

RESPONSES
TO THE
SAN BERNARDINO COUNTY
2023 GRAND JURY FINAL
REPORT



SAN BERNARDINO COUNTY GRAND JURY
247 WEST THIRD STREET,
SAN BERNARDINO, CA 92415-0243
(909) 382-39771

**RESPONSES TO
THE SAN BERNARDINO COUNTY
2023 GRAND JURY
FINAL REPORT**

SECTION 1:

- OMNITRANS

SECTION 2:

- TRONA JOINT UNIFIED SCHOOL DISTRICT

SECTION 3:

- CITY OF YUCAIPA

SECTION 4:

- CITY OF SAN BERNARDINO

SECTION 1

OMNITRANS



FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO

MAR 13 2024

By Val S.
Valerie Silva, Deputy

Memorandum

To: San Bernardino County Civil Grand Jury
From: Mayor Frank Navarro, Chairman Omnitrans Board of Directors
Date: March 6, 2024
CC: Erin Rogers, Omnitrans CEO/General Manager

Thank you for your dedicated interest and attention into Omnitrans' organization last year. As Chair of the Omnitrans Board of Directors, I oversee the agency's governing body and committee structure. In addition to committees of elected officials dedicated to agency finances, administration and programs, the Board of Directors' Operations and Safety Committee is devoted to efforts to ensure the safe operation of transit service for community members and employees.

I am confident that the regular assessment of key performance indicators and collaboration between staff, Board members, neighboring transit agencies and the cities within Omnitrans' jurisdiction provide a clear commitment to the agency's foundational safety focus. I believe you will agree that the attached response to the Grand Jury's learned report reflects the ongoing and developing initiatives that move Omnitrans toward our shared vision of innovative mobility solutions that connect our region and strengthen the economy.



**Omnitrans' Response to the San Bernardino County
Civil Grand Jury Final Report
January 2024**

Dear San Bernardino County Civil Grand Jury Members,

As the accountable executive for Omnitrans, I appreciate the San Bernardino County Civil Grand Jury's interest in the county's largest public transit agency, and the time and effort the Grand Jury spent with the organization last year. Your report is a valued augmentation of Omnitrans' regulatory evaluation by entities including the Federal Transit Administration, California Department of Transportation, and the California Highway Patrol, each of which conducted audits of the agency in 2023 with no findings and the highest possible ratings.

Our agency's Strategic Plan reflects Omnitrans' top organizational value – the safety of our employees and customers. Implemented agency initiatives to develop enhanced security partnerships, workforce recruitment and training exhibit Omnitrans and the Grand Jury's shared priorities and commitment to moving the agency forward to provide our community with coordinated and sustainable transit service. I am confident that evidence of this work and intention, reflected in the attached response, will assure you of our continued commitment and progress toward that mission.

Sincerely,

Erin Rogers
CEO/General Manager

FINDINGS	RECOMMENDATIONS	IMPLEMENTATION DATE	REQUIRED RESPONSE	AGREEMENT	ACTION
<p>F-1: There is a lack of armed security guards/law enforcement officers riding the coaches, especially on the most troublesome bus routes.</p>	<p>R-1: 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>Omnitrans agrees that additional security measures would be beneficial.</p>	<p>Omnitrans currently is exploring a contract with the San Bernardino County Sheriff's Department to provide enhanced security through out the service area. The results of this exploration will be reported to its Board of Directors in the next six months.</p> <p>A partnership agreement with the city of Fontana to provide additional security at the Fontana Transit center is in final review and will be implemented within the next six months.</p> <p>Omnitrans is also in discussion with the city of Montclair regarding enhancing security at the Montclair Transit Center.</p> <p>Additionally, the agency has submitted a grant to implement an ambassador program at bus stops and transit centers.</p>

<p>F-2: There are an insufficient number of field supervisors to support the coach operators in the event of safety incidents</p>	<p>R-2a: Omnitrans to hire additional field supervisors.</p> <p>R-2b: 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>Yes, Omnitrans agrees that additional staff would be beneficial. Omnitrans also agrees that ensuring competitive wages and benefits is beneficial.</p>	<p>Omnitrans has hired/promoted 3 staff members into Field Supervisor positions in the past year and is proposing to increase Field Supervisor staffing in the Fiscal Year 2025 budget proposal, which will be considered by the Omnitrans Board in May. Omnitrans conducts a salary survey annually and also hired an outside consultant (EDSI) to conduct a classification and compensation study of all positions. The findings of this study were presented to the Board of Directors. Proposed adjustments to salary ranges will be considered by the Omnitrans Board of Directors as part of the annual budget process. Omnitrans recognizes it is critical to maintain a competitive salary and benefit structure to attract and retain employees.</p>
<p>F-3: Homeless people are encamping /loitering at bus stops, precluding passengers from physically waiting at the bus stops.</p>	<p>R-3: 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>Omnitrans agrees that solar lighting is beneficial at bus stops; however, installing lighting at all bus stops would be cost-prohibitive</p>	<p>Omnitrans has installed solar lighting at 803 bus stops since 2012 and will install lighting at 120 additional stops in 2024. The agency also is actively pursuing grant funding for additional lighting.</p>

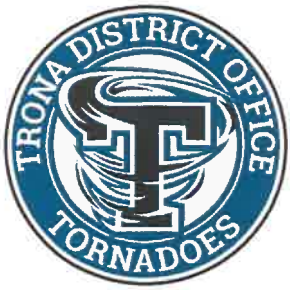
<p>F-4: Omnitrans offers some incentives to address the coach operator hiring shortage, and retention problem, but more incentives are needed.</p>	<p>R-4: Implement additional incentives for new hires and existing coach operators. For example, mini bonuses for every month driving after being hired by omnitrans.</p>	<p>July 2024</p>	<p>1-Omnitrans Board of Directors 2-SB County Board of Supervisors</p>	<p>Yes, Omnitrans agrees that additional incentives could improve coach operator recruitment and retention.</p>	<p>Omnitrans recognizes that lighting may deter but does not guarantee people will not loiter at bus stops. Omnitrans will continue working with local law enforcement to report loitering and safety concerns at bus stops. Omnitrans currently offers a hiring bonus of \$1,000 and, since the Grand Jury began its work, Omnitrans has increased the employee referral bonus from \$250 to \$750 and begun paying candidate licensing fees. Additionally, the agency has negotiated adjustments to its union contract to reduce the time employees work before receiving pay increases.</p>
<p>F-5: 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>R-5: 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>	<p>Yes, Omnitrans agrees that interactive training for coach operators can be valuable.</p>	<p>Omnitrans Coach Operator training program is six weeks long and includes both classroom and hands-on, behind the wheel training. The classroom training includes topics such as de-escalation and customer service training, to prepare the Student Coach Operators for situations that may arise while in service.</p>

					Route training includes in-service training where real-time feedback is provided by Coach Operator Instructors. Omnitrans will further evaluate opportunities to provide enhanced training.
F-6: There is inconsistency and the lack of effectiveness in the training process due to no 'train the trainers' program in place to ensure quality and consistency.	R-6: Set up a program for 'train the trainers' that will ensure effectiveness and consistency throughout the training.	September 2024	1-Omnitrans Board of Directors 2-SB County Board of Supervisors	Yes, Omnitrans agrees that a cohesive "train the trainer" program benefits the agency.	Omnitrans will establish a departmental team to refresh the trainer program and ensure consistency of materials in the second quarter of calendar year 2024. In addition, Omnitrans will utilize resources available from its insurance pool, Cal TIP to enhance the train the trainer program. The first classes were held the week of January 22, 2024 including de-escalation training and fatigue awareness.
F-7: The Omnitrans training manual does not always match what is taught in actual classroom training.	R-7: Ensure that the manual completely matches the training.	July 2024	1-Omnitrans Board of Directors 2-SB County Board of Supervisors	Yes, Omnitrans agrees that consistency in training benefits the agency.	Omnitrans will establish a departmental team to refresh the trainer program and ensure consistency of materials in the second quarter of calendar year 2024.
F-8: Expert third-party training in de-escalation techniques is needed.	R-8: Implement de-escalation training from outside experts.	September 2024	1-Omnitrans Board of Directors 2-SB County Board of Supervisors	Yes, Omnitrans agrees that enhanced de-escalation training benefits the agency.	Staff training already is an identified priority for the coming year as part of the agency's culture initiative. Omnitrans will increase its current de-escalation

