor Cynthia Moran

Dated: 6/09/2016

CITY OF COLTON

ATTEST:  
Carolina R. Padilla  
City Clerk Carolina R. Padilla

Richard A. DeLaRosa  
Mayor Richard A. DeLaRosa

Dated: \_\_\_\_\_

CITY OF FONTANA

ATTEST:

\_\_\_\_\_  
City Clerk Tonia Lewis

\_\_\_\_\_  
Mayor Aquanetta Warren

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed and attested by their proper officers thereunto duly authorized, and their official seals to be hereto affixed, as of the day and year first above written.

Dated: \_\_\_\_\_

COUNTY OF SAN BERNARDINO

ATTEST:

\_\_\_\_\_  
Clerk of the Board Laura Welch

\_\_\_\_\_  
Chairman, Board of Supervisors James Ramos

Dated: \_\_\_\_\_

CITY OF CHINO

ATTEST:

\_\_\_\_\_  
City Clerk Angela Robles

\_\_\_\_\_  
Mayor Dennis R. Yates

Dated: \_\_\_\_\_

CITY OF CHINO HILLS

ATTEST:

\_\_\_\_\_  
City Clerk Cheryl Balz

\_\_\_\_\_  
Mayor Cynthia Moran

Dated: \_\_\_\_\_

CITY OF COLTON

ATTEST:

\_\_\_\_\_  
City Clerk Carolina R. Padilla

\_\_\_\_\_  
Mayor Richard A. DeLaRosa

Dated: March 23, 2016

CITY OF FONTANA

ATTEST:

Tonia Lewis  
\_\_\_\_\_  
City Clerk Tonia Lewis

Aquanetta Warren  
\_\_\_\_\_  
Mayor Aquanetta Warren

Dated: 03/08/16

CITY OF GRAND TERRACE

ATTEST: Pat Jaquez-Nares  
City Clerk Pat Jaquez-Nares

Darcy McNaboe  
Mayor Darcy McNaboe

Dated: \_\_\_\_\_

CITY OF HIGHLAND

ATTEST: \_\_\_\_\_  
City Clerk Betty Hughes

\_\_\_\_\_  
Mayor Larry McCallon

Dated: \_\_\_\_\_

CITY OF LOMA LINDA

ATTEST: \_\_\_\_\_  
City Clerk Pamela Byrnes-O'Camb

\_\_\_\_\_  
Mayor Rhodes Rigsby

Dated: \_\_\_\_\_

CITY OF MONTCLAIR

ATTEST: \_\_\_\_\_  
Deputy City Clerk Andrea M. Phillips

\_\_\_\_\_  
Mayor Paul M. Eaton

Dated: \_\_\_\_\_

CITY OF ONTARIO

ATTEST: \_\_\_\_\_  
City Clerk Mary E. Wirtes

\_\_\_\_\_  
Mayor Paul S. Leon

Dated: \_\_\_\_\_

CITY OF RANCHO CUCAMONGA

ATTEST: \_\_\_\_\_  
City Clerk Janice C. Reynolds

\_\_\_\_\_  
Mayor L. Dennis Michael

Dated: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
City Clerk Pat Jacquez-Nares

CITY OF GRAND TERRACE

\_\_\_\_\_  
Mayor Darcy McNaboe

Dated: March 22, 2016

ATTEST:

Betty Hughes  
City Clerk Betty Hughes

CITY OF HIGHLAND

Larry McCallon  
Mayor Larry McCallon

Dated: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
City Clerk Pamela Byrnes-O'Camb

CITY OF LOMA LINDA

\_\_\_\_\_  
Mayor Rhodes Rigsby

Dated: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Deputy City Clerk Andrea M. Phillips

CITY OF MONTCLAIR

\_\_\_\_\_  
Mayor Paul M. Eaton

Dated: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
City Clerk Mary E. Wirtes

CITY OF ONTARIO

\_\_\_\_\_  
Mayor Paul S. Leon

Dated: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
City Clerk Janice C. Reynolds

CITY OF RANCHO CUCAMONGA

\_\_\_\_\_  
Mayor L. Dennis Michael

Dated: \_\_\_\_\_

CITY OF GRAND TERRACE

ATTEST:

\_\_\_\_\_  
City Clerk Pat Jacquez-Nares

\_\_\_\_\_  
Mayor Darcy McNaboe

Dated: \_\_\_\_\_

CITY OF HIGHLAND

ATTEST:

\_\_\_\_\_  
City Clerk Betty Hughes

\_\_\_\_\_  
Mayor Larry McCallon

Dated: 5-24-2016

CITY OF LOMA LINDA

ATTEST:

Pamela Byrnes-O'Camb  
City Clerk Pamela Byrnes-O'Camb

R J Riggsby  
Mayor Rhodes Riggsby

Dated: \_\_\_\_\_

CITY OF MONTCLAIR

ATTEST:

\_\_\_\_\_  
Deputy City Clerk Andrea M. Phillips

\_\_\_\_\_  
Mayor Paul M. Eaton

Dated: \_\_\_\_\_

CITY OF ONTARIO

ATTEST:

\_\_\_\_\_  
City Clerk Mary E. Wirtes

\_\_\_\_\_  
Mayor Paul S. Leon

Dated: \_\_\_\_\_

CITY OF RANCHO CUCAMONGA

ATTEST:

\_\_\_\_\_  
City Clerk Janice C. Reynolds

\_\_\_\_\_  
Mayor L. Dennis Michael



Dated: \_\_\_\_\_

CITY OF GRAND TERRACE

ATTEST:

\_\_\_\_\_  
City Clerk Pat Jacquez-Nares

\_\_\_\_\_  
Mayor Darcy McNaboe

Dated: \_\_\_\_\_

CITY OF HIGHLAND

ATTEST:

\_\_\_\_\_  
City Clerk Betty Hughes

\_\_\_\_\_  
Mayor Larry McCallon

Dated: \_\_\_\_\_

CITY OF LOMA LINDA

ATTEST:

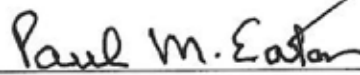
\_\_\_\_\_  
City Clerk Pamela Byrnes-O'Camb

\_\_\_\_\_  
Mayor Rhodes Rigsby

Dated: March 7, 2016

CITY OF MONTCLAIR

ATTEST:   
\_\_\_\_\_  
Deputy City Clerk Andrea M. Phillips

  
\_\_\_\_\_  
Mayor Paul M. Eaton

Dated: \_\_\_\_\_

CITY OF ONTARIO

ATTEST:

\_\_\_\_\_  
City Clerk Mary E. Wirtes

\_\_\_\_\_  
Mayor Paul S. Leon

Dated: \_\_\_\_\_

CITY OF RANCHO CUCAMONGA

ATTEST:

\_\_\_\_\_  
City Clerk Janice C. Reynolds

\_\_\_\_\_  
Mayor L. Dennis Michael

Dated: \_\_\_\_\_

CITY OF GRAND TERRACE

ATTEST:

\_\_\_\_\_  
City Clerk Pat Jacquez-Nares

\_\_\_\_\_  
Mayor Darcy McNaboe

Dated: \_\_\_\_\_

CITY OF HIGHLAND

ATTEST:

\_\_\_\_\_  
City Clerk Betty Hughes

\_\_\_\_\_  
Mayor Larry McCallon

Dated: \_\_\_\_\_

CITY OF LOMA LINDA

ATTEST:

\_\_\_\_\_  
City Clerk Pamela Byrnes-O'Camb

\_\_\_\_\_  
Mayor Rhodes Rigsby

Dated: \_\_\_\_\_

CITY OF MONTCLAIR

ATTEST:

\_\_\_\_\_  
Deputy City Clerk Andrea M. Phillips

\_\_\_\_\_  
Mayor Paul M. Eaton

Dated: 03/01/16

CITY OF ONTARIO

ATTEST:

  
\_\_\_\_\_  
City Clerk Sheila Mautz

  
\_\_\_\_\_  
Mayor Paul S. Leon

Dated: \_\_\_\_\_

CITY OF RANCHO CUCAMONGA

ATTEST:

\_\_\_\_\_  
City Clerk Janice C. Reynolds

\_\_\_\_\_  
Mayor L. Dennis Michael

Dated: \_\_\_\_\_

CITY OF GRAND TERRACE

ATTEST:

\_\_\_\_\_  
City Clerk Pat Jacquez-Nares

\_\_\_\_\_  
Mayor Darcy McNaboe

Dated: \_\_\_\_\_

CITY OF HIGHLAND

ATTEST:

\_\_\_\_\_  
City Clerk Betty Hughes

\_\_\_\_\_  
Mayor Larry McCallon

Dated: \_\_\_\_\_

CITY OF LOMA LINDA

ATTEST:

\_\_\_\_\_  
City Clerk Pamela Byrnes-O'Camb

\_\_\_\_\_  
Mayor Rhodes Rigsby

Dated: \_\_\_\_\_

CITY OF MONTCLAIR

ATTEST:

\_\_\_\_\_  
Deputy City Clerk Andrea M. Phillips

\_\_\_\_\_  
Mayor Paul M. Eaton

Dated: \_\_\_\_\_

CITY OF ONTARIO

ATTEST:

\_\_\_\_\_  
City Clerk Mary E. Wirtes

\_\_\_\_\_  
Mayor Paul S. Leon

Dated: 3-17-2016

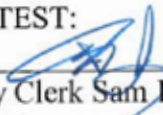
CITY OF RANCHO CUCAMONGA


ATTEST:  
Janice C. Reynolds  
City Clerk Janice C. Reynolds

L. Dennis Michael  
Mayor L. Dennis Michael

Dated: 4/5/16

CITY OF REDLANDS

ATTEST:  
  
City Clerk Sam Irwin

  
Mayor Paul W. Foster

Dated: \_\_\_\_\_

CITY OF RIALTO

ATTEST:  
\_\_\_\_\_  
City Clerk Barbara A. McGee

\_\_\_\_\_  
Mayor Deborah Robertson

Dated: \_\_\_\_\_

CITY OF SAN BERNARDINO

ATTEST:  
\_\_\_\_\_  
City Clerk Georgeann Hanna

\_\_\_\_\_  
Mayor R. Carey Davis

Dated: \_\_\_\_\_

CITY OF UPLAND

ATTEST:  
\_\_\_\_\_  
Deputy City Clerk Debbi Covington

\_\_\_\_\_  
Mayor Ray Musser

Dated: \_\_\_\_\_

CITY OF REDLANDS

ATTEST:

\_\_\_\_\_  
City Clerk Sam Irwin

\_\_\_\_\_  
Mayor Paul W. Foster

Dated: 5/25/16

CITY OF RIALTO

ATTEST:

