

CITY OF CALIFORNIA CITY

Code Red

PREFACE:

CODE RED, an emergency notification, when seconds count, keeps the residents informed. This is happening in the City of California City (City), Fire Department (CCFD), and Police Department (CCPD), due to past practices, overtime abuse, and the economic deficits (failure of the Special Parcel Tax) for next year's budget. The residents and City employees have raised health and safety concerns within the community, with the Medical Marijuana (Cannabis) Industry, and a loss of fire and police protection without the Special Parcel Tax. All City Departments will have extra assignments, with the implementation of the Cannabis Ordinance, and a reduction in City staff, due to proposed budget cuts.

PURPOSE OF INQUIRY:

Pursuant to California Penal Code §925(a), the 2017-2018 Kern County Grand Jury (Grand Jury) inquired into and investigated the operations and management of the City.

PROCESS:

The Cities and Joint Powers Committee (Committee) of the Grand Jury interviewed over 40 City employees. The Committee also reviewed social media, news articles, internet research, City Council meeting agendas, and past Kern County Grand Jury reports, in preparing this report.

BACKGROUND AND FACTS:

The City is located in the western Mojave Desert, 75 miles east of Bakersfield, sprawling over 204 square miles, which makes the City the third largest in California, by area. Anticipated expansion of the City has not developed, due to the lack of infrastructure. There is neither industry nor agriculture in the area, to contribute to city growth.

The City is home to a vast ultra-terrain complex for off-highway vehicles (OHV). The OHV Program is funded and operated through the California State Parks, by OHV funds from Green Sticker Fees, issued by the State of California DMV, and the City OHV permits. The CCPD has also created the Desert Incident Response Team (DIRT), to patrol these areas, and to deploy resources for off road incidents. DIRT also maintains Borax Bill Park, located along the historic Twenty Mule Team Parkway. Since the DIRT Program began in 2000, the team has responded to over 10,000 incidents.

In recent months, the City has experienced an increase in illegal growing of marijuana. The CCPD has shut down at least 50 growing operations in residential neighborhoods, resulting in an increase in overtime hours.

The CCFD began as a part of the Kern County Fire Department, in 1959. The fire station was staffed with volunteers to serve the unincorporated part of Kern County, which later became California City. In 1965, the City was incorporated, and a need for increased fire protection was identified. In 1969, the first City Fire Station on Hacienda Boulevard was constructed and staffed with paid firefighters consisting of four employees: one firefighter per 24-hour shift, and a Chief. The current CCFD Fire Station #19 was opened on July 1, 2017, after many years of planning and construction, and operates a four-man shift.

FINDINGS:

- F1. The Committee has interviewed and communicated with no less than 40 City employees, City Officials, and City residents in the preparation of the Grand Jury Reports on the City. It was brought to the Committee's attention that City Officials allegedly are harassing and retaliating against the interviewees that shared information with the Grand Jury. City Officials have reportedly demanded that documents provided to the Committee by the interviewees be turned over to said officials.**

The official opinion cited as authoritative, dated June 6, 2003, No. 02-1108, from the Office of the Attorney General, State of California, states:

"A Grand Jury, sitting in its civil "watchdog" capacity has the authority to admonish a witness not to disclose what the witness learns in a grand jury room regarding the subject of the grand jury inquiry."

**Each interviewee, including the City Officials, signed an Admonition Form, acknowledging they were instructed not to discuss their interview with anyone outside of the interview room.
(See Appendix A)**

The Grand Jury continues to receive reports that City Officials are still harassing City employees, and creating a hostile work environment.

- F2. CCFD operates three shifts, consisting of a four-man firefighter/paramedic team. It is undermanned for the coverage area (204 sq. mi.), to respond to medical, fire, and citizen calls. The firefighters are certified paramedics, and are the first responders for all medical aid calls.**
- F3. The CCFD has two fire engines and two off-pavement fire/medical vehicles. At the time of this report, one engine was inoperable and the other engine often**

breaks down, forcing the CCFD to borrow a fire engine from Edwards Air Force Base.

- F4. The Fire Marshal is currently covering several positions, due to the lack of personnel and budget limitations. These positions include: Safety Officer, Fire Investigator, Sworn Officer, and Code Enforcement Supervisor.
- F5. The newly established Cannabis Industry poses numerous health and safety concerns when handling chemicals (pesticides, fertilizers, propane, CO₂) used in growing and processing; specialized training is essential to both the firefighters and law enforcement personnel.
- F6. The lack of an adequate work force creates problems when scheduling vacations, training, sick days, and time off. Overtime is also a problem; selected CCPD officers were paid premium-time, earning as much as 60 overtime hours in a two-week pay period, while working the OHV area.
- F7. There are issues with fees being collected and stored in an unsecured manner in the OHV area. At times large sums of money (\$40,000) can be collected on holiday weekends when City Hall is closed. The cash would be locked up on site.
- F8. At the City Council Meeting, May 22, 2018, the City Manager proposed the following cuts to the 2018-2019 City Budget:
- A. No funding is available to maintain the Parks and Recreation programs for the coming summer season, therefore:
- The swimming pool will not open this year
 - Central Park will be closed
 - Neighborhood parks will receive minimal maintenance
 - Irrigating Central Park, the Par 3 Golf Course and Tierra Del Sol Golf Course will only be done with available tertiary water, and maintenance will be minimal, in an attempt not to lose the turf during the summer months
- B. However, the most significant impact will be the layoff of 41.5 employees effective July 1, 2018. These positions are as follows:
- 1 Human Resource Director
 - 1 Airport Manager
 - 1 Airport Maintenance Worker
 - 1 Facilities & Grounds Worker
 - 1 Utility Billing Supervisor
 - 1 Account Clerk III
 - 1 Account Clerk I
 - 1 Code Enforcement Officer
 - 1 Fire Marshall
 - 1 Fire Department Administrator