<p>F-9: 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>R-9: Purchase a new bus simulator for use in training coach operator students.</p>	<p>September 2024</p>	<p>1-Omnitrans Board of Directors 2-SB County Board of Supervisors</p>	<p>No, purchasing another bus simulator would be cost-prohibitive and the agency believes hands on, behind the wheel training is more effective in preparing Student Coach Operators for service.</p>	<p>training module for operators as part of its departmental training refresh (as referenced above). Omnitrans will evaluate the current schedule of classroom and behind the wheel training and determine if additional days spent behind the wheel training would be beneficial.</p>
--	--	-----------------------	--	---	--

SECTION 2

TRONA JOINT UNIFIED SCHOOL DISTRICT



TRONA JOINT UNIFIED SCHOOL DISTRICT

83600 Trona Road • Trona, CA 93562 • 760 372-2861 • Fax 760 372-4504

Superintendent: Jerry Jennex

March 11, 2024

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO

MAR 13 2024

Response to San Bernardino County Grand Jury Inquiry

By Val S.
Valerie Silvas, Deputy

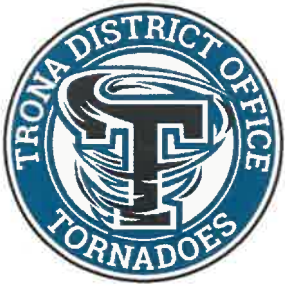
To whom it may concern,

Please find following the Trona Joint Unified School District responses to the San Bernardino County Grand Jury recommendations regarding issues and practices in the school district. Please feel free to contact me if there are any further clarifications or more information is needed regarding this matter.

Sincerely,



Jerry Jennex, Superintendent



TRONA JOINT UNIFIED SCHOOL DISTRICT

83600 Trona Road • Trona, CA 93562 • 760 372-2861 • Fax 760 372-4504

Superintendent: Jerry Jennex

San Bernardino County Grand Jury Findings and Recommendations - December 2023

Trona Joint Unified School District Responses - March 2024

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 interviewed the complainant and began an investigation into the Trona Joint Unified School District and its School Board. The investigation examined the financing of the new high school building as well as other issues identified in the interview process. Each finding and recommendation identified by the Grand Jury is addressed below with a response from the District.

Finding F-1

There is no complete and comprehensive written policy and procedure manual for administrative positions causing administrative employees to not fully understand their assigned duties.

The District agrees with the Finding F-1.

Recommendation R-1

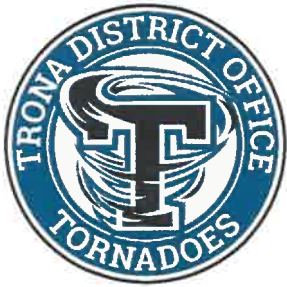
Create and implement a District written policy and procedures manual for administrative positions in the cabinet: Business Manager, Maintenance Director, Human Resources, Payroll. These manuals should be updated annually.

Implementation Date

September 30, 2024

Response

R-1 The recommendation has not yet been implemented, but will be implemented in the future with a timeframe for implementation.



TRONA JOINT UNIFIED SCHOOL DISTRICT

83600 Trona Road • Trona, CA 93562 • 760 372-2861 • Fax 760 372-4504

Superintendent: Jerry Jennex

The Business Director and Superintendent Secretary/Human Resources are creating written policy and procedure desk manuals that outline duties and responsibilities of each position/task in the District Office. The Business Manager is meeting weekly with Purchasing, Payroll, and Accounts Payable staff to accomplish this task by September 30, 2024.

Finding F-2

There is a lack of transparency within the District regarding special meetings and agendas.

The District disagrees partially with Finding F-2. All special board meetings and agendas are posted at least 24 hours in advance as required by law. The District emails the agenda to board members, management, school personnel and classified and certificated union presidents/vice presidents. Union presidents/vice presidents send the agenda to their members. All board agendas are posted on the District website.

Many of the special meetings are the result of staff (past and present) not supplying information in a timely manner (2 weeks prior to regular scheduled meetings at the direction of the superintendent and board).

Recommendation R-2

Establish monthly communication between teachers, staff, School Board, and administrators: for example, an accessible newsletter posted online for the parents and community.

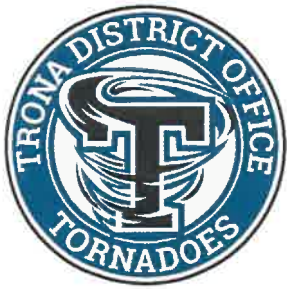
Implementation Date

June 1, 2024

Response

R-2 The recommendation has been implemented, with a summary regarding the implemented action.

The District uses a variety of communication tools and strategies to communicate with parents, staff, and the community. Both the elementary and high schools publish daily and weekly bulletins, newsletters, post information on Infinite Campus, and have recently implemented Parent Square. All district information is available on the District website and District information is displayed on the District marquee that is on Trona



TRONA JOINT UNIFIED SCHOOL DISTRICT

83600 Trona Road • Trona, CA 93562 • 760 372-2861 • Fax 760 372-4504

Superintendent: Jerry Jennex

Road, the main road through town. District staff is making every effort to inform parents, staff, and community with all important information and dates so that they have the opportunity to engage in events, activities, and meetings. At the Elementary school, the Site Council meets monthly both in person and via zoom. Family nights are scheduled quarterly and communicated via Infinite Campus and Parent Square. Monthly board meetings, including any special board meetings, are posted on the District website and emailed to union representatives.

Finding F-3

Trona Joint Unified School District lacks a nepotism policy, which causes the potential for appearance of favoritism.

The District agrees with Finding F-3.

Recommendation R-3

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.

Recommendation R-3a

Keep records that show the School Board/administration/staff/teachers have read and understand the policy.

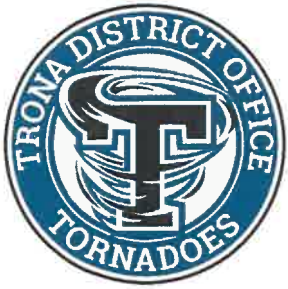
Implementation Date

July 1, 2024

Response

R-3 The recommendation has not yet been implemented, but will be implemented in the future with a timeframe for implementation.

Trona's population is approximately 1,647. Searles Valley Minerals and Trona Joint Unified School District are the two main employers in town. The District struggles to hire enough staff to cover necessary services/positions. Finding F-6 references the fact that we have administrative staff and retention problems resulting in employees stretched far beyond their knowledge and capability. Given these challenges, the District nevertheless follows and implements board policy and the California Code of Regulations Title 2 Section 86 which states:



TRONA JOINT UNIFIED SCHOOL DISTRICT

83600 Trona Road • Trona, CA 93562 • 760 372-2861 • Fax 760 372-4504

Superintendent: Jerry Jennex

a) Unless otherwise mandated by law, appointments to positions in state civil service shall be made on the basis of the selected candidate's merit and fitness for the position.
(b) An appointing power shall assess and determine a candidate's merit and fitness for appointment to a position by his or her qualifications and performance during the selection process, which may include, but is not limited to, performance and ranking on the examination, hiring interviews, reference checks, background checks, or any other procedure that involves an assessment and comparative evaluation of the job-related qualifications of candidates and is designed and administered to hire candidates who can be successful in the position to be filled. A nepotism policy, citing California Code of Regulations Title 2 Section 86, will be developed and implemented with an acknowledgement signed by the Board, administration, staff, and teachers annually beginning August 2024. In addition, the Board and Superintendent received training from the California School Board Association specifically on nepotism and conflict of interest in November 2023.