Barbara A. McGee  
City Clerk Barbara A. McGee

Deborah Robertson  
Mayor Deborah Robertson

Dated: \_\_\_\_\_

CITY OF SAN BERNARDINO

ATTEST:

\_\_\_\_\_  
City Clerk Georgeann Hanna

\_\_\_\_\_  
Mayor R. Carey Davis

Dated: \_\_\_\_\_

CITY OF UPLAND

ATTEST:

\_\_\_\_\_  
Deputy City Clerk Debbi Covington

\_\_\_\_\_  
Mayor Ray Musser

Dated: \_\_\_\_\_

CITY OF REDLANDS

ATTEST:

\_\_\_\_\_  
City Clerk Sam Irwin

\_\_\_\_\_  
Mayor Paul W. Foster

Dated: \_\_\_\_\_

CITY OF RIALTO

ATTEST:

\_\_\_\_\_  
City Clerk Barbara A. McGee

\_\_\_\_\_  
Mayor Deborah Robertson

Dated: May 26, 2016

CITY OF SAN BERNARDINO

ATTEST:

Georgeann Hanna  
City Clerk Georgeann Hanna

R. Carey Davis  
Mayor R. Carey Davis

Dated: \_\_\_\_\_

CITY OF UPLAND

ATTEST:

\_\_\_\_\_  
Deputy City Clerk Debbi Covington

\_\_\_\_\_  
Mayor Ray Musser

Dated: \_\_\_\_\_

CITY OF REDLANDS

ATTEST:

\_\_\_\_\_  
City Clerk Sam Irwin

\_\_\_\_\_  
Mayor Paul W. Foster

Dated: \_\_\_\_\_

CITY OF RIALTO

ATTEST:

\_\_\_\_\_  
City Clerk Barbara A. McGee

\_\_\_\_\_  
Mayor Deborah Robertson

Dated: \_\_\_\_\_

CITY OF SAN BERNARDINO

ATTEST:

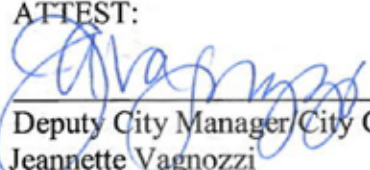
\_\_\_\_\_  
City Clerk Georgeann Hanna

\_\_\_\_\_  
Mayor R. Carey Davis

Dated: 4-11-16

CITY OF UPLAND

ATTEST:


  
\_\_\_\_\_  
Deputy City Manager/City Clerk  
Jeannette Vagnozzi

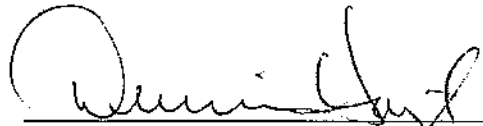
  
\_\_\_\_\_  
Mayor Ray Musser



Dated: 04/25/2016

CITY OF YUCAIPA

ATTEST:  
  
\_\_\_\_\_  
City Clerk Jennifer Shankland

  
\_\_\_\_\_  
Mayor Denise Hoyt

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<sup>1</sup> [www.omnitrans.org](http://www.omnitrans.org)

<sup>2</sup> [www.omnitrans.org](http://www.omnitrans.org)

<sup>3</sup> <https://bbklaw.com/resources/the-ins-and-outs-of-joint-powers-authority-in-california>

<sup>4</sup> <https://bbklaw.com/resources/the-ins-and-outs-of-joint-powers-authority-in-california>

<sup>5</sup> [www.law.justia.com](http://www.law.justia.com)

<sup>6</sup> <https://sbcentinel.com/2023/06/deputies-to-ride-vvta-buses>

<sup>7</sup> <https://www.riversidetransit.com>

<sup>8</sup> [www.omnitrans.org](http://www.omnitrans.org)

<sup>9</sup> [www.mytd.org](http://www.mytd.org)

<sup>10</sup> <https://www.faac.com/simulation-training/transportation/bus-driver-training/>

<sup>11</sup> [www.viragesimulation.com](http://www.viragesimulation.com)

<sup>12</sup> <https://www.faac.com/simulation-training/transportation/bus-driver-training/>

<sup>13</sup> [www.its.dot.gov/index.htm](http://www.its.dot.gov/index.htm)

<sup>14</sup> [www.its.dot.gov/index.htm](http://www.its.dot.gov/index.htm)

<sup>15</sup> <https://www.faac.com/simulation-training/transportation/bus-driver-training/>

<sup>16</sup> [www.wetip.com](http://www.wetip.com)

<sup>17</sup> Victor Valley Daily News 6/7/2023 & Mass Transit publication 6/1/2023

<sup>18</sup> <https://www.governmentjobs.com/careers/omnitrans/jobs/4130802/field-supervisor>



## **TRONA: HOPE FOR THE FUTURE**

## SUMMARY

In response to a complaint, the 2023 San Bernardino County Civil Grand Jury (GJ, Grand Jury, Civil Grand Jury) decided to investigate the Trona Joint Unified School District (TJUSD, the school district, district). The district currently consists of one K-12 school. Although it is a small district, the teachers, staff, administrators and School Board are all very passionate about giving the students the best education possible. Unfortunately, there are some big hills to climb.

In 2019, Trona was devastated by two earthquakes, registering 6.4 and 7.1 respectively, that severely damaged the city and the high school, which housed students from grades 6-12. The high school was damaged to the point that several buildings have been red tagged, (see Glossary) making them uninhabitable. Fortunately, the elementary school did not have to be closed and is now being used as an elementary and high school site.

Although the high school students are still being taught at the elementary school campus, they are missing some important facilities. They no longer have science labs, or trade school classes, like wood shop or welding. They do not have their own cafeteria and the gym needs to be replaced.

For these reasons, a study was conducted to determine the feasibility of repairing the existing structures. State architectural engineers and others determined that building a new high school would be more cost-effective than trying to repair the old one. The new high school will be right sized for the population and will have all the necessary facilities required for a successful high school program. The Grand Jury's evidence showed that many in the school district agreed with this course of action. Plans have been approved and funds have been allocated. The bidding to select a contractor is currently underway.

Unfortunately, building a new high school will not solve all the challenges faced by this school district. A good school is more than a building. It encompasses motivated parents, students, dedicated teachers, staff and a collaborative school board. The 2023 San Bernardino County Civil Grand Jury has found some deficiencies in these areas.

## BACKGROUND

The 2023 San Bernardino County Civil Grand Jury received a complaint concerning the Trona Joint Unified School District and funding for the construction of a new high school. The Grand Jury decided to interview the complainant. After the interview, the Grand Jury began an investigation into the Trona Joint Unified School District and its School Board.

The investigation uncovered the following areas of concern:

- lack of transparency of the School Board
- questions about the plans to build a new high school
- absence of trust between the community of Trona and its School Board
- lack of trust between the teachers of the Trona Joint Unified School District and its School Board
- unavailability of virtual School Board meetings
- lack of policy and procedure manuals for School District Administration and Staff
- “Vote of No Confidence” in the School Board by the Trona Teachers’ Association
- lack of adequate staff/administration for the schools
- appearance of cronyism and nepotism
- poor communication between School Board, community residents, teachers and staff
- no written or formal complaint procedure for the teachers and the community to provide feedback and receive prompt answers to their complaints
- low participation of parents and students in the community regarding school board meetings and school site council meetings
- the funding to the School District from the mining royalties is not guaranteed
- lack of properly credentialed teachers
- staff assigned to special projects for which they have not been trained

Therefore, the investigation was expanded to not just examine the financing of the building of the new high school, but to investigate these other issues. This report reflects the findings and recommendations regarding the Grand Jury investigation.

## **METHODOLOGY**

The 2023 San Bernardino County Civil Grand Jury received a complaint regarding the Trona Joint Unified School District. After subsequent interviews, the Grand Jury decided to investigate the Trona School District and its School Board.

The Grand Jury researched numerous documents including budgets, meeting agendas, meeting minutes and public documents from California Office of Emergency Services (Cal OES, see Glossary). The Grand Jury read multiple reports on the building of the proposed new high school. The history of the area of Trona was researched.

The Grand Jury interviewed multiple witnesses including teachers, administrators, administration staff, community members, School Board personnel and school staff. Finally, the Grand Jury made a visit to the area of Trona and observed the Trona Schools and the site for the potential new high school.



View of Trona (Photo Taken 09/05/2023)



Searles Valley Mineral Inc. (Photo Taken 09/05/2023)

## DISCUSSION

### History of Trona

- Trona is an unincorporated area in the high desert of San Bernardino County, (“Special district,” see Glossary). The town takes its name from the mineral trona, abundant in the Searles Valley lakebed. Historically, (1914) Trona came into existence as workers from the nearby plant of the American Trona Company began to mine potash, borax and mineral salts from the dry lake at Searles Valley. A mineral-rich layer of salts was discovered about 100 feet beneath the lakebed surface and operations have concentrated on recovering the brine ever since.
- Trona was established as a self-contained company town wholly operated by its resident mining company to house employees. The mining company also built a library, a grocery store, a school and recreation facilities. The Trona Railway was built to provide the town with a rail connection at Searles, and the railway still operates today.
- the Trona plants are now owned by Searles Valley Minerals, Inc. based in Overland Park, Kansas, and is owned by the Indian company Nirma. It is the town’s largest employer. The company produces borax, boric acid, soda ash, salt cake and salt. As a raw material, soda ash is vital to the production of certain types of detergents and cleaning agents, types of adhesives and sealants, chemical fertilizers and dyes. Potash is a key ingredient of gun powder. (Kerr – McGee Chem. Corp. 1989 brochure, see Glossary)



- Mineral Royalties: As it operates on Bureau of Land Management (BLM) leased land, the Searles Valley Minerals, Inc. (mining company) pays royalties (money) each year to the federal and state governments. Much of the royalties cover expenses of the local school district and had been set at 6%.
- effective January 1<sup>st</sup>, 2021, to compete with global production Congress and the BLM devised a 10-year plan to cut the 6% royalties to 2%.

The intention was to:

- counter the Chinese and Turkish expansion
- encourage investment and job expansion by U.S. Industry
- increase U.S. mineral development
- give greater economic certainty to make immediate and long-term investments to strengthen the industry

The population of Trona, though once booming, has been on a steady decline since the 1970 United States Census Bureau Report (US Census). Conceived in 1914, Trona appeared for the first time in the 1920 US Census. The population was reported to be 724. By the 1970 US Census, the reported population increased to 10,065, an increase from the 1960 US Census recording of 5,698.