- 2 Firefighter/Paramedics
 - 1 Recreation Supervisor
 - 1 Recreation Assistant
 - 6 Police Community Service Officers
 - 1 Police Lieutenant
 - 1 Police Administrator
 - 1 Police Administrative Clerk
 - 7 Police Officers
 - 1 Police Special Investigator
 - 1 Dispatch Supervisor
 - 1 Dispatcher
 - 2.5 Animal Control Officers
- C. In addition to the full-time positions, 14 Parks and Recreation seasonal workers, 4 On-call Firefighters, and 2 Police Cadet Positions, will be eliminated.

F9. According to the Mojave Desert News, May 31, 2018, *“After three plus hours of debate and discussion, the Cal City Council agreed late last night to keep all city employees on the payroll until after the July election. Should Measure C pass then, there will be no layoffs at all and most everyone currently employed will remain so. A Hail Mary pass to be sure but the sheer weight of laying off 41 co-workers was simply too much to bear and Council sought and found another way through this juncture the city finds itself in yet again over the Parcel tax. Good news for city employees and their families for the moment.*

Several of the No voters expressed a willingness to change their vote to a yes this time out after a sunset clause was added and the cost lowered back to \$153/Yr. or .42 cents a day. The Council was seeking \$183.00/Yr or .50 cents a day, but that was rejected by enough to change it to make sure the measure passes on this third try at it which costs the city \$52,000.00.

Many obviously tired and concerned city employees all waited with baited breath as to their fate at the hands of Council during last nights meeting and they at least went home with a reprieve for now. Passing Measure C is everything now and all hands on deck are rolling out to get out the vote this time. Of the near 5 thousand registered voters in Cal City only about 1400 actually voted in the last election when the Parcel Tax failed for the second time this year.”

COMMENTS:

The Committee thanks the City Manager(s), City Council, City employees, and residents for their input and cooperation. The loss of the Special Parcel Tax funds will necessitate major cuts into the services that the City will be able to provide. Major discussion with City employees and the community are a must to resolve these issues. No one wants to see the City fall into greater financial disorder, therefore community support is necessary to save the City.

City employees and individuals who have been harassed, retaliated against, or feel threatened by City Officials or community members, should follow protocol to see that it stops.

RECOMMENDATIONS:

- R1. California City Officials must cease and desist from harassing or retaliating against anyone who has shared information and/or concerns with the 2017-2018 Kern County Grand Jury, Kern County District Attorney, or the State Attorney General. The California City Council must direct City Officials to cease any harassment of employees. (Finding 1)**
- R2. The City should continue to train firefighters to be certified paramedics (first responders) including the proper handling of hazardous materials used by the Cannabis Industry. (Finding 2)
- R3. The City should consider ways to staff the OHV area, to eliminate excessive overtime, and allow all CCFD and CCPD staff the opportunity to work in the area. (Finding 6)
- R4. The City should find a secure method for handling OHV fees and safely depositing cash on the weekend. (Finding 7)
- R5. To maintain safety within the community, the City Council should work with the residents to find a solution for the lack of funding for the CCFD and CCPD. (Findings 8 and 9)

NOTES:

- The City of California City should post a copy of this report where it will be available for public review.
- Persons wishing to receive an email notification of newly released reports may sign up at: www.kerncounty.com/grandjury
- Present and past Kern County Grand Jury Final Reports and Responses can be accessed on the Kern County Grand Jury website: www.kerncounty.com/grandjury.

RESPONSE REQUIRED WITHIN 90 DAYS TO:

**PRESIDING JUDGE
KERN COUNTY SUPERIORCOURT
1415 TRUXTUN AVENUE, SUITE 212
BAKERSFIELD, CA 93301**

**CC: FOREPERSON
KERN COUNTY GRAND JURY
1415 TRUXTUN AVENUE, SUITE 600
BAKERSFIELD, CA 93301**

APPENDIX A:

KERN COUNTY GRAND JURY

ADMONITION

“You are admonished not to discuss or impart at any time (outside of this room) the questions that you have been asked in regard to this matter and your answers until authorized by this Grand Jury or the Court.

A violation of these instructions on your part may be the basis for a charge against you of contempt of court. This admonition does not preclude you from discussing your legal rights with a legally employed attorney should you feel your own personal rights are in jeopardy. Please understand that this admonition does not preclude you from discussing this matter with the District Attorney, Deputy Attorney General, or his or her investigators who are making further inquiry into this matter on behalf of the Kern County Grand Jury.”

Do you have any questions whatsoever about this admonition?

Witness: _____

Date: _____

Committee Chair: _____

Date: _____