R-3a The recommendation has not yet been implemented, but will be implemented in the future with a timeframe for implementation.

Records that show the School Board/administration/staff/teachers have read and understand the policy will be filed annually beginning August 2024.

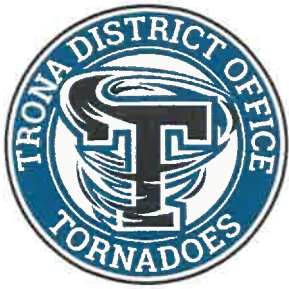
Finding F-4

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.

The District partially agrees with Finding F-4. Much effort has been made to increase communication between the school board, superintendent, and Teachers Association. Meetings among all groups are occurring or being implemented to improve relationships/communication. The district will continue to implement practices to improve communication between all stakeholders.

Recommendation R-4

Institute monthly meetings between Superintendent/Board members, Teachers Association and parents/community members (virtual also).



TRONA JOINT UNIFIED SCHOOL DISTRICT

83600 Trona Road • Trona, CA 93562 • 760 372-2861 • Fax 760 372-4504

Superintendent: Jerry Jennex

Implementation Date

June 1, 2024

Response

R-4 The recommendation has been implemented, with a summary regarding the implemented action.

The Board Chair and Superintendent meet at least monthly to discuss items on the board agenda as well as any other issues or concerns that may arise. Additionally, the Superintendent and Teacher Association President and Vice President meet monthly prior to each board meeting to discuss concerns. At the February 8, 2024 regularly scheduled board meeting, as part of the TTA Report to the Board, the Trona Teachers Association (TTA) President made a request of the board to consider implementing regularly scheduled meetings between board and TTA members to share and discuss ideas and concerns. The District and schools schedule various meetings throughout the year to develop goals, actions and services to support students, parents, and staff. (School Site Council, LCAP, staff, and parent meetings)

Finding F-5

No virtually accessible board meetings.

The District agrees in principle with finding F-5

Recommendations R-5

Re-establish a virtual option for School Board meetings

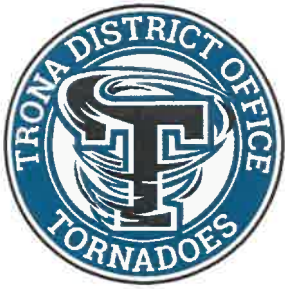
Implementation Date

June 1, 2024 (or at the earliest possible date)

Response

While Trona Joint Unified School District would like to reinstitute live video feed for school board meetings, it is not immediately feasible. The district will assess its video streaming capabilities and staff capabilities to determine the best timeline to implement video streaming of meetings and do so when feasible.

Finding F-6



TRONA JOINT UNIFIED SCHOOL DISTRICT

83600 Trona Road • Trona, CA 93562 • 760 372-2861 • Fax 760 372-4504

Superintendent: Jerry Jennex

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.

The District partially agrees with Finding F-6. Small school districts have unique challenges due to their size, location, and circumstances. This is recognized by the fact that there is an entire county department dedicated to assisting small school districts due to these challenges. (San Bernardino County Superintendent of Schools, Small School District Support). The District recognizes its challenges and works diligently to provide the necessary support and training required to ensure staff effectively performs their duties and responsibilities.

Finding F-6a

Staff are not always provided adequate training for their primary job before receiving additional tasks.

The District agrees with Finding F-6a.

Recommendation R-6

A 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.

Recommendation R-6a

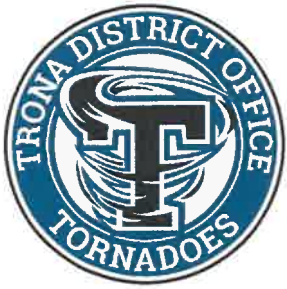
No additional duties as assigned are to be performed by hires until they are fully trained and adequately performing the job to which they were hired.

Recommendation R-6b

Training manuals are to be developed by employees currently holding all staff/non-educational positions within the School District.

Implementation Date

June 1, 2024



TRONA JOINT UNIFIED SCHOOL DISTRICT

83600 Trona Road • Trona, CA 93562 • 760 372-2861 • Fax 760 372-4504

Superintendent: Jerry Jennex

Response

R-6 This recommendation has not yet been implemented, but will be implemented in the future with a timeframe for implementation.

Job descriptions are being reviewed in conjunction with formal weekly working group meetings with an implementation date of December 2024.

R-6a 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 department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the Grand Jury report. (June 15, 2024)

The District recognizes the need for fully trained staff. District staff are in the process of prioritizing and addressing the most critical areas of focus to support employees in effectively meeting duties and responsibilities. Training for staff will be identified and scheduled to ensure adequate support for the knowledge and expertise necessary for each position with an implementation date of December 2024.

R-6b This recommendation has not yet been implemented, but will be implemented in the future with a timeframe for implementation.

The Business Office team, Purchasing, Payroll, and Accounts Payable, plan to have basic deskbooks and training manuals developed and at desks by June 2024.

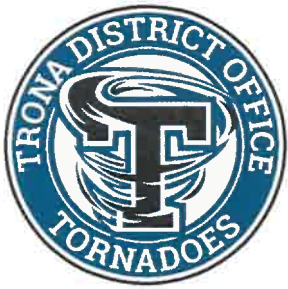
Finding F-7

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.

The District partially agrees with Finding F-7. The Superintendent regularly makes classroom visits to increase communication and availability to students and staff. Board members are welcome to visit classrooms, but past visits from board members were not welcomed in the past. Communication is improving among the Board and staff and it is anticipated that regular classroom visitations will be encouraged and welcomed.

Recommendation R-7

Frequent and documented principal or assistant principal visits to every classroom.



TRONA JOINT UNIFIED SCHOOL DISTRICT

83600 Trona Road • Trona, CA 93562 • 760 372-2861 • Fax 760 372-4504

Superintendent: Jerry Jennex

Recommendation R-7a

Frequent and documented Superintendent/School Board member visits to every classroom.

Implementation Date

April 30, 2024

Response

R-7 The recommendation has been implemented, with a summary regarding the implemented action.

Both the elementary and high school principals visit classrooms regularly. Both principals serve as substitute teachers on a regular basis as the District does not always have coverage. Both principals participate in school events and activities and know all staff and students and most parents and community members on a first name basis. The Superintendent visits classrooms regularly to check in with staff and meet students. She often serves as an LEA Representative for IEP meetings which gives her the opportunity to engage in conversation with staff, students, and parents as well as become familiar with school operations and programs. It also allows the Superintendent to hear concerns and address parents and students on a one-to-one basis.

R-7a The recommendation has not yet been implemented, but will be implemented in the future with a timeframe for implementation.

The Superintendent will meet with Board members to schedule classroom visitations by August 2024.

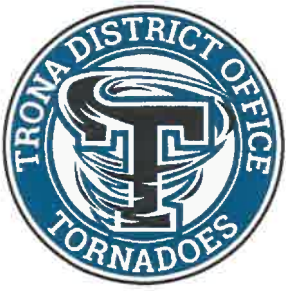
Finding F-8

Poor communication results in the appearance of lack of transparency and creates mistrust and misunderstanding among the School Board, the teachers, and the community.

The District agrees with Finding F-8.