The beginning of the decline was set in motion by the strike between the unions and the then owners of the plant, Kerr-McGee, in March 1970. The strike lasted 150 days and by the time it concluded in July 1970, the town of Trona was severely crippled. Kerr-McGee had laid off 75% of their workforce, neighbors turned on each other, and several acts of violence had been committed, including 21 bombings of homes, businesses, and sewer lines. (Source: <https://www.trona-ca.com/trona-strike-in-1970>). By the 1980 US Census, Trona's population decreased to 4,285. The population counts recorded for each US Census thereafter continued to decrease substantially-from "Boom to Bust" in two decades.

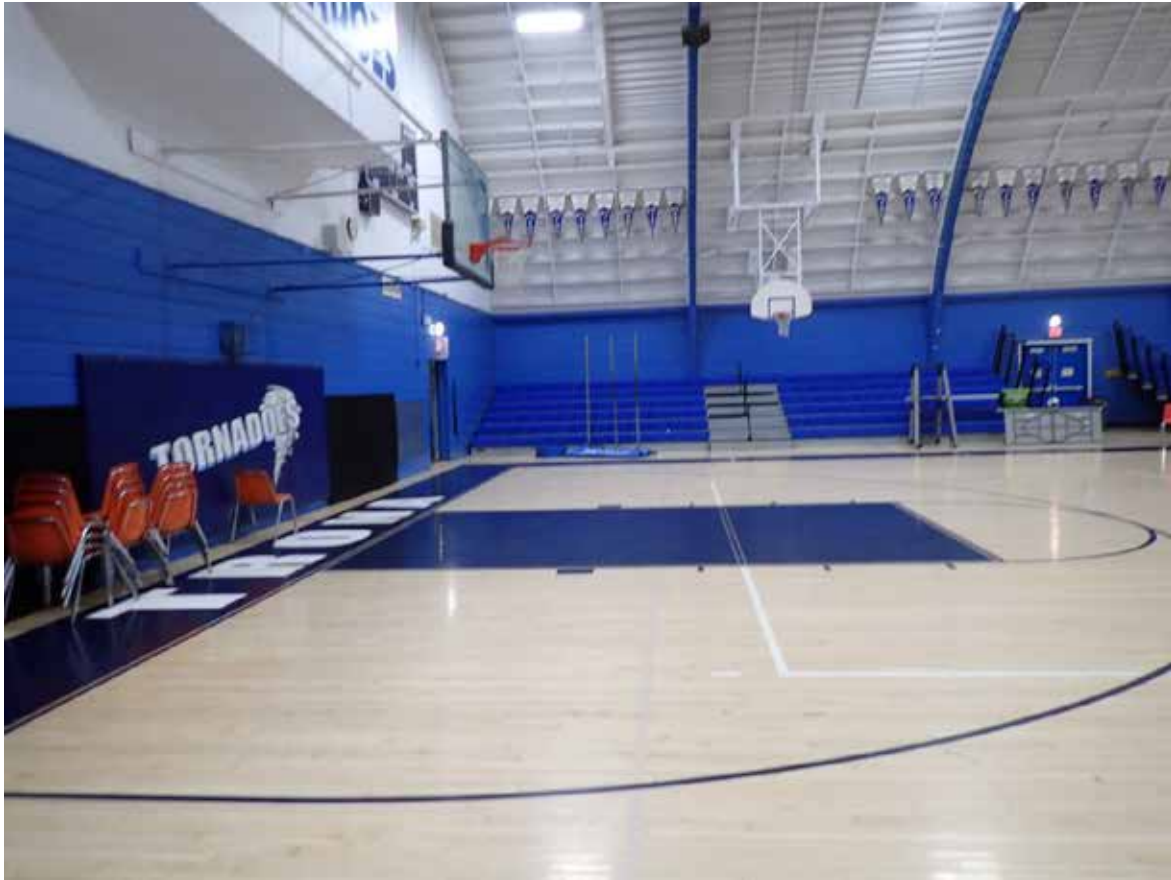
Trona’s population now stands at approximately 1,600 residents. The nearest city, Ridgecrest, is 24 miles away and has a population of over 28,000 (according to Google). According to TJUSD’s 2020-21 School Accountability Report Card (SARC), the entire high school student population was 128, down from the peak years when approximately 350 graduated from high school yearly.



Trona High School Office (Photo Taken 09/05/2023)



Trona High School Gym (Photo Taken 09/05/2023)



Trona High School Gym (Photo Taken 09/05/2023)

### **History of the Trona Joint Unified School District**

The Trona School District was established on October 23, 1916. The high school was founded in 1940 in a company-provided building that was also used for recreational purposes. For the 1941-42 school year the 11<sup>th</sup> & 12<sup>th</sup> grades were added to the new building. The high school had eight teachers and a principal, who taught one class. Fourteen students graduated at the end of that school year. ([www.trona-ca.com/trona-schools](http://www.trona-ca.com/trona-schools)) The town was still using the high school for recreational and community purposes until the earthquake.

The high school has a football team, the Trona Tornados. This is the only team in the country playing on a dirt field. Evidence shows that the community congregates around its sports teams and is proud of the field. Trona's population ups and downs were reflected by the number of players on its football team. After the earthquakes in 2019, both Trona High School and the district offices were deemed unsafe for occupancy, but the football field continues to be used.



Trona High School Football Field (Photo Taken 09/05/2023)

## **The Earthquakes**

Because the earthquakes destroyed much of Trona and the Trona Joint Unified School District, Trona was declared to be a local emergency area. Between July 5<sup>th</sup> and August 20<sup>th</sup> of 2019, responding governmental agencies and the residents dealt with the situation. On July 8<sup>th</sup> medical and mental health services were provided at Trona High School, as well as portable showers and bottled water. On July 10<sup>th</sup> 2019, a town hall meeting was held at Trona High School, and San Bernardino County opened a local assistance center. A 4.2 magnitude earthquake was registered on that date.

On July 11<sup>th</sup> water service was restored when it was piped in from Ridgecrest.

The Trona High School was the center of emergency services including distribution of water, medical supplies, information, showers and the meeting place for the town of Trona immediately after the two earthquakes. The school suffered extensive structural damage (exterior and interior walls, cracking to concrete slabs and walkways, flooring, electrical – see Cal OES brief enclosure # 1) Also, due to hazardous soil conditions (liquefaction), the school needed to be relocated. Eventually the high school was also red tagged (see Glossary) which deemed it “uninhabitable”. (Cal OES brief enclosure # 1)

### **The Question of Building a New High School**

After the 2019 earthquakes, the Grand Jury discovered that Cal OES prepared a Damage Survey Report. The original estimate to repair the high school was over \$48 million. After surveys from the architect, engineers and geologists, it was determined that the existing structure was damaged beyond repair and the location was unacceptable for multiple reasons. The cost for new construction was approximately \$71 million. The Trona School Board requested funding for the replacement and relocation of the high school. The funding was approved in March 2023. (Cal OES 3/14/23 Brief)





New Highschool Site (Photo Taken 09/05/2023)



New Highschool Site (Photo Taken 09/05/2023)





Proposed Trona High School Artist Rendition (Photo Taken 09/05/2023)

## Funding

The Trona School District previously functioned on an annual budget of roughly \$5.58 million; \$4.11 million came from the royalties. A portion of the royalties has been used for competitive salaries for teachers and to assist in recruitment to the Trona area. The average salary for teachers in Trona is \$77,782 as listed below in the school statistics.

The current royalties are being held by the school district to provide for their 25% portion of the cost to build the new high school. For the 2020-21 School Year, Trona Joint Unified School District received \$7.3 million in funds from governmental entities. TJUSD is now receiving \$1.37 million in royalties from the nearby mine, and the district is struggling to educate its 260 students.

A new high school was deemed cost effective because the cost to repair the old high school exceeded 50% of the cost estimate to build a new high school. The School District was able to obtain outside financing from governmental agencies totaling \$78.6 million of the entire estimate amount of \$80 million. The district's share of the new high school financing was estimated to be \$1.4 million.

Evidence shows that community members expressed a desire for a new high school for multiple reasons. The community members felt the high schoolers needed their own school to allow for social activities. Additionally, they noted that the high school served the purpose as a gathering place for the community.

## **Trona High School Statistics**

Trona High School includes grades 7-12 and is located at 83600 Trona Road, in Trona CA. The total enrollment for 2021-22 was 116 students as recorded by the California Assessment of Student Performance and Progress (CAASPP) and for 2020-21 the student enrollment was 128 as reported in the 2020-21 School Accountability Report Card.

The demographics are as follows:

- 49.2% White
- 33.6% Hispanic
- 10.9% Black/African American
- 0.08% Native Hawaiian or Pacific Islander
- 0.08% American Indian or Alaska Native
- 4.7% Other Races

## **Class Size and Teacher Credentials**

As of the 2022-23 school year, the average class size for Trona High School is 17 students in each subject with a graduation rate of 78.30%. The total average number of fully credential teachers is 4.1. The number of teachers without credentials and in misassignments (not teaching the subject for which they are credentialed by the state) is 4.5. The number of credential teachers assigned out of field is .01, and the number of unknown credentialed teachers (unknown meaning missing, incomplete, incorrect and/or unidentified information about the status of the credential) is 1.5 for a total of 10.3 teaching positions (The demographics, class size, graduation rate and credentialed teachers are reported in the 2020-21 SARC.)

## Teacher Salary

As of the 2022-23 school year, one of the concerns the Grand Jury found is the difficulty the Trona Joint Unified School District has in hiring teachers who are willing to relocate to the Trona or Ridgecrest area. The salaries offered to teachers for Trona High School is very competitive. The average annual teacher's salary at Trona High School is \$77,782. The average annual teacher salary in California is \$71,544. (Salaries from California Department of Education report for 2020-21 page 36.)

As of the time of this report, the Grand Jury found that the Trona teachers had received a 10% raise in salary. This may have attracted more applicants for the 2023-24 school year. Evidence revealed that the High School has filled all its teaching vacancies.

## State Testing Results for 2018-2022

For the school year of 2021-22, Trona High School results in English Language Arts (ELA) 37.51% of students tested met or exceeded ELA standards. For Mathematics (Math) 16.13% met or exceeded standards.

For the school year of 2020-21 Trona High School results in ELA 30.61% of students tested met or exceeded the ELA standards. For Math 10.20% met or exceeded standards.

For the school year of 2019-20 for Trona High School there are no State test results due to Covid19.

For the school year of 2018-19, Trona High School results in ELA 43.08% of students tested met or exceeded ELA standards. For Math 21.31 % met or exceeded the standards. (All test results are reported from CAASPP for each school year.)

TRONA HIGH SCHOOL TEST RESULTS 2018-2022				
School Year	2018-19	2019-20	2020-21	2021-22
ELA	43.08%	❖	30.61%	37.51%
Math	21.31%	❖	10.20%	16.13%

The scores above are the percentage of students who met or exceeded the state standards.  
California Assessment of Student Performance and Progress (CAASPP)  
<https://www.cde.ca.gov/ta/tg/ca/>

❖ Indicates score was not reported due to COVID19.

## School Test Result Comparisons

At first glance, the Trona High School test results appear to be very low. Two high schools were randomly selected to compare State test results. The schools selected are both in San Bernardino County and the test score comparisons are from 2021-22. The Trona State scores are compared to Bloomington High School in Colton Unified School District and Eisenhower High School in Rialto Unified School District.

**Trona High School** 37.51% of those tested exceeded or met the ELA standard; Math 16.13% exceeded or met the standard.

**Bloomington High School** 37.62% of those tested exceeded or met the ELA standard; Math 7.36% exceeded or met the standard.

**Eisenhower High School** 33.14% of those tested exceeded or met the ELA standard, Math 14.34% exceeded or met the standard.

COMPARISON OF HIGH SCHOOL TEST RESULTS 2021-2022			
High School	Trona HS	Bloomington HS	Eisenhower HS
ELA	31.75%	37.62%	33.14%
Math	16.13%	7.36%	14.34%
The scores above are the percentage of students who met or exceeded the state standard English Language Arts (ELA) and Mathematics (Math).			
California Assessment of Student Performance and Progress (CAASPP) <a href="https://www.cde.ca.gov/ta/tg/ca/">https://www.cde.ca.gov/ta/tg/ca/</a>			

After comparing two other high schools in the San Bernardino County, regardless of the demographics and number of students attending, the scores do not reveal a significant difference. It does not appear that the displacement of high school students to the elementary school affected the overall state scores.

## **Problems With the Trona Teachers' Association**

After the earthquakes, the School Board began retaining royalty funds in anticipation of building the new high school. In the 2022-23 school year, the teachers' association and School Board engaged in contract negotiations. The association felt that some of the \$9 million accumulated in reserves should be used for teacher raises; the school board felt they should continue to retain the money in reserve in case of possible cost increases for the construction of the new high school. Eventually, the contract negotiations reached an impasse (see Glossary); the School District started the 2023-24 school year with only one high school teacher held over from the prior year. The other teachers and many of the staff either resigned or retired.

The GJ found that multiple sources did not believe that the TJUSD needed to retain \$9 million or to build a school that was the size of the proposed new building. The population of Trona, which has been declining for years, does not warrant the large size of a new high school.

Eventually the Trona Teachers' Association and the School Board reached an impasse on negotiations. Consequently, multiple teachers either resigned or retired at the end of the 2022-23 school year.

The TJUSD Teachers' Association asked for a 15% Cost-of-Living Adjustment (COLA) raise for the 2022-23 school year, and the School District offered 2%. The Teachers' Association disagreed with this offer. The bickering between the Teachers' Association and the school district seems to come out of frustration and misunderstanding. The Grand Jury learned when going into contract negotiations, TJUSD was trying to show teachers they did not have the funds to provide raises. The Teachers' Association saw there was money held in reserve, which, they believed, could go toward raises. Therefore, there was a misunderstanding because this reserve money was held to help Trona pay its portion of building a new high school.

## **Detention**

At the high school level, there was little to no accountability for students. In the 2022-23 school year, there was no detention program at the high school level. While recognizing that detention will not solve all student behavior issues, the ability to discipline students for infractions could be helpful for deterring students from misbehaving. The Grand Jury notes, “detention, and other punitive measures, like suspensions and expulsions, can contribute to other issues, such as recidivism among students, despite harsher or longer punishments. These measures have the potential to increase apathy and defiance.” (edutopia.org)

The Grand Jury found that there is still no detention as of the date of this report.

## **School Site Council**

TJUSD schools hold School Site Council (SSC) meetings, one for the elementary level and one for the high school level, that are poorly attended. Attendance is voluntary for parents. Perhaps one or two parents may attend, and possibly, two to three teachers. The Grand Jury would like to see the school district strengthen its SSC meetings. “California Education Code 52852 stipulates that a School Site Council is to be established at every school that participates in the Title I program (see Glossary). This team is to be comprised of the principal, teachers, other staff members, and selected parents, and community members. In high schools, students may participate as well.(<https://www.cde.ca.gov/Re/tr/cl>)

“The School Site Council looks at student data and information, identifies student needs and areas for improvement and participates in the writing of the Single Plan for Student Achievement (SPSA). The SPSA is the school’s blueprint for what will be carried out to improve school and student achievement. The SSC also monitors the plan to see that these actions have occurred, that the funding has been spent and, lastly, they evaluate these activities at the end of the school year.

Participation by teachers, staff members, administrators and community members are very important, since these selected persons participate in significant decision making that can bring positive benefits to students.” (scuds.edu)

All SSC meetings are public meetings. The Grand Jury researched and learned everyone working together can create a more positive teaching and learning atmosphere at schools.



## **Distrust Between the Administration, School Board and Teachers**

Evidence showed that, in the past, teachers felt when they went to administration with problems, the administration failed to take any action to help. The Grand Jury also found that the elimination of certain extracurricular programs seemed to happen to teachers who had complained to administration. Additionally, administration eliminated its detention policy. The detention program was discontinued by the 2022-23 school year due to lack of space for detention to be held, and the lack of teacher coverage to oversee detention.

The Grand Jury also found that school administration seldom observed individual classrooms to verify how the teachers were teaching and if any recommendations for improvement, or positive comments, could be offered to teachers.

In 2018 there was an altercation between a student and a staff member; there were differences in the way the school board and the school staff advocated handling the situation. As a result, a member of school administration was demoted.

## **Lack of Communication**

Findings show that the school board meetings were held in two parts: closed session and open session. The school board held the closed session of meetings at 3:30 p.m. and the open session at 6:00 p.m. and were not convenient for the teaching staff as most teachers lived in Ridgecrest, 24 miles away. Many teachers were off work at about two or three in the afternoon and a long drive at 6:00 p.m. meant a drive back to Trona within an hour or two of leaving their workday. While the board meetings were open to all community members, not all were able to attend.

Emergency (special) meetings did not require as much notice to the community, with the potential of lower attendance due to less notice. Evidence showed there were many emergency meetings held in the 2022-23 school year. Also, for school site council meetings, some parents were specifically invited, but parental participation was very low. During the Covid pandemic, school board meetings were virtual, but that was discontinued after Covid. The virtual meetings have not resumed.

## **Lack of Adequate and Qualified Administrative Staff**

Trona is a small desert community. The population of the town is approximately 1,600 and the nearest town of 28,000 is half an hour away. Thus, Trona is limited in its hiring options. Evidence has shown that job applicants for non-educator positions are often lacking all the necessary qualifications and skillsets to perform the jobs for which they are hired. The GJ found that the school district is one of the larger employers in the area but there has been some degree of turnover in some para-professional positions.

In some cases, the person is hired to fill a position in which the previous occupant left before their replacement has been hired. There is no one with direct knowledge of what a job entails within the school district. The Grand Jury found that for multiple positions there are no manuals (such as policy, procedural or training) or materials to assist in training people filling these positions.

Thus, the new hire must figure out how to do the job without what would be considered the necessary prerequisites, any on-the-job training from the person they are replacing or any training materials. The GJ determined that some of these employees, who have been in this position, have had additional duties assigned to them. The Grand Jury found that this been a cause of stress in the working environment.

The Grand Jury discovered that there are funds to train non-educator staff. However, there is no “in-house” training specific to the school district’s procedures so the training would have to be obtained from outside vendors.

## **Teacher Credentialing Problems**

The GJ found that the School District has used non-credentialed instructors to teach some classes it provides, which is allowed by law. However, that requires a waiver and is certainly not the best practice. The School District does not offer onsite training or classes to assist those instructors in obtaining their credentials. The Grand Jury found that there is some confusion concerning the usage of school district funds for outside training for educators. Evidence has shown there were funds available for training. However, the School District was not reimbursing some teachers for the cost of training and of classroom materials purchased.

## **Lack of input from the community**

Evidence indicates parent attendance and participation at School Board meetings is very poor and hinders the opportunity to express concerns. Trona School Board meets on the second Thursday of each month and are generally open sessions. The meeting agendas, calendar, minutes and School Board policies are available on their website. The meetings are recorded and available to the public for viewing, by request. Virtual meetings were held during the Covid pandemic however, this method of communication was discontinued when pandemic restrictions were repealed, and in-person meetings resumed. There is no system for anonymous complaints in such a small, close-knit community.

## **Financial problems**

Evidence supports that Trona School District's financial stability is heavily dependent on revenues received from Searle's Mining company. Evidence also shows that these revenues have been decreasing over the years, requiring legislative intervention to mitigate total loss of these funds. Furthermore, the evidence shows there are no other resources available to replace these funds in the event of total loss.

## **Low test scores**

One of the concerns reviewed by the GJ was the low state test scores for the students at Trona High School. The potential reasons researched were the earthquakes, which caused the displacement of high school classes to the elementary school, uncredentialed teachers and lack of detention as discipline.

However, evidence revealed the test scores of high school students at Trona are not significantly lower or higher than the other high schools compared earlier. Trona High School test scores were randomly compared to Bloomington and Eisenhower High Schools. The comparisons were done for the 2021-22 school year and reported to the California Department of Education. (see School Statistics section above)

## **The Appearance of Nepotism**

The Grand Jury found that in the small unincorporated town of Trona many of the school administration, staff and school board members have family relations. Evidence revealed many in the community and the School District do not believe a non-nepotism policy is necessary in the district. When necessary, some staff members automatically recuse themselves when dealing with a family relative. There could be, however, the appearance of favoritism to people who live outside of Trona (and especially to those considering applying for a position within the TJUSD). Several family members are on the School Board, in administration, in charge of discipline and are policy makers and manage funds within the School District. It could be perceived that those applicants may enjoy an unfair advantage and be hired just because they are related to others in the School District or on the School Board, even though possibly less qualified.

The Grand Jury found it would benefit the School District to create and implement a procedure to address the hiring and selection practices to avoid the appearance of favoritism. The procedure would clearly state the steps required to ensure the appearance of transparent hiring practices and criteria. Such a non-nepotism process would promote public trust within the community and benefit the School District, its employees, its students and encourage those outside of Trona to potentially apply for positions there.