Recommendation R-8

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.



TRONA JOINT UNIFIED SCHOOL DISTRICT

83600 Trona Road • Trona, CA 93562 • 760 372-2861 • Fax 760 372-4504

Superintendent: Jerry Jennex

Recommendation R-8a

Regular meetings between Superintendent/Board members and parents/community members (virtual also).

Implementation Date

June 1, 2024

Response

R-8 The recommendation has been implemented with a summary regarding the implemented action.

The District's systematic method of communication includes regularly scheduled board meetings, School Site Council meetings, LCAP meetings, surveys, and various types of communication via Parent Square, Infinite Campus, newsletters, social media, and use of the marquee.

R-8a The recommendation has been implemented with a summary regarding the implemented action.

The District holds monthly, scheduled closed and open board meetings with an agenda that is posted one and three days prior to each meeting respectively. Included in the regular board meeting agenda is a public comment section so that anyone who would like to address an item/concern that is, or is not, on the agenda may do so.

Findings F-9

There is a lack of planning, (having "Plan B") in case royalties from the mining company are discontinued or greatly reduced.

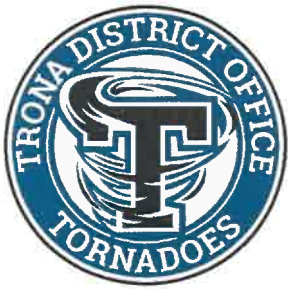
The District agrees with Finding F-9.

Recommendation R-9

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.

Implementation Date

July 1, 2024



TRONA JOINT UNIFIED SCHOOL DISTRICT

83600 Trona Road • Trona, CA 93562 • 760 372-2861 • Fax 760 372-4504

Superintendent: Jerry Jennex

Response

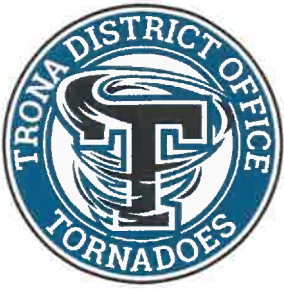
R-9 The recommendation has been implemented, with a summary regarding the implemented action.

The Trona Joint Unified School District provides a comprehensive financial report and presentation to the Board of Education three times per year: First Interim Budget in December, Second Interim Budget in March, and Final Budget in June. At its December 2023 regularly scheduled Board meeting, in which the First Interim Budget was presented, the Board approved a Board Resolution to commit revenues and fund balance to address deficit spending. The Board committed \$8,420,577.00 to cover approximately four and one half years of projected operating deficits. Due to the recent change in legislation that reduced Potash royalties from 6% to 2% for a ten year period, the Board has put a formal process in place to plan for future uncertainties. Approving a resolution to dedicate a portion of potash royalties to address operating deficits has never been done before and is a prudent step in maintaining district solvency. There was no public comment or Teacher Association response at this meeting or to date, March 2024. A Board Policy to formally address commitment of royalty revenues and fund balance will be presented to the Board for consideration in April 2024.

Findings F-10

District had little feedback from the community regarding the building of the new high school.

The District disagrees wholly with Finding F-10. The District spent much time and effort to communicate information and plans regarding construction of the new high school. The Director of Maintenance, Operations, and Transportation (MOT) presented information at regular, as well as special meetings as needed, Open Houses, and staff meetings throughout the planning process. On two separate occasions, the Director of MOT took board members, staff, and administration on a tour to a completed school facility that is a replica of our projected project for input and feedback on design and student need. Feedback from these ongoing meetings was used to develop educational specifications for the high school facility design. The Director of MOT presented information at the Senior Center and School Site Councils and plans and information were provided at Homecoming events which are attended by alumni and most of the community. The plans for the high school are maintained on the District website along with a photo gallery. Currently, the Director of MOT is providing monthly reports and presentations at all regularly scheduled board meetings. These



TRONA JOINT UNIFIED SCHOOL DISTRICT

83600 Trona Road • Trona, CA 93562 • 760 372-2861 • Fax 760 372-4504

Superintendent: Jerry Jennex

presentations include financial overviews of budget status, photo galleries, and detailed descriptions of what is currently taking place at the site. Periodic tours of the site also occur.

Findings F-10a

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.

The District partially agrees with Finding F-10a. The District communicates with the community via several types of media: paper, social, marquee, website and email. In order to increase public awareness and input, the District is in the process of sending out requests to complete surveys to get as much information as possible on relevant issues of importance within the District.

Recommendation R-10

In the future, the School Board is 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.

Implementation Date

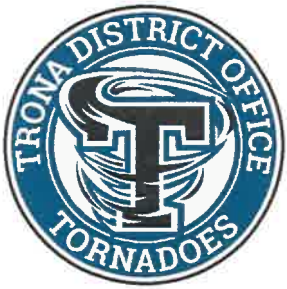
April 30, 2024

Response

R-10 The recommendation has been implemented with a summary regarding the implemented action.

The Director of Maintenance and Operations is providing the Board and community with monthly updates, financial information and reports, and a photo gallery of progress on high school construction. This information is posted on the District website. Periodic tours are being provided so that anyone who is interested in this project can view the construction site.

In addition, the District is researching a web based platform, Panorama, that allows the District to design and implement survey programs for students, staff, and parents that has the ability to be tailored to collect and analyze data specific to the needs of the District.



TRONA JOINT UNIFIED SCHOOL DISTRICT

83600 Trona Road • Trona, CA 93562 • 760 372-2861 • Fax 760 372-4504

Superintendent: Jerry Jennex

Finding F-11

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.

The District wholly disagrees with Finding F-11. The District communicates, follows, and implements Board Policy and Government Code regulations as related to public education. The District does have formal written complaint procedures, Board Policy 1312.1: Complaints Concerning District Employees, among many others, and follows this guidance as required.

Recommendation R-11

Implement a written complaint and response procedure. Response to be provided within two weeks from the School Board/Superintendent

Implementation Date

April 30, 2024

Response

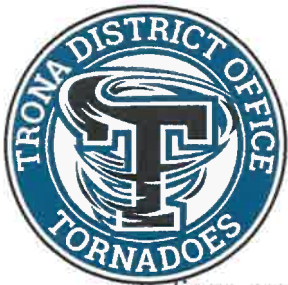
R-11 The recommendation has been implemented with a summary regarding the implemented action.

The District has board approved policies to address various types of complaints in the areas of nondiscrimination/harassment, complaints against district employees, and equity. For example, Board Policy 1312.3 - Uniform Complaint Procedures: This policy addresses compliance with applicable state and federal laws and regulation governing educational programs. The procedures outlined in this policy include strict timelines that must be followed in order to come to a resolution. The District regularly provides board members and staff with Education Code and Board Policy training and resources to assist with problem solving and decision making.

Finding F-12

School Site Council meetings are poorly planned, poorly attended, and are not scheduled regularly.

The District partially agrees with Finding F-12. School Site Council (SSC) meetings are well-planned and are scheduled monthly on the day of a school board meeting. These



TRONA JOINT UNIFIED SCHOOL DISTRICT

83600 Trona Road • Trona, CA 93562 • 760 372-2861 • Fax 760 372-4504

Superintendent: Jerry Jennex

meetings are both in person and virtual. It is recognized that attendance at these meetings may not meet committee composition requirements. Principals are working diligently to improve SSC attendance.

Recommendation R-12

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.

Implementation Date

April 30, 2024

Response

R-12 This recommendation has been implemented, with a summary regarding the implemented action.

Principals publicize School Site Council meetings in school bulletins, parent communications such as Infinite Campus and Parent Square, special flyers, District marquee, and the District Website.