## Hope for the Future

Evidence revealed the Trona School District has many problems in need of solutions. What can the School Board and the employees do to help the district they care about and in which they are deeply invested? The Grand Jury investigation points to some suggestions:

- open communication between the teachers and the Administration needs improvement
- open communication between the Administration, School Board and parents would benefit everyone in the School District
- a plan to secure additional funding, in the event, the royalties from the Mineral Plant are reduced or eliminated
- a Policy and Procedures Manual would help the Administrative staff do their jobs more effectively
- School Board meetings, including special sessions, need to be accessible to all members of the community in virtual form, in order to increase transparency and accessibility
- Superintendent and School Board members need to observe in the classroom on a regular basis
- proper credentialing, including teachers instructing in their credentialed fields of expertise, to ensure better learning
- institute a written formal complaint process whereby teachers, students, parents and community members can voice concerns and ask questions (online also) and receive prompt answers from the Superintendent and the School Board
- a system needs to be developed to solicit input from the community, teachers, parents and students regarding all proposed major projects

If the School Board and the Administration of TJUSD want to gain trust in the eyes of the teachers and the community, consideration needs to be given to the Recommendations below.

## **COMMENDATIONS**

The Grand Jury commends the community of Trona for answering requests for interviews, documents and observations promptly.

The School Board, Administration, teachers and residents are also commended for their obvious passion towards Trona, the school district and its students. The passion shines through, and willingness to change may help the entire area and School District through these trying times.

## **CONCLUSION**

In conclusion, the 2023 San Bernardino County Civil Grand Jury found issues of serious concern while investigating the Trona Joint Unified School District and its School Board. Evidence shows there is much distrust in the entire School District, among the Superintendent's office, the School Board, school employees and the community it is meant to serve.

It should be noted: as of September 5, 2023, evidence revealed the communication between the community/school district staff and the Administration/School Board is beginning to improve. There were many new staff hired. These newly hired staff seem happy and motivated to communicate openly with the Administration. Trust is beginning to be restored. The Administration is again visiting classrooms.

To continue open communication and restore trust, the Grand Jury presents the following findings and recommendations:



FINDINGS	RECOMMENDATIONS	IMPLEMENTATION DATE	RESPONSES
<p><b>F-1:</b> There is no complete and comprehensive written Policy and Procedures Manual for administrative positions, causing administrative employees to not fully understand their assigned duties.</p>	<p><b>R-1:</b> Create and implement a District written Policy and Procedures Manual for administrative positions in the cabinet, i.e.: Business Manager; Maintenance Director; Human Resources; Payroll, updated yearly.</p>	<p>September 30, 2024.</p>	<p><b>Required:</b> Trona Joint Unified School Board</p> <p><b>Invited:</b> San Bernardino County Board of Education</p>
<p><b>F-2:</b> There is a lack of transparency within the district regarding special meetings and agendas.</p>	<p><b>R-2:</b> Establish monthly communication between teachers, staff, School Board, and administrators: for example, an accessible newsletter; posted online for the parents and community as well.</p>	<p>June 1, 2024</p>	<p><b>Required:</b> Trona Joint Unified School Board</p> <p><b>Invited:</b> San Bernardino County Board of Education</p>

FINDINGS	RECOMMENDATIONS	IMPLEMENTATION DATE	RESPONSES
<p><b>F-3:</b> TJUSD lacks a nepotism policy, which causes the potential for appearance of favoritism.</p>	<p><b>R-3:</b> Write a procedure to address nepotism in the district in compliance with the California Code of Regulations Title 2, Section 86. Enforce and update the procedure annually with signed acknowledgement that the School Board/administration/staff/teachers have read and understand the policy.</p> <p><b>R-3a:</b> Keep records that show School Board/administration/staff/teachers have read and understand the policy.</p>	<p>July 1, 2024</p>	<p><b>Required:</b> Trona Joint Unified School Board</p> <p><b>Invited:</b> San Bernardino County Board of Education</p>
<p><b>F-4:</b> The School Board members, school Superintendent, teaching staff and teachers' association have differing opinions. These have not been addressed openly or managed in a transparent way, which is contributing to a lack of unity within the school district.</p>	<p><b>R-4:</b> Institute monthly meetings between Superintendent/Board members, teachers' association and parents/community members (virtual also).</p>	<p>June 1, 2024</p>	<p><b>Required:</b> Trona Joint Unified School Board</p> <p><b>Invited:</b> San Bernardino County Board of Education</p>

FINDINGS	RECOMMENDATIONS	IMPLEMENTATION DATE	RESPONSES
<p><b>F-5:</b> No virtually accessible board meetings</p>	<p><b>R-5:</b> Re-establish a virtual option for School Board meetings.</p>	<p>June 1, 2024.</p>	<p><b>Required:</b> Trona Joint Unified School Board</p> <p><b>Invited:</b> San Bernardino County Board of Education</p>

FINDINGS	RECOMMENDATIONS	IMPLEMENTATION DATE	RESPONSES
<p><b>F-6:</b> Administrative staff hiring and retention problems have resulted in some employees stretched far beyond their knowledge and capability. Some Administrative employees' needs are not being met. Stretching an employee to perform both their duties and additional responsibilities not within their job description causes employees to have additional stress.</p> <p><b>F-6a:</b> Staff are not always provided adequate training for their primary job before receiving additional tasks.</p>	<p><b>R-6:</b> Job description is to be revised for each position, listing required education and skill sets. If someone is hired who does not have all qualifications for the job, once on-the-job training has been completed, outside training will be considered to improve applicant's skills in areas where required.</p> <p><b>R-6a:</b> No additional duties as assigned is to be performed by hires until they are fully trained and adequately performing the job to which they were hired.</p> <p><b>R-6b:</b> Training manuals are to be developed by employees currently holding all staff/ non-educational positions within the School District.</p>	<p>June 1, 2024</p>	<p><b>Required:</b> Trona Joint Unified School Board</p> <p><b>Invited:</b> San Bernardino County Board of Education</p>

FINDINGS	RECOMMENDATIONS	IMPLEMENTATION DATE	RESPONSES
<p><b>F-7:</b> Lack of in-person visits of classrooms by Board Members and the Superintendent means that the students and teachers do not have enough oversight and communication with the Superintendent and Board Members.</p>	<p><b>R-7:</b> Frequent and documented principal or assistant principal visits to every classroom.</p> <p><b>R-7a:</b> Frequent and documented Superintendent/School Board member visits to every classroom.</p>	<p>April 30, 2024.</p>	<p><b>Required:</b> Trona Joint Unified School Board</p> <p><b>Invited:</b> San Bernardino County Board of Education</p>
<p><b>F-8:</b> Poor communication results in the appearance of lack of transparency and creates mistrust and misunderstanding among the School Board, the teachers and the community.</p>	<p><b>R-8:</b> Implement a systematic method of communication, for example, a monthly grade-level newsletter, for the community, students, parents and the School Board and Superintendent. The communication is to be available in hard copy and online.</p> <p><b>R-8a:</b> Regular meetings between Superintendent/Board members and parents/community members (virtual also).</p>	<p>June 1, 2024.</p>	<p><b>Required:</b> Trona Joint Unified School Board</p> <p><b>Invited:</b> San Bernardino County Board of Education</p>

FINDINGS	RECOMMENDATIONS	IMPLEMENTATION DATE	RESPONSES
<p><b>F-9:</b> There is a lack of planning, (having “Plan B”), in case royalties from mining company are discontinued or greatly reduced.</p>	<p><b>R-9:</b> Develop a community, teacher, Superintendent and Board strategic plan addressing the possibility of the mining company royalties stopping or being significantly reduced (explore a “Plan B”: how to fund the school district without the extra monies). Place in writing and on the website, and update annually.</p>	<p>July 1, 2024</p>	<p><b>Required:</b> Trona Joint Unified School Board</p> <p><b>Invited:</b> San Bernardino County Board of Education</p>
<p><b>F-10:</b> The District had little feedback from the community regarding the building of the new high school.</p> <p><b>F10a:</b> The current system in place does not solicit the public for input from the community as it pertains to relevant issues of importance within the School District.</p>	<p><b>R-10:</b> In the future, the School Board to ensure that every high-level, relevant and important decision impacting Trona and its School District be openly and transparently discussed and input solicited by all impacted parties before a major change is made.</p>	<p>April 30, 2024</p>	<p><b>Required:</b> Trona Joint Unified School Board</p> <p><b>Invited:</b> San Bernardino County Board of Education</p>

FINDINGS	RECOMMENDATIONS	IMPLEMENTATION DATE	RESPONSES
<p><b>F-11:</b> There is no formal written complaint and response procedure whereby teachers, staff, students and community members can voice their concerns and be answered quickly and effectively.</p>	<p><b>R-11:</b> Implement a written complaint and response procedure. Response to be provided within two weeks from the School Board/Superintendent.</p>	<p>April 30, 2024.</p>	<p><b>Required:</b> Trona Joint Unified School Board</p> <p><b>Invited:</b> San Bernardino County Board of Education</p>
<p><b>F-12:</b> School Site Council meetings are poorly planned, poorly attended and are not scheduled regularly.</p>	<p><b>R-12:</b> Create and implement a system to let parents, students, teachers and administrators know the date of every School Site Council meeting with meetings regularly scheduled for the same time every month.</p>	<p>April 30, 2024</p>	<p><b>Required:</b> Trona Joint Unified School Board</p> <p><b>Invited:</b> San Bernardino County Board of Education</p>



## GLOSSARY

The following Glossary was created by the Civil Grand Jury to provide context and clarification for some terms used in this report.

1. **California Assessment of Student Performance and Progress**

**(CAASPP):** The California Assessment of Student Performance and Progress (CAASPP) System was established on January 1, 2014. The CAASPP System replaced the Standardized Testing and Reporting (STAR) Program, which became inoperative on July 1, 2013.

2. **Impasse**: a situation in which no progress is possible.

3. **Liquefaction**: conversion of soil into a fluidlike mass during an earthquake or other seismic event.

4. **Searles Valley Minerals, Inc.**: Searles Valley Minerals Inc. processes brine solutions. The Company offers products such as borax, boric acid, soda ash, and sodium sulfate. Searles Valley Minerals, Inc. operates in Trona, CA.

5. **Nepotism**: when an employer uses its influence or power to hire, transfer, or promote an applicant or employee because of a personal relationship, without regard to the qualifications/skills of the applicant.

6. **Cal Office of Emergency Services (Cal OES)**: this is an agency of the state government that supervises civil defense, disaster planning and emergency medical services.

7. **Royalties**: Royalties are a legally binding payment made to an individual or company for the ongoing use of their assets, including copyrighted works, franchises, and natural resources.

8. **School Site Council (SSC)**: The School Site Council is intended to be a decision-making body that represents all stakeholders of the school community. The school principal, teachers, other school personnel, parents, and students (secondary level) make up this group. Their primary responsibility is to identify common goals and assist the leadership team in establishing a plan to achieve the goals. The key to a successful SSC depends upon a good working relationship among all members of the

Council. Each member of the Council shares their unique perspective and knowledge of the school's needs, as they affect all students, during SSC meetings.

9. **Single Plan for Student Achievement (SPSA)**: a document that represents a school's cycle of continuous improvement of student achievement.

10. **Special District**: Public agencies/limited purpose local government created to provide one or more specific services to a community, such as water service, sewer service, parks, fire protection and others.

## REFERENCES

August 21, Cal OES provided the following link:

<https://www.oesnews.com/where-to-go-for-california-earthquake-assistance/>.

August 26, The SBA announced it would close the Trona Disaster Loan Outreach Center on August 29. For more information contact:

<https://www.sba.gov/offices/disaster/dfocw/resources/1647366>.

School Board Accountability Report Card (SARC) [www.sia.us.com](http://www.sia.us.com) and [DataQuest \(CA Dept of Education\)](#)

California Assessment of Student Performance and Progress (CAASPP)

<https://www.cde.ca.gov/ta/tg/ca/>

California Department of Education-Cohort Graduation Statistics

<https://www.cde.ca.gov/ds/ad/acgrinfo.asp>

Definition of Soda Ash/Potash <https://trona.ca.com>

State Funding [EdData - District Profile - Trona Joint Unified \(ed-data.org\)](http://ed-data.org)

Cal OES GOVERNOR'S OFFICE OF EMERGENCY SERVICES:

<https://www.CalOES.ca.gov>.

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## **RESTORE THE PUBLIC TRUST**

The Yucaipa City Council has lost the trust of many citizens. The purpose of this report is to shine a light on the actions of members of the Yucaipa City Council that have agitated and divided this once sleepy town and to make findings and recommendations to the Yucaipa City Council to help regain the trust of the citizens of Yucaipa.

## **SUMMARY**

Yucaipa is a small but vibrant community nestled in a valley of the San Bernardino mountains, about 70 miles east of Los Angeles. It incorporated in 1989 and formed a City Manager – City Council type of government. For more than 30 years it flourished and grew in harmony. Then, following the 2022 elections, a new City Council took office, and through its non-transparent method of replacing the long-time city manager came resident disdain, resentment, and anger, to replace the pride, civility, and harmony that the city relished.

Can the Yucaipa City Council restore that trust? The City itself shows the way in its Yucaipa Code of Conduct:

### **“IT ALL COMES DOWN TO RESPECT**

- Respect for one another as individuals
- Respect for the validity of different opinions
- Respect for the democratic process
- Respect for the community that we serve”

\*(From the Yucaipa Code of Conduct for City Council, page 16- see references, from the Yucaipa City Website, <https://yucaipa.org>)

The 2023 San Bernardino County Civil Grand Jury (GJ, CGJ, Grand Jury, Civil Grand Jury) has some suggestions as well:

- Form a watchdog committee to provide oversight of the City Council; to report to the public on the operations of city government; to ensure compliance with general ethics principles and with campaign finance, contracting, lobbying, conflicts of interest, and other laws and regulations; and with government transparency guidelines.

- Implement a formal written and on-line complaint process whereby citizens may ask questions or voice concerns about the actions of the City Council.
- Develop an effective training policy in all city government transparency policies, as well as in the state statutes and regulations related to city government, such as the Brown Act, the Fair Political Practices Commission regulations about conflicts of interest, and the Yucaipa Code of Conduct.
- Update the Yucaipa Code of Conduct for City Council (current copy is 2019).
- Implement transparent procedures that give time for council members and the community to provide input before the council solicits applications and appoints high-level city employees.
- Implement a Procedural Audit to take place every other year

The City Council's efforts to rezone the North Bench district created an uproar among Yucaipa citizens and spawned raucous City Council meetings. A Citizen's Group, [named] the Coalition to Save Yucaipa, filed a recall notice seeking to remove three City Council members, one of them the mayor. The City Clerks' office immediately filed a lawsuit to halt the recall, naming as defendants each citizen who signed the petition. Recall law requires that each petitioner must include his/her address. Subsequently, anonymous letters were sent to each signer, informing them that their information would be published in the local newspaper. The lawsuit filed by the Office of the City Clerk, and the anonymous letters, intimidated many Yucaipa residents, especially those who had their names on the petition, and therefore on the lawsuit.

Many Yucaipa citizens are incensed. They do not believe the City Council demonstrated adequate concern for their objections to the possible rezoning of the North Bench and to the approval of the Serrano Estates Project; they *did* believe that the Council acted with a lack of transparency when it replaced the former city manager and city attorney, with pre-selected people, without much notice to or input from the community. The anonymous letters sent only to the recall petition signers did not help the public perception of the City Council.

The following recommendations may guide the way towards a new start for the City of Yucaipa and its City Council. These measures will go a long way towards rebuilding community support, building a more effective City Council and restoring the lost public trust.

## **BACKGROUND**

Yucaipa is nestled beneath the San Bernardino Peak of the San Gorgonio Mountains. It is known as Yucaipa't in the language of the Serrano Native American tribe that formerly occupied this land. It has a population of 54,542 according to the 2020 census. In the 2010 census, Yucaipa's population was determined to be 51,367.

Yucaipa has a council-manager form of government. Under this arrangement the residents elect the City Council and the City Council then appoints the City Manager. In this form of government, the City Manager is responsible for carrying out the administrative policies of the City Council and serves at the pleasure of the Council. The City Council can terminate the City Manager's employment by a majority vote. (see Glossary).

### **Timeline**

- **On August 17, 2022**, the Planning Commission voted 4 to 2 against approval of the Serrano Estates Project. (see Glossary) Immediately thereafter, the applicant appealed the decision to the City Council.
- **On September 12, 2022**, the former City Council voted to deny the applicant's appeal.
- **On January 9, 2023**, the new City Council was installed.
- **On January 9, 2023**, two months after the election of the three new (City Council) members, the City Council called a special session. Although the agenda had brought attention to the fact that this meeting would be used to discuss personnel issues, the public knew no



particulars. While these actions were permissible, they lacked transparency. During this meeting, (although the present and soon-to-be former city manager's contract was renewed in October 2022, by a 5 to 0 vote) the City Manager resigned. The council immediately appointed a new City Manager to replace him. The newly elected City Council then promptly removed the current City Attorney and installed a new one.

When the full meeting continued, constituents were informed of the new appointees. Public outcry ensued. Residents complained they had no input into the changes. The lack of transparency was evident. The selected appointees waited outside in the parking lot, knowing that they would be installed.

- **On March 15, 2023**, the Serrano Estates Project applicant made changes to the plan in accordance with suggestions made by the new City Council, and the council approved it despite the objections of many citizens.
- The Grand Jury found that some residents viewed the appointment of the City Council's choice for City Manager and City Attorney as a move to assure that the Council could approve the Serrano Estates Project.
- **In March 2023**, opposition in the community continued to grow after the Yucaipa City Council approved the project. Opponents expressed their concerns at the City Council meetings and in the local paper. According to meeting minutes and media reports, opposition to the project grew with each City Council meeting.

At one of the heated City Council meetings where the council discussed the Serrano Estates Project, a Council Member responded to citizens voicing their concerns by saying, "Blah, blah, blah."

In fairness, the Civil Grand Jury has evidence that many citizens were rude in their addresses to the council. Some members of the public were disruptive; some violated the rules of the meeting; others were name-calling during their speaking time.

Regarding the public complaints that the Yucaipa City Council has navigated this project opaquely and with little consideration for some of the objections of the public, the San Bernardino County Civil Grand Jury found:

- City Council members have prior and current personal and business relationships with entitlement and/or development companies that want to redevelop the North Bench area.
- The GJ discovered there was a prior business relationship with a member of the Planning Commission and the City Council. The businesses were real estate sales and development.

The procedure complied with the law regarding consideration or approval of the Serrano Estates Project. However, the rule of law is only half of the City Council's mandate for governing. The voice of the people is the other and perhaps paramount.

The 2023 San Bernardino County Civil Grand Jury was prompted to investigate the Yucaipa City Council from complaints filed by residents of Yucaipa. The original complaint was that there was a violation of the Brown Act (see Glossary). The Grand Jury found no violation. However, there appears to be a violation of the public's trust.

The Grand Jury found that:

- Some in the Yucaipa City Council paid scant attention to those opposed to the Serrano Estates Project
- Some members of the Yucaipa City Council ignored public outcry, the lack of transparency and public input in the removal of the former City Manager and City Attorney
- Some members of the Yucaipa City Council ignored the historic tradition of slow development
- Many citizens in the community questioned the possibility of financial gain among the voting City Council without recusal

- Some voting constituents were so angry that they initiated a recall of three serving members of the City Council, including the mayor
- The Office of the City Clerk filed a lawsuit, which is a permissible action, against the residents who had signed the recall petition
- The petitioners received anonymous letters
- Lawsuits and counter lawsuits between the recall group and the City of Yucaipa have been initiated

### **Reason for Investigation**

The 2023 San Bernardino County Civil Grand Jury received multiple complaints citing misbehavior on the part of the Yucaipa City Council. Complaints alleged concerns of conflict of interest, Brown Act violations, ethics violations, the unexplained terminations/resignations of executive level staff and the lack of transparency in hiring new executive level staff. The number of complaints received and the ongoing discord between citizens and the City Council compelled the Grand Jury to move forward with this investigation.

## **METHODOLOGY**

### **Materials Reviewed**

- Agendas, minutes and videos of Yucaipa City Council Meetings 2022-23
- Applicable California codes and regulations
- Yucaipa Municipal Codes
- Executive Staff Employment Contracts
- Executive Staff Separation Agreements
- Fair Policial Practices Commission Filings
- California Attorney General’s Office website
- City of Yucaipa website

- California Fair Policial Practices Commission website
- Yucaipa/Calimesa News Mirror Newspaper: articles and letters to the Editor

## Interviews Conducted

The Grand Jury conducted numerous interviews in person which included:

- Current City Council Members
- Current City Staff
- Complainants
- Yucaipa citizens

## Site Visited

- Yucaipa City Council meeting

## DISCUSSION

### City Council Meeting of January 9, 2023

For many years, Yucaipa relied on its long-serving City Manager for governance and on its long-serving City Attorney for legal advice. In late 2022 the City Council unanimously renewed the City Manager's contract.

Within a month of taking office in 2023, though, a newly elected City Council decided that the city needed a change. At a closed session it voted to accept the resignation of the City Manager despite the contract renewal ***just a few months earlier***. The reasons for this resignation are unknown to the Grand Jury.

At the same closed session, the Council immediately replaced the City Manager with its pre-selected choice. The Council didn't require applicant vetting; indeed, it *didn't require any applicants at all*. The Council didn't interview other qualified applicants; there *were no other applicants to be considered for such an important decision*.