SECTION 3

CITY OF YUCAIPA



FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO

MAR 14 2024

By Val S.
Valerie Silvas, Deputy

March 11, 2024

Presiding Judge/Clerk of the San Bernardino County Superior Court
C/O Grand Jury Coordinator Valerie Silvas
172 West Third Street, Second Floor
San Bernardino, CA 92415-0243

**OFFICIAL COMMENTS / RESPONSE TO THE 2023
SAN BERNARDINO COUNTY CIVIL GRAND JURY REPORT**

Dear Judge Rogan:

This letter contains the official comments/responses of the City of Yucaipa, as adopted by the Yucaipa City Council on March 11, 2024, to the findings and recommendations included in the 2023 San Bernardino County Civil Grand Jury Final Report.

FINDING 1: *YUCAIPA CITY COUNCILMEMBERS 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.*

RESPONSE: The City Council agrees with this finding.

Despite finding that no City official violated any law or regulation, the Civil Grand Jury believes the City Council could benefit from additional training. The City Council does not disagree. In fact, the new City Manager identified this as an issue in early 2023, prior to the Civil Grand Jury investigation. As a result, the new City Attorney provided an in-person ethics training (which covered the Brown Act, Public Records Act, Political Reform Act, etc.) that was open to the public, all City staff, elected and appointed officials. In addition, the City Council is now attending conferences and trainings that will better expose them to best practices. As an example, two members of the City Council attended the Mayors and Councilmembers Academy put on by the League of California Cities in January of this year, which covered the legal, financial, and practical fundamentals of serving as an elected official in California. For one Council Member, this was the first time in his 11 years of serving on the Council that the City facilitated his attendance at such a conference. In the coming months, the City Council is planning to initiate a series of

comprehensive trainings for themselves and the public, most of which had not been offered by the previous administration.

RECOMMENDATIONS:

R-1a: 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.

RESPONSE: This recommendation will be implemented in calendar year 2024 as part of a broader training program already under development by City administration.

R-1b: This training is to be in addition to, and to supplement already required governmental training, which currently can be completed online.

RESPONSE: Agreed.

R-1c: The City Council Members to complete this training within one year of formally being installed as City Council Members.

RESPONSE: This recommendation will be implemented in calendar year 2025 as part of a New Council Member Orientation Program already under development by the City Clerk's Office. In addition, some of these concepts will likely be presented as part of a Candidate Briefing Program currently under development by the City Clerk's Office, which will first be offered to City Council candidates in September, 2024.

R-1d: After the initial training, the City of Yucaipa to require in-person interactive training once in each subsequent two year period.

RESPONSE: Agreed.

R-1e: 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.

RESPONSE: Agreed.

R-1f: The training to involve not only lecture or on-line format but to include interactive real-life examples and situations with active participation by the council members.

RESPONSE: Agreed.

FINDING 2: THE YUCAIPA CITY COUNCIL DOES NOT ENSURE THAT THE COUNCIL POLICIES ARE CURRENT AND UPDATED EVERY TWO YEARS.

RESPONSE: The City Council agrees with this finding.

The City will implement a review and update schedule to coincide with the biannual training discussed in R-1d. The Code of Conduct was adopted in 2019 and has not been updated since. Another striking example is the City’s Code of Ethics & Core Values, which was originally adopted in 2011 and has never been updated.

RECOMMENDATIONS:

R-2: The Grand Jury recommends that the Yucaipa City Council display on the city website the following:

- * Code of Conduct Policy, updated every two years (current revision is 2019).*
- * Conflict of Interest Policy; updated and linked to the State Guidelines.*

RESPONSE: This recommendation is currently, and will be, implemented prior to August 1, 2024.

The City Council Code of Conduct is, and has been, available on the “FPPC Filings & Ethics Training” page of the City’s website: <https://yucaipa.gov/fppc-filings-ethics-training/>. The City Council agrees to direct the City Manager, or his designee, to review this policy every two years at the time trainings are conducted in order to ensure that it remains current. Should such a review reveal the need for updates, revisions will be proposed to the City Council for adoption. The City Council agrees that the current Conflict of Interest Policy should be placed on the City’s website and will direct the City Manager to do so.

FINDING 3: THE 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 POLICES, AS WELL AS BEST PRACTICES FOR TRANSPARENT GOVERNMENT.

RESPONSE: The City Council disagrees wholly with this finding.

RECOMMENDATIONS:

R-3: The Grand Jury recommends the City of Yucaipa is to set up an independent watchdog commission to oversee the Yucaipa City Council operations.

RESPONSE: This recommendation will not be implemented because it is not warranted and is not reasonable.

- 1) It would be inappropriate, in our view, for the duly elected members of the City Council to relinquish powers and authority entrusted to them by the voters to an unelected, bureaucratic commission. It is not the intent of the voters of Yucaipa, when electing

individuals to represent them in local government, that their duly elected officials will then yield to the oversight and potential scrutiny of an unelected commission.

- 2) Even if so inclined, there would be no practical way to implement this recommendation. If appointed by the Council, how could such a commission be considered truly independent from its appointing authority? If not the Council, then who would make the appointment? Who decides who makes the appointment?
- 3) Organizations that keep an eye on local government in Yucaipa and are actually independent already exist. A prime example is the San Bernardino County Civil Grand Jury (<https://wp.sbcounty.gov/grandjury/>). Another is the Fair Political Practices Commission. Others include the Civil Review Board (focused primarily on school issues, but also works closely with the City), and various taxpayer associations that operate in the region (e.g., Howard Jarvis Taxpayers Association, Inland Empire Taxpayers Association, etc.). This is in addition to various interest groups in the community (e.g., Yucaipa Mobilehome Residents Association, Save Yucaipa, etc.), industry associations (e.g., Building Industry Association, Manufactured Housing Educational Trust and Western Manufactured Housing Communities Association, etc.), the Yucaipa City Employees Association, non-profits, the local newspaper (Yucaipa-Calimesa News Mirror), various social media accounts focused on local government in Yucaipa (e.g., Yucaipa Bulletin, Yucaipa's Political Page, Nextdoor, etc.), and others who watch closely the actions of the City Council and sound the alarm when they feel the Council is acting inappropriately.

Likely for reasons similar to those stated above, it is not common practice in municipal government for the elected body to establish an “independent watchdog commission to oversee” the Council, as suggested by the Civil Grand Jury. In fact, we are not aware of any city in San Bernardino County that operates in this manner.

To steal a line from a 2009 San Bernardino Sun article by Features Editor John Weeks about the County’s proposal to establish a watchdog bureaucracy, “Government healing itself with large doses of more government is certainly an option...” Referring to the free press, he goes on to offer an alternative, “But there is another force at work in our wonderful American democracy, and it is separate from government, and yet it strives mightily to support and promote better government.” So, do we support and actively seek transparency and accountability in local government? Yes. However, we believe this is best accomplished when the watchdogs are independent of, and separate from, the government entity that is being watched.

FINDING 4: 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.

RESPONSE: The City Council disagrees wholly with this finding.

RECOMMENDATIONS:

R-4: The Grand Jury recommends that the 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.

RESPONSE: This recommendation will not be implemented because it is not warranted and is not reasonable.

The Grand Jury began this investigation after receiving a complaint about a potential violation of the Brown Act. Presumably, this relates to the closed session discussion and appointment of our City Manager and the concurrent appointment of the City Attorney. The Report concludes that no violation occurred. This is because closed session is specifically authorized by Government Code Section 54957 for personnel matters. “The purposes of the personnel exception are (1) to protect employees from public embarrassment and (2) to permit free and candid discussions of personnel matters by a local governmental body.” Morrow v. Los Angeles Unified Sch. Dist., 149 Cal. App. 4th 1424, 1438 (2007).

This is a significant issue and is addressed at length in the “Recruiting Guidelines for Selecting a Local Government Administrator,” a publication from the International City/County Management Association (ICMA). This is the professional organization for local government administrators worldwide.