Some City Council members believed that the applications, vetting and Interviewing took place during the previous council term, and that their only function now was to approve the choices. The evidence showed that some of the council members had not met these pre-chosen candidates until the

meeting during which the Council appointed them.

Even before the City Council vote, the soon-to-be appointed new City Manager (and City Attorney) waited in the parking lot outside the council chambers, to be called into the meeting and introduced to the Council.

These City Council actions blindsided many residents; their outrage followed, soon to be fueled by additional questionable actions.

## **New Projects Proposed**

One project, rejected by the prior City Council only three months earlier, was revived by the new Council: the Serrano Estates Project. (see Glossary)

For years local residents opposed the Serrano Estates Project, and the prior City Council and planning commission rejected it. But the new Council nevertheless voted to approve the project.

For years North Bench residents enjoyed the serenity of its rural setting. It was zoned RL-1, one home on each one-acre lot. The new City Council proposed rezoning the North Bench to allow “cluster housing,” more housing on less land (up to four homes on each one-acre lot and multi-resident units such as condos and apartments). Many residents believe that the approval of the Serrano Estates Project provided a gateway to the rezoning of the North Bench later because the Serrano Estates Project is immediately adjacent to the North Bench area.

Many North Bench residents and some other district residents opposed the change. The proposal, the residents asserted, would deprive Yucaipa of a rural residential and open-space region and instead would create a congested sprawl with insufficient infrastructure. Anger swelled, then ballooned when residents learned that a Council Member was a real estate agent, had a property listed in the North Bench district and possibly stood to reap a substantial financial gain upon Council approval of this proposal and subsequent sale of the listing. Despite the apparent financial conflict of interest and lack of transparency, no Council Member deemed it prudent to recuse himself.

Angered and frustrated once again, citizens responded. Dozens spoke at City Council meetings. The public opposed the Council's *actions*, but they were more upset by the *process* that the Council used to attain the results.

During City Council meetings devoted to the Serrano Estates project and the North Bench rezoning, residents were in an uproar and the council meetings were raucous. Where usually a dozen or so residents showed up for these meetings, attendance was estimated to be over 100. Speaking time at one meeting, normally three minutes per speaker, was reduced to two minutes, and still the time was insufficient, as many more wanted to be heard.

The Council prudently postponed the vote on the North Bench rezoning; it still hasn't scheduled a vote. The Council, though, voted to approve the Serrano Estates project.

## **City Council Conduct**

How did the City Council react to the public outcry?

Not with the courtesy and decorum urged by the City in its Rules of Procedure for Council Meetings. (Resolution 2023-07):

It is up to the Council "to create an atmosphere where the members of the body and the members of the public can attend to business efficiently, fairly and with full participation." (from Yucaipa's code above)

The Resolution concludes with Special Notes about Public Input:

The rules state (with particular emphasis for the Mayor):

"It is wise to remember three special rules that apply to each agenda item:

Rule One: Tell the public what the body will be doing.

Rule Two: Keep the public informed while the body is doing it.

Rule Three: When the body has acted, tell the public what the body did."

The Council did not follow its own city code.

When residents spoke at public meetings, a member of the Council responded: “All I hear is blah, blah, blah.”

When residents complained about Council conduct, a member replied: “I can’t hear you.”

Although not spoken by all City Council members, the residents perceived these comments to be the voice of the Council.

## **Recall Petition and Lawsuit**

With this sort of reception, what followed seemed inevitable: residents filed petitions to recall three City Council Members; other residents filed a lawsuit in Superior Court to stop the development of the Serrano Estates project; still others filed complaints with the Grand Jury, requesting that it do something, anything, to restore transparent government; many inundated the local newspaper with letters to the editor protesting the Council’s actions. The City filed an answer to a Serrano Estates lawsuit. Although the City Council approved the project, the lawsuit remains pending and the project effectively has stalled.

The City of Yucaipa reacted to the recall petition. The Office of the City Clerk accepted the recall petition, as it must, but then immediately filed a petition in Superior Court, as it may, for a Writ of Mandate, requesting that the court reject the recall petitions on the grounds that they were misleading. Another hearing about the recall was scheduled in court for August 24.

At the August 24 hearing, the recall had expired, and the judge entered a Minute Order: “Court notes that there are no recall documents submitted. Matter is deemed moot.” (from the Court Access Portal: [cap.sb-court.org](http://cap.sb-court.org))

On August 31, the recall petitioners’ attorney filed a motion to dismiss the Petition for Writ of Mandate filed by the Yucaipa City Clerk’s Office. The judge set a hearing on that petition for October 12. As of the writing of this



report, the Office of the City Clerk had not agreed to dismiss the Petition for Writ of Mandate, despite the fact that the judge deemed the matter moot.

Nevertheless, the Office of the Yucaipa City Clerk, with retained counsel, decided to move forward with the lawsuit. If the City Clerk's office continues on this path, Yucaipa likely will spend thousands of dollars in attorney fees and the defendants, residents who had signed the recall petitions, may spend thousands more on their own attorney fees. These actions may further erode the public trust and the Yucaipa City Council itself must share some of the blame.

### **Lack of Adequate Additional Training**

Some Council Members do not have the knowledge necessary for effective governance. While the City Council makes available various training opportunities, it fails to ensure that Council Members avail themselves of those opportunities and fails to follow up to ensure that the members assimilate and retain that information. The Council Members may receive the Codes, Procedures, and Policies in written form which they sometimes do not read. At times the Council Members train on-line, which uses lecture format. The training is not done in person (with the exception of an option for taking the Brown Act Training). While on-line training is permissible, the Grand Jury recognizes that this is not the best practice for long term retention. Additional training is needed to supplement the required on-line training provided currently, since evidence shows this training needs to be interactive and in person to help improve long term retention.

This lack of effective training has led to a lack of understanding by City Council Members of their responsibilities to Yucaipa citizens, which led to the appearance of lack of transparency in the *process* of city government, which led ultimately to citizen distrust of city officials.

### **Code of Conduct**

How does the City Council overcome that resident disdain; how does it regain the public trust?

The city government itself points the way, in its Code of Conduct for City Council; it devotes an entire section to Principles of Proper Conduct:

Proper Conduct Is (among 13 principles):

- Showing empathy
- Holding onto ethical principles under stress
- Listening attentively
- Keeping integrity intact

Proper Conduct Is Not:

- Showing antagonism or hostility
- Deliberately lying or misleading
- Speaking recklessly
- Spreading rumors
- Stirring up bad feelings, divisiveness
- Acting in a self-righteous manner

The Yucaipa Code of Conduct concludes:

### **“It All Comes Down to Respect”**

It all comes down to respect - for the individuals, for the opinions of others, for the democratic process, for the community.

This Code of Conduct should be required reading, certainly for the Council members, and perhaps by the public. It would benefit the City Council to read it aloud annually at an early council meeting by the council members themselves, reinforcing the council’s commitment to the respect that the public is due and its commitment to transparent government.

The City Council members can help themselves restore the public trust by asking the questions as stated in the Yucaipa Code of Conduct:

- Will my decision/statement/action violate the trust, rights or good will of others?
- What are my interior motives and the spirit behind my actions?
- If I have to justify my conduct in public tomorrow, will I do so with pride or shame?
- How would my conduct be evaluated by people whose integrity and character I respect?
- Even if my conduct is not illegal or unethical, is it done at someone else's painful expense?
- Will it destroy their trust in me?
- Will it harm their reputation?
- Is my conduct fair? Just? Morally right?
- If I were on the receiving end of my conduct, would I approve and agree, or would I take offense?
- Does my conduct give others reason to trust or distrust me?
- Am I willing to take an ethical stand when it is called for?
- Am I willing to make my ethical beliefs public in a way that makes it clear what I stand for?
- Do I exhibit the same conduct in my private life as I do in my public life?
- Can I take legitimate pride in the way I conduct myself and the example I set?
- Do I listen to and understand the views of others?
- Do I question and confront different points of view in a constructive manner?
- Do I work to resolve differences and come to mutual agreement?
- Do I support others and show respect for their ideas?
- Will my conduct cause public embarrassment to someone else?

If the present City Council had considered these precepts before it acted on replacing the City Manager and City Attorney and voting on the Serrano Estates project, would it have received the same reactions from the public? The resulting votes and appointments may have been the same. However, if the *process* had been a transparent one, the reactions of the public may have been different. At the very least, the citizens would have had an opportunity to offer feedback.

## **The Future of Yucaipa**

Yucaipa already has the physical attributes that make it a vibrant community: location, at the foot of the San Bernardino Mountains; amenities, such as parks and recreational activities, an arts pavilion and cultural activities; shopping plazas; schools; accessible public services such as a library and a community center.

What it lacks now is the support and trust of its residents, initiated by the actions of its new City Council.

Since the new council term began in 2023, the Yucaipa City Council has developed a reputation among many residents of ignoring the concerns of the public and of fostering an atmosphere of mistrust, disdain, anger, resentment, lack of transparency and appearances of conflicts of interest.

Regaining the residents' trust is paramount, and it can be done.

- A first step could be for Council members to consider why they sought office in the first place: not as a quest for profit, influence, fame or power, but instead as a desire to promote the welfare of their community's residents
- A second step could be for Council members to consider the principles and precepts formulated in the city's Code of Conduct, and in the state laws and regulations relating to city governance
- A third step could be for the council to establish an outreach program, encouraging council members to meet informally with their constituents to discuss any matter that seems significant to them, and which relate to the city and its government
- A fourth step could be for the city to establish a watchdog commission to oversee the city's elected officials. The evidence shows that such a commission would be beneficial: it would reduce resident distrust and would create a local guide for council actions

Other steps can be found in the Grand Jury's findings and proposed recommendations for the City Council.

## CONCLUSION

The Civil Grand Jury commends the Yucaipa City Council members for cooperating with the investigation. The Grand Jury applauds the attempts of some City Council members to make things right with the community.

The Grand Jury has several conclusions:

- The Yucaipa City Council members need additional training in government and principles of transparency practices
- The City Council and the entire community of Yucaipa would benefit from a more transparent City government. Transparency methods need to be established.
- The City of Yucaipa would benefit from an independent watchdog committee to oversee the City Council
- A new formal complaint process would go a long way to help establish communication with the public, since the citizens will have an easy method of providing feedback
- A Procedural Audit done by an independent agency annually and reported on the website and at a City Council meeting will help restore trust. (see Glossary)

If the Yucaipa City Council truly wants the trust of its citizens restored, the Council must work hard to regain it. Ultimately, it will be up to the residents of Yucaipa, through voting, to decide who best represents them in a transparent and open way.