Confidentiality is an important consideration in any executive level recruitment. Present job security and long-term career opportunities could be jeopardized if an applicant’s interest in another position is made public prematurely. While applicants realize that the local government will want to contact their current employers to conduct background checks and assess their job performance, they typically prefer to wait until a finalist has been chosen and a conditional offer has been extended and accepted. From a recruiting standpoint, assurance of confidentiality will result in more applications being submitted, particularly from those who are currently employed elsewhere. As confidentiality is important to both parties, such assurances should be honored, and applicants should be given adequate time to notify their current employers before those employers are contacted by the recruiting local government.

<https://icma.org/sites/default/files/Recruitment%20Guidelines%20Handbook%20Update.pdf>

So, not only did the City Council act in conformity with the law, they acted in conformity with customary practice of other similar agencies. Included below are links to several newspaper articles from other cities in the Region that appointed City Managers recently without community input on City Manager appointments.

San Bernardino Sun, “San Bernardino Picks New City Manager But Withholds Name for Now” September 7, 2023: <https://www.sbsun.com/2023/09/07/san-bernardino-picks-new-city-manager-but-withholds-name-for-now/>

San Bernardino Sun, “Rialto Hires Marcus Fuller as New City Manager” May 26, 2021: <https://www.sbsun.com/2021/05/26/rialto-hires-marcus-fuller-as-new-city-manager/>

Victorville Daily Press “Hesperia Assistant City Manager Rachel Molina to serve as city manager”
<https://www.vvdailynews.com/story/news/2023/06/14/hesperia-assistant-city-manager-rachel-molina-to-serve-as-city-manager/70320092007/>

The same is true for City Manager retirements/resignations/leaves:

Dailey Bulletin “Upland City Manager Rosemary Hoerning resigns In closed session, the Upland City Council unanimously accepted Hoerning’s resignation” April 26, 2021
<https://www.dailybulletin.com/2021/04/26/upland-city-manager-rosemary-hoerning-resigns/>

Daily Bulletin “James Makshanoff out as Pomona city manager a week after ‘personal leave’ announced” 12/12/2023
<https://www.dailybulletin.com/2023/12/12/james-makshanoff-out-as-pomona-city-manager-a-week-after-personal-leave-announced/>

Valley News “Menifee council places city manager on administrative leave with pay; Rebeckah Kramer appointed acting city manager” October 27, 2023
<https://myvalleynews.com/blog/2023/10/27/menifee-council-places-city-manager-on-administrative-leave-with-pay-rebeckah-kramer-appointed-acting-city-manager/>

This process isn’t just for cities, it recently occurred at the County of San Bernardino itself, with the abrupt departure and rapid replacement without public input of the County’s CEO:

<https://main.sbcounty.gov/2023/08/18/hernandez-resigns-as-county-ceo-snoke-will-continue-filling-in-pending-board-action/#:~:text=Leonard%20X..interim%20or%20permanent%20CEO%20shortly.>

It is not enough for the Grand Jury to read “Letters to the Editor” in the Yucaipa-Calimesa News Mirror. Had the Grand Jury researched the law and customary practice for the appointment of municipal executives, they would have found that confidentiality in the process is not only legal, but also critical to a successful transition. If the Grand Jury would like to see what happens when a candidate’s name is leaked, they need only to look out the window in the City of San Bernardino. When Steve Carrigan’s name was leaked after being interviewed for City Manager in San Bernardino in September of last year, he withdrew his name, but the damage was already done. He was fired from his position at his then-current city a few days later.
<https://www.californiacitynews.org/2023/10/finalist-backs-out-san-bernardino-city-managers-job-gets-fired-his-own-city.html>

In relation to votes on project applications and other issues, the City has always provided proper notice and given ample opportunity for public input. The Grand Jury’s comments on this topic are related to the development application process for the Serrano Estates project. Once again, the Grand Jury found no violation. The Grand Jury writes, “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.” Setting aside that the Grand Jury Report contains material misstatements regarding the actions of the City Council pertaining to this project (it would have been helpful if the Grand Jury had interviewed the City Manager, who could have provided such information for

its consideration), the City Council agrees that public input is important. In fact, the City’s actions have demonstrated a commitment to seeking and considering such input. Over the past year, the City has actively sought public involvement and feedback on a range of land use and other issues. The Mayor held a meeting, and the City Manager held two meetings, with the very individuals/group that filed the complaints which triggered this Grand Jury investigation. Larger community meetings were held by City staff on issues such as the Serrano Estates property, the proposed Wine Country Specific Plan (3 community meetings), bear safety, etc. These meetings were all in addition to the City’s requirements under the Brown Act, such as public comment during City Council meetings.

However, the City Council must consider much more than public sentiment when making decisions that impact private property rights and the community at large. Property owners have due process rights to fair and impartial hearings. As such, there are constitutional considerations for a City Council acting in a quasi-judicial capacity on a land use application. The City Council, when acting on a land use application, acts more as a judge than as a legislative body. The City Council is required to follow its established process for quasi-judicial hearings to protect the due process rights of the project applicant and others. It would be as inappropriate for the City Council to be swayed by public outcry or “the voice of the people” as it would be for a judge to do the same. Even on legislative issues, our system of government is based on representative democracy, not direct democracy. Elected officials at all levels of government, in cities, counties, state legislatures and in Congress, understand that, while public input is an important consideration, they are tasked with making informed decisions based on an analysis of all the facts and ultimately on what they believe is the right decision for the communities they serve. They also understand that views expressed by vocal individuals/groups in the community are not always representative of the sentiment of the community at large.

FINDING 5: *YUCAIPA CITY COUNCIL HAS AN INADEQUATE COMPLAINT PROCESS BY WHICH THE COMMUNITY CAN OFFER FEEDBACK TO THE CITY COUNCIL AND RECEIVE 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.*

RESPONSE: The City Council agrees in part and disagrees in part with this finding.

RECOMMENDATIONS:

R-5: The Grand Jury recommends that the Yucaipa City Council devise a formal written complaint procedure (on the website also) whereby the public can give feedback, ask questions and voice concerns, with answers returned promptly.

RESPONSE: The City Council agrees with this recommendation and will direct the City Manager to implement the same prior to October 1, 2024.

However, the City Council also notes that the City currently provides numerous and sufficient means by which residents may reach out to their elected officials to give feedback, ask questions or voice concerns. While it is true that Council Members are part-time and most have full-time jobs, they are perfectly capable of reading emails, taking or returning phone calls, or setting up in-person meetings. Each member of the current City Council communicates regularly with residents utilizing one or more of these methods. In addition, public comment is offered and received at every meeting of the City Council. That being said, each Council Member has the right to decide if, when and how to respond to requests for communication from their constituents.

Although the City Council has not previously received complaints about insufficient or inadequate methods for communicating with elected officials, the City Council is always looking for ways to improve and enhance public engagement, and we are not opposed to the Grand Jury’s recommendation of establishing a website-based formal written complaint procedure.

FINDING 6: YUCAIPA CITY COUNCIL IMPLEMENTS NO PROCEDURAL AUDIT DONE ANNUALLY BY AN OUTSIDE INDEPENDENT AGENCY.

RESPONSE: The City Council agrees with this finding.

RECOMMENDATIONS:

R-6: 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.

RESPONSE: This recommendation will not be implemented as it is not warranted.

The implementation of the Grand Jury’s recommendations related to training and to the updating of policies should serve to ensure that elected officials are aware of their obligations. It is the responsibility of the duly elected members of the City Council to then hold themselves and each other accountable for following their own adopted policies. State law must be followed, and enforcement mechanisms related to state law already exist.

FINDING 7: 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.

RESPONSE: The City agrees with this finding.

RECOMMENDATIONS:

R-7a: 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.

RESPONSE: This recommendation will be implemented in calendar years 2024 and 2025.

The City Manager and City Clerk are already in the process of developing training programs for members of the City Council, volunteers who serve on City commissions and committees, and members of the general public who wish to better understand how local government works. These efforts pre-dated the Civil Grand Jury's investigation; however, as noted in Finding 4, the City Manager was never interviewed nor given an opportunity to inform the Grand Jury of this. Anticipated topics of such trainings include, but are not limited to, the following:

Part 1: Introduction to Local Government in California

- Overview of California's local government structure (cities, counties, special districts)
- Roles and responsibilities of city councilmembers/commissioners/committee members
- Understanding the relationship between state and local government

Part 2: Legal Framework and Ethics

- Key laws governing local government operations in California (Brown Act, Public Records Act, etc.)
- Ethics and conflict of interest laws
- Case studies on ethical decision-making

Part 3: Civic Engagement and Public Participation

- Principles of civic engagement and the role of public participation in local governance
- Techniques for effective public communication and community outreach
- Strategies for engaging diverse communities and ensuring inclusive decision-making
- Tools and platforms for digital engagement and feedback
- Facilitating public meetings, forums, and town halls to encourage active participation
- Building and maintaining trust between the city council and the community
- Case studies on successful community engagement initiatives
- Overcoming challenges in public participation and addressing community concerns

Part 4: The Budgeting Process

- Overview of the municipal budgeting process
- Sources of city revenue and funding mechanisms
- Best practices for fiscal responsibility and transparency

Part 5: Land Use Planning and Community Development

- Basics of zoning, planning, and land use regulation
- Strategies for sustainable development and housing policies
- Engaging with community plans and development projects

Part 6: Economic Development and Business Engagement

- Strategies for local economic development and supporting small businesses
- Tools for attracting and retaining businesses
- Partnerships with chambers of commerce and economic development organizations

Part 7: Public Safety and Emergency Services

- Role of the City Council in public safety and emergency preparedness/response
- Working with police, fire, and emergency services
- Community-based approaches to enhancing public safety

Part 8: Public Works and Infrastructure

- Overview of city infrastructure projects (transportation, utilities, public buildings)
- Financing and managing public works projects
- Prioritizing and planning for long-term infrastructure needs

It should be noted that the Grand Jury failed to recognize the strides that have already been made by the City Council and new administration in the areas of transparency and training. Since the new City Council took office and a new City Manager was appointed, the City has taken meaningful measures to increase transparency that were not done under previous City Councils or City Managers. The City Council passed a Sunshine Ordinance in March of 2023, which requires the video streaming and recording of all City Council meetings (not done previously), posting of all public contracts that have been approved by the Council, the development and implementation of a Communications Plan to increase public awareness and participation, etc. The City has been posting videos called “Walk with the Mayor” which touch on different topics of importance to the community. The City has held five town hall-style community meetings on various issues including proposed land use changes specifically to be transparent and to seek public input. Multiple meetings have been held between the Mayor and/or City staff and members of the group of residents whose complaints prompted the Civil Grand Jury to investigate. The City has been working on implementing a new budget format, which will make the document user friendly and much more understandable by the general public. In reality, the City has not been more transparent at any point in its history than it has been over the past year. The new City Attorney provided an in-person Ethics training (which covered the Brown Act, Public Records Act, Political Reform Act, etc.) that was open to the public, all City staff, elected and appointed officials. Members of the City Council attended the Mayors and Councilmembers Academy in January, put on by the League of California Cities, which covers the legal, financial, and practical fundamentals of serving as an elected official in California. Again, these are all things the City Manager could have brought to the Grand Jury’s attention if he had been interviewed or given an opportunity to review the Report prior to its release, both of which are authorized by the Penal Code.

R-7b: *This is in addition to the training already required.*

RESPONSE: Agreed.

CONCLUSION

The City Council is disappointed that the Civil Grand Jury allowed itself to be drawn into a political matter by a group of local political activists primarily organized and motivated around anti-housing land use issues. When the Civil Grand Jury found that the complaint made against City Council was unfounded and that the City Council had acted lawfully in the selection of the City Manager and approval of the Serrano Estates housing development, the Civil Grand Jury should have exercised judicial restraint and stopped there. Instead, the Civil Grand Jury, by opining on City operations without fully investigating the matters or receiving the benefit of an interview with the City Manager, has had their impartial watchdog function co-opted by individuals with political motives.

While the Civil Grand Jury did interview members of the public, those individuals were apparently solely members of the “Coalition to Save Yucaipa” group. Members of this group are purportedly the individuals who filed the complaints with the Civil Grand Jury. This is an organized political activist group within the City that has a website, active Facebook page and an active campaign committee, that has raised tens of thousands of dollars over the past year. This group consists of a former unsuccessful City Council candidate, NIMBY/anti-development interests, and members of Yucaipa’s old guard who are unhappy about change at City Hall, all who have banded together to target members of the City Council with recall attempts. This group has a clear political agenda and are not simply ordinary concerned citizens. The Civil Grand Jury, based almost entirely on the efforts and statements of individuals in this group, was misled to believe that dissatisfaction and loss of trust in local government among residents was widespread. There is no evidence in the Civil Grand Jury Report that supports the idea that such sentiments extended beyond the Save Yucaipa political activist group. In truth, this City Council has acted legally (by the Civil Grand Jury’s own determination), in accordance with best practices, and has worked to make the City more transparent than at any point in its history.

The Civil Grand Jury also interviewed members of the City Council, who comprise the City’s policy making body, but are not involved in the day-to-day operations of the City and are not professional municipal managers. Surprisingly, the Civil Grand Jury failed to interview the City Manager, City Attorney, or most of the other local government professionals who actually run the day-to-day operations of the City and would therefore be best positioned to provide much needed facts as well as insight on local government best practices.

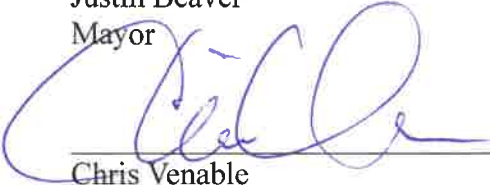
As a result, the Civil Grand Jury’s Final Report contains material misstatements regarding the actions of the City Council pertaining to the Serrano Estates Project, findings and recommendations about transparency that lack important factual information about the City’s practices and progress in this area, assertions and findings that are overtly political as they are based not on well-researched facts but on the mantra of the Save Yucaipa group, and displays a lack of understanding of a number of fundamental laws and common practices that guide municipal operations.

That being said, the City Council appreciates the time and thoughtfulness the Civil Grand Jury put into its investigation and subsequent findings and recommendations. The City is always interested in hearing thoughts and opinions on ways we might improve our operations and the delivery of critical services to our residents. As such, we are grateful for the commitment given by those who volunteered to serve on the 2023 San Bernardino County Civil Grand Jury and for the resulting ideas that were brought forward.

Sincerely,



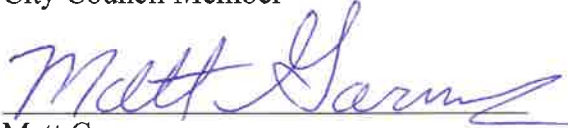
Justin Beaver
Mayor



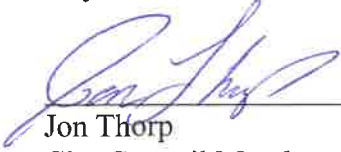
Chris Venable
Mayor Pro Tem



Bobby Duncan
City Council Member



Matt Garner
City Council Member



Jon Thorp
City Council Member

CC: Lynna Monell, Clerk of the Board of Supervisors

SECTION 4

CITY OF SAN BERNARDINO

CITY OF SAN BERNARDINO RESPONSES TO GRAND JURY FINDINGS AND RECOMMENDATIONS IN
REPORT TITLED "WHO LET THE DOGS OUT? A TAIL IN TWO CITIES"

APR 23 2024

Note: the original Grand Jury findings are repeated below in italics. The City's responses are in bold, with additional explanation and commentary in regular typeface. References to the "City" or the "respondent" refer to the City of San Bernardino.