FINDINGS	RECOMMENDATIONS	IMPLEMENTATION DATE	REQUIRED RESPONSE
<p><b>F-1:</b> Yucaipa City Council members begin and continue their terms of service with little understanding of Yucaipa’s Conflict of Interest Code, Yucaipa’s Code of Conduct, and best practices of city government as well as the California State statutes and regulations related to the open and transparent operation of city government.</p>	<p><b>R-1a:</b> The Civil Grand Jury recommends the City of Yucaipa is to provide comprehensive in-person training for each City Council Member covering all aspects of the Yucaipa Conflict of Interest Code and the Yucaipa Code of Conduct Policy. This training to be completed completely in person with council member interaction.</p> <p><b>R-1b:</b> This training is to be in addition to, and to supplement already required governmental training which currently can be completed online.</p> <p><b>R-1c:</b> The City Council members to complete this training within one year of formally being installed as City Council members.</p> <p><b>R-1d:</b> After the initial training, the City of Yucaipa to require in-person interactive training once in each subsequent two-year period.</p> <p><b>R-1e:</b> The City of Yucaipa to document this training by recording the name of the Member attending, the name of the trainer, the date of the training and the topics covered by the training.</p> <p><b>R-1f:</b> The training to involve not only lecture or on-line format but to include interactive real-life examples and situations with active</p>	<p>October 1, 2024 (R-1, a-f)</p>	<p>Yucaipa City Council</p>

FINDINGS	RECOMMENDATIONS	IMPLEMENTATION DATE	REQUIRED RESPONSE
	participation by the council members.		
<p><b>F-2:</b> The Yucaipa City Council does not ensure that the Council Policies are current and updated every two years.</p>	<p><b>R-2:</b> The Grand Jury recommends that the Yucaipa City Council display on the city website the following:</p> <ul style="list-style-type: none"> <li>* Code of Conduct Policy, updated every two years (current revision is 2019).</li> <li>* Conflict of Interest Policy; updated and linked to the State Guidelines.</li> </ul>	August 1, 2024	Yucaipa City Council
<p><b>F-3:</b> Yucaipa City Council currently has no watchdog commission to oversee the compliance with the Code of Conduct and Conflict of Interest Policies. The oversight group is needed for documenting that the City Council follow the above policies, as well as best practices for transparent government.</p>	<p><b>R-3:</b> The Grand Jury recommends the City of Yucaipa is to set up an independent watchdog commission to oversee the Yucaipa City Council operations.</p>	August 1,2024	Yucaipa City Council
<p><b>F-4:</b> Yucaipa City Council's failure to publicly announce openings for City Manager and City Attorney, as well as other controversial votes/decisions has created in the public an appearance of lack of transparency.</p>	<p><b>R-4:</b> The Grand Jury recommends that the Yucaipa City Council publicly give notice of future executive level openings and votes/issues. Allow sufficient time for community input before appointing executive positions and voting on impactful issues.</p>	April 1, 2024	Yucaipa City Council
<p><b>F-5:</b> Yucaipa City Council has an inadequate complaint process by which the community can offer feedback to the City Council and receive</p>	<p><b>R-5:</b> The Grand Jury recommends that the Yucaipa City Council devise a formal written complaint procedure (on the website also) whereby</p>	October 1, 2024	Yucaipa City Council



FINDINGS	RECOMMENDATIONS	IMPLEMENTATION DATE	REQUIRED RESPONSE
<p>prompt answers. Currently, citizens can contact City Council members directly, through telephone calls, e-mail, and speaking at public meetings. This is inadequate since Yucaipa City Council members are part-time and most have full-time jobs. Therefore, they would not always be available for phone calls and office visits.</p>	<p>the public can give feedback, ask questions and voice concerns, with answers returned promptly.</p>		
<p><b>F-6:</b> Yucaipa City Council implements no Procedural Audit done annually by an outside independent agency.</p>	<p><b>R-6:</b> The Grand Jury recommends that the Yucaipa City Council have a Procedural Audit every other year, by a qualified independent third-party agency. Results of the Procedural Audit to be reported every other year at City Council meetings and online.</p>	<p>August 1, 2024</p>	<p>Yucaipa City Council</p>
<p><b>F-7:</b> Yucaipa City Council does not have annual training in current best practices (see Glossary) of city government and within one month of new Board Members being elected, so that the new Members are thoroughly trained in all aspects of a transparent city government.</p>	<p><b>R-7a:</b> The Grand Jury recommends that all Yucaipa City Council Members receive annual training in methods and best practices of transparent city government, in person with council member interaction, by a qualified entity outside of the City. Topics included would be recusal guidelines, appearance of lack of transparency, relationships with land development/entitlement companies, conflict of interest and best practices for city government. Newly elected Council Members to begin training within one month of being elected.</p>	<p>August 1, 2024</p>	<p>Yucaipa City Council</p>

FINDINGS	RECOMMENDATIONS	IMPLEMENTATION DATE	REQUIRED RESPONSE
	<b>R-7b:</b> This is in addition to the training already required.		

## GLOSSARY

The Glossary was created by the Civil Grand Jury to provide context and meaning to the following terms mentioned in the report above.

**Coalition to Save Yucaipa:** A united coalition of various community groups and dedicated citizens from all over the City of Yucaipa and nearby areas.

**City Council:** The governing body of the city.

**Council-Manager form of government:** The form of government that combines the political leadership of elected officials in the form of a council with the managerial experience of an appointed local government manager.

**Code of Conduct Policy:** A policy designed to describe the manner in which Council Members should treat one another, city staff, constituents, and others they come in contact with in representing the City.

**Conflict of Interest Policy:** A policy that prohibits Government employees from participating personally and substantially in official matters where they have a financial interest.

**Majority:** The greater number of votes cast for or against a proposal, candidate, or option.

**Rezoning:** The reassignment of land or property from the original parameters of use or development to another.

**Recall:** The removal from elective office of the incumbent by a majority vote of the constituency.

**Recusal:** The act of removing oneself from consideration, or vote, of any proposal that may have any benefit for the person voting.

**North Bench District/Area:** The area of Yucaipa generally considered to be above Bryant Ave, which is currently zoned R-1 (one residence per one acre). Historically seen as a rural area.

**Serrano Estates Project:** An area of development which was recently approved by the City Council. Its close proximity to the North Bench Area of Yucaipa causes it to be seen as a “Gateway” to also approving the rezoning of the North Bench Area.

**Financial Audit:** An audit by an independent agency that examines and reports on the budget and other financial records. Usually done annually by cities.

**Procedural Audit:** A qualified professional audit of the operations of a city's government that may include:

- Is the City Council following its own updated Policies and Procedures?
- Is the City Council following its own updated Conflict of Interest Code?
- Is the City Council following its own updated Code of Conduct?
- Are best practices for transparent City Government being followed?
- Is the City Council abiding by California State Law (Fair Political Practices Act)?
- Is the City Council acting in a way that shows transparency and open government best practices?

**Best practices for City Managers:** A set of principles, strategies, and ethical standards that guide the effective management of city affairs, including transparent communications, fiscal responsibility, strategic planning, staff leadership and development, collaboration with elected officials and community engagement.

**Best practices for City Councils:** A set of guidelines, principles and behaviors, including transparent governance, responsible decision-making, community engagement, ethical conduct and collaboration among the members and with city staff.

**Fair Political Practices Commission Act:** California Code of Regulations, Title 2, Division 6, Chapter 7, sections 18700 et. seq.: Sets out the basic rule and guide to conflict-of-interest regulations. (Universal Citation: 2 CA Code of Regs 18700)

**Entitlement Company:** A business that specializes in facilitating entitlements (rights to benefits, income or property) to eligible recipients, ensuring that the proper procedures are followed, documents are processed and benefits are delivered.

**The Brown Act:** (from California Government Code, signed into law July 2, 1953) "The Ralph M. Brown Act is a California law that guarantees the public's right to attend and participate in meetings of local legislative bodies."

It covers the definition of serial meetings, closed sessions, special meetings. It lays out the laws a legislative body must follow in California.

## **REFERENCES**

City of Yucaipa website: <https://yucaipa.org>

## **DISCLAIMER:**

**This report was issued by the San Bernardino Civil Grand Jury with the exception of one member of the jury who self-recused. This juror was excluded from all parts of the investigation beyond the initial citizen complaint review, including interviews, deliberations, and the making and acceptance of the report.**

**CONDITIONS WITHIN SAN BERNARDINO COUNTY JAILS (PC § 925)  
AND  
CONDITIONS WITHIN SAN BERNARDINO CITY JAILS (PC § 925a)**

**BACKGROUND**

The 2023 San Bernardino County Civil Grand Jury (Grand Jury), per California Penal Code § 925, shall investigate and report on the operations, accounts, and records of the officers, departments, or functions of the county including those operations, accounts, and records of any special legislative district or other district in the county created pursuant to state law for which the officers of the county are serving in their ex officio capacity as officers of the districts.

The Grand Jury, per California Penal Code § 925a, may at any time examine the books and records of any incorporated city or joint powers agency located in the county. In addition to any other investigatory powers granted by this chapter, the grand jury may investigate and report upon the operations, accounts, and records of the officers, departments, functions, and the method or system of performing the duties of any such city or joint powers agency and make such recommendations as it may deem proper and fit.

**METHODOLOGY**

The Grand Jury used assessment categories from the Jail Inspection and facility tour forms provided by the California Board of State and Community and Community Corrections, as noted on the California Grand Jury Association website, [www.cgja.org](http://www.cgja.org).

San Bernardino County Civil Grand Jurors obtained information from observations made by the Grand Jury and from jail administrative staff about the conditions of the exterior and interior of the building, including the exercise areas, playing fields, exercise equipment and general cleanliness of the facilities, windows, lighting, lockers, desks, and bedding. Safety and

Security were also observed and discussed. The Grand Jury toured the following County and City jail facilities:

- **PC § 925**
  - **West Valley Detention Center**
  - **High Desert Detention Center**
  - **Central Valley Juvenile Detention Center**
  - **High Desert Juvenile Detention and Assessment Center**
  
- **PC § 925a**
  - **Ontario City Jail**
  - **Rialto City Jail**

## **SUMMARY**

The Grand Jury toured both the inside and outside of each Detention Center. Administrators gave the Grand Jury an overview of each of their facilities prior to each walk-thru. Questions were asked and answered throughout the tour. At the end of each tour, the Grand Jury met for one last time to allow for any final questions.

The 2023 San Bernardino County Civil Grand Jury would like to thank the administrative staff members and the San Bernardino County Sheriff's Department at each of the facilities that were visited. The Grand Jury was welcomed and received with the utmost courtesy and professionalism.