By Valerie Silvas, Deputy

Responses to Findings

F-1 The Animal Services Department is underfunded and understaffed.

The respondent disagrees 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.

The Animal Services Department has not had a full staff of fully trained animal control officers for several years. In 2021, the Department had only six allocated Animal Control Officers with no supervisor or lead position assigned to the Unit. Over time, the Department has expanded the Field Services Unit to include a supervisor and lead animal control officer. At the end of 2023, Animal Services had filled all but two vacant animal control officer positions. The Unit consists of one Animal Services Supervisor for Field Officers, one Lead Animal Control Officer and four filled and fully trained Animal Control Officers for the City. There are currently two vacant positions, which the Department is working on filling. Because the Unit is not fully staffed, additional time is needed to fill the two vacant positions and then evaluate the need for increased Animal Control Officers once they are fully trained and assigned to the field.

F-2 San Bernardino Animal Services needs a veterinarian on site to take care of pets' medical needs.

The respondent agrees with the finding.

F-3 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 for consistency of documenting the encounter and putting the owner on notice to remediate the problem area.

The respondent agrees with the finding.

F-4 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.

The respondent agrees with the finding.

F-5 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 in the ACO's area.

The respondent agrees with the finding.

F-6 *The public perception of Animal Control Officers is that they are a threat to their pet.*

The respondent agrees with the finding.

F-7 *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.*

The respondent disagrees 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.

There are several reasons for the higher number of dog bites in the City of San Bernardino as compared to the City of Rancho Cucamonga. A recently released report noted that dog bites were increasing throughout the State. Additionally, the Department feels that the bite statistics should be compared to a population with similar demographics to our residents. According to Census.gov, in 2022, the City of Rancho Cucamonga had a poverty rate of 7.5% with a median household income of \$105,534 versus the City of San Bernardino where the poverty rate was significantly higher at 20.2% with a lower median household income of \$61,323. Residents in the City of San Bernardino have limited access to spay/neuter services and experience economic barriers to obtaining veterinary care for their animals. While low cost and/or free spay/neuter services are crucial to reduce the number of loose dogs in the City, the Department believes that supportive services are necessary to help the community. The services needed to reduce the number of stray dogs includes expanded access to care, education on responsible pet ownership, including keeping your pet on a leash, free microchipping as well as bite prevention training for all community members regardless of pet ownership. Expanded programming and community support would have a greater impact on reducing the total number of dog bites annually.

Responses to Recommendations

R-1a *Increase funding for Animal Services.*

The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.

The Department has requested additional funding for crucial positions, including a Public Education officer as well as a Manager overseeing the Community Outreach Unit. These positions will be included with the expansion of the Department to cover shelter services for Fontana, Rialto and Colton in addition to Grand Terrace and Loma Linda. The Department believes these additional positions serving in a Community Outreach capacity will help increase public education to our community and larger region, ultimately reducing dog bites.

R-1b *The Grand Jury recommends increased funding is necessary to allow Animal Services to hire additional ACOs.*

The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed,

including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.

The Animal Control Unit has not been fully staffed with trained Animal Control Officers for the past five years. This is the first time in several years that the Department has had four trained field officers to respond to calls in the City and is working to fill two vacant positions. The City therefore requests additional time to fill the vacant positions and then evaluate the need for additional staffing once there are six fully trained officers assigned to field operations in the City.

R-2a Hire an on-site veterinarian which would save time and money.

The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.

The Department has an open recruitment for two on-site veterinarians as well as per diem positions designated for high quality high volume spay neuter. The recruitment for the position of veterinarian has been open for over a year, and the City has increased the compensation package and salary twice during that time. Despite the increase in salary as well as offering a stipend, the position has not been filled as a result of a nationwide shortage of veterinarians. The Department is currently working with the City's Human Resources Department to identify additional opportunities to recruit staff veterinarians, including recruiting foreign candidates through a Federal Visa program. Due to the challenges in recruiting for these positions, the Department does not have a timeline for onboarding staff veterinarians.

R-2b 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.

The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.

The Department is open to a partnership with the San Bernardino City Unified School District, but additional time is needed to develop and implement the program and propose it to our elected officials. The Department will be attending Career Day at two schools (elementary and junior high) in the district over the next couple of months. Our vet staff, animal control officers and administrative staff will be at the event to discuss opportunities for careers in animal welfare. We will utilize this pilot program to fully develop a proposal for the partnership with the school district.

R-2c Create an outreach program for prospective veterinary hires.

The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.

The Department is conducting research on outreach for prospective veterinarians. We will work with the City's Human Resources Department to develop a program based on industry best

practices. Due to the Nationwide shortage of Veterinarians, the Department will need additional time to conduct the study and implement the program.

- R-3 *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.*

The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.

The Department is working to create a checklist for the Animal Control Officers to utilize on home inspections. We estimate the checklist will be completed and implemented by September 2024.

- R-4a *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.*

The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.

Department leadership is currently working on revising the Policy and Procedure Manual to be completed and distributed to staff by January 2025.

- R-4b *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.*

The recommendation has been implemented, with a summary regarding the implemented action.

The department currently holds monthly all-staff meetings with ACO's in attendance and holds bimonthly staff meetings for the Field Operations department. In both meetings staff discuss current cases, challenges and solutions in-line with industry best practices. Staff also attend webinars related to the field of animal welfare from National Industry Leaders, including the American Society for the Prevention of Cruelty to Animals (ASPCA), Best Friends Animal Society, Maddie's Fund and CalAnimals Animal Welfare Association.

- R-5a *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.*

The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.

The Department is working to divide the city into at least 4 quadrants so that officers can be assigned to a specific area and rotated quarterly. We expect this to be completed and implemented by January 2025.

- R-5b *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.*

The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.

Once the City determines the areas ACO's will be assigned to and the Policy and Procedure Manual has been finalized and distributed, the Department will offer regular training to the community. We estimate this to be implemented by Spring 2025. Currently, the administration team is scheduling and attending Neighborhood Association Meetings in an attempt to educate community members on responsible pet ownership and programs available to the residents and their pets.

R-6 *The Grand Jury recommends that the SBAS reach out and educate the public about Animal Services via in-person and other forms of media.*

The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.

The Department is currently active on social media, informing the public about our programs and services. The City is in the process of redesigning the website and the Department plans on updating the Animal Services pages to be more informative and accessible to the community. Additionally, the Department holds quarterly in-person Animal Control Commission meetings open to community members. In addition, the administration team is working with the Neighborhood Association to schedule presentations at their regular meetings in the community. The Department expects a communication policy, including public education to be completed by Summer 2025.

R-7 *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.*

The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.

The City is in the process of redesigning the website and the Department plans on updating the Animal Services pages to include additional information on the benefits of spaying and neutering pets. Additionally, the Department holds quarterly in-person Animal Control Commission meetings open to community members. In addition, the administration team is working with the Neighborhood Association to schedule presentations at their regular meetings in the community, including the topic of the importance of spaying and neutering. Once the Department has a team of veterinarians to perform community spay/neuter, we hope the combination of education and opportunities for low-cost spay/neuter will help reduce the number of unwanted pets in the City. We expect the public education piece of the communication policy to be completed and implemented by Summer 2025.