



MAY 20, 2024

JUDITH C. CLARK, PRESIDING JUDGE
SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE
4050 MAIN STREET
RIVERSIDE, CA 92501

RIVERSIDE COUNTY GRAND JURY
P.O. BOX 829
RIVERSIDE, CA. 92502

RIVERSIDE COUNTY CLERK-RECORDER
2720 GATEWAY DRIVE
RIVERSIDE, CA. 92507

SUBJECT: MARCH JOINT POWERS AUTHORITY RESPONSES TO GRAND JURY FINDINGS AND RECOMMENDATIONS IN REPORT TITLED "MARGINALLY TRANSPARENT"

Dear Sir/Ma'am:

Please accept this letter as the March Joint Powers Authority's formal response to the Grand Jury's April 10th, 2024, letter of findings and recommendations (attached hereto), pursuant to California Penal Code §933.05. Please note that the original Grand Jury findings are repeated below in italics. The March Joint Powers Authority ("March JPA") responses are in bold, with additional explanation and commentary in regular typeface. References to the "JPA" or the "respondent" refer to the March JPA.

Responses to Findings

F-1 The March JPA Commission's 1996 "March AFB Final Reuse Plan" identified 12 goals to guide its work to facilitate and stimulate economic growth resulting from the base realignment.

The respondent agrees with the finding.

F-2 The March JPA complies with the California Brown Act.



The respondent agrees with the finding. In fact, the March JPA typically provides more notice than the Brown Act requires. For example, the Brown Act requires that regular meeting agendas be published 72 hours prior to the meeting time. In most cases, the agendas for March JPA are published over 100 hours prior to the meetings.

F-3 The March JPA Commission does not meet on a regular basis.

The respondent disagrees partially with the finding. For many years, the March JPA's regular meetings have been held on the second and fourth Wednesdays of each month at 3:00 p.m. For members of the public wishing to attend regular meetings of the March JPA, they can be confident that the regular meetings will be held on one of those days. Members of the public will be aware of the cancellation of regular meetings at least 72 hours prior to the anticipated meeting date. Oftentimes, the date of the next regular meeting is stated at the prior regular meeting so commissioners and members of the public are aware of the cancellation.

More recently, with the upcoming elimination of the March JPA's land use authority, the Commission discussed holding just one meeting per month to the extent warranted by the number of items. Those meetings continue to be held on the second or fourth Wednesday of the month. As Illustration 3 shows, the March JPA still meets almost exclusively on those dates.

From time to time, as authorized by the Brown Act, the March JPA holds special meetings. Twenty-four hours' notice of these meetings is always provided in advance. The Grand Jury Report suggested concerns with the three special meetings in one week occurring in March 2023. The agendas for those meetings contained just two items of business – both of which were closed session items, where the public appropriately may not observe – and were properly noticed in accordance with the Brown Act. Under the Brown Act, the public comment at a special meeting is limited to those items on the agenda. Thus, the Grand Jury's concern with the three special meetings is misplaced.

F-4 The March JPA Commissioners infrequently seek a consensus on March JPA issues from other elected officials on their city council/board.

The respondent agrees with the finding. The March JPA is not in the best position to confirm whether this is the case. However, the frequent seeking of consensus on March JPA items at member agency boards would be inappropriate. When a member agency appoints a representative to a position on another public agency board, they confer on that representative the responsibility for making the decisions on that board. (See 83 Ops. Cal. Atty. Gen. 267 (2000). The decisions are made by that appointed official, and that appointed official alone. To the extent the home jurisdiction's board wishes to direct their officials to vote in a particular way, they may not do so – the individual official retains the discretion to vote their conscience as part of the appointment. In addition, the consideration of March JPA items at a member agency's board prior to a decision by the March JPA



Commission could raise significant due process concerns. (See 104 Ops. Cal. Atty. Gen. 34 (2021)). Member agency boards are free, in most cases, to adjust their representation on a joint powers board if they are unhappy with their representation. It would defeat the operational efficiencies of a joint powers authority for member agency boards to weigh in on every agenda item coming before the joint powers board prior to action. In addition, it would significantly burden the member agency boards to have to hold advance hearings on every single item coming before every regional board to which they appoint members.

F-5 It is difficult to hear comments in March JPA Commission and committee meetings when speakers do not use a microphone.

The respondent partially agrees with the finding. From time-to-time, members of the public and presenters at public agency board meetings may speak directly to the audience or may not be the most proficient users of microphones. When possible, the Chair of the March JPA Commission attempts to redirect the speakers to address the Commission and to speak into the microphone. In addition, on occasion, the March JPA experiences technical difficulties with its equipment –this may have contributed to some of the difficulty hearing the recordings. During the meetings themselves, when in person, the March JPA has not experienced significant issues with members of the public hearing the items being discussed.

F-6 There are lengthy delays between March JPA Commission meetings and meeting minutes approvals.

The respondent partially agrees with the finding. March JPA staff takes pride in generally providing the meeting minutes to the Commission soon after the meeting takes place. While delays between meetings and minutes are a fairly common issue for public agencies due to increased burdens on city clerks and board secretaries, the March JPA agrees that ideally minutes would be approved soon after the meeting. While there were only a few examples of lengthy delays between the meeting occurrence and the approval of the minutes, March JPA staff is committed to not having such delays.

F-7 Once the Governor terminated the state's COVID-19 State of Emergency, the March JPA discontinued livestreaming its March JPA Commission meetings.

The respondent agrees with the finding.

F-8 The March JPA Commission meetings are not video recorded.

The respondent agrees with the finding.

F-9 The public does not have access to video recorded March JPA Commission meetings on the March JPA website.

The respondent agrees with the finding.

F-10 The March JPA provides information to the public in a variety of venues.

The respondent agrees with the finding. The March JPA provides information in person at its Commission meetings, committee meetings, and at community meetings. The March JPA provides written information online through its website, via email to its email lists, and through public noticing. The March JPA also utilizes social media to provide information to the public.

F-11 The March JPA does not have a permanent community advisory committee comprised of Riverside County residents.

The respondent agrees with the finding. The joint powers agreement forming March JPA calls for a technical advisory committee composed of senior staff from the member agencies. The joint powers agreement does not call for a community advisory committee, nor is March JPA aware of any local cities with permanent community advisory committees with general subject matter jurisdiction. Since the March JPA's founding over 30 years ago and until relatively recently, there have not been calls for such a committee. In fact, the timing of calls for such a permanent community advisory committee generally coincide with the submissions for the proposed West Campus Upper Plateau Project and the individuals who have made such requests have been those who have clearly identified themselves as opposed to that project. Rather than establish a permanent community advisory committee for an agency whose land use jurisdiction is set to be removed in July 2025, we would suggest members of the public interested in that project participate in the public meetings and the public hearing on that project.

F-12 The March JPA does not always place special public meetings on its website calendar.

The respondent disagrees partially with the finding. To our knowledge, the March JPA has always posted the agendas for special meetings on its website in accordance with the Brown Act. It is possible that March JPA staff may have participated in community meetings that were not posted on the calendar, however staff tries to ensure the calendar reflects all meetings hosted by the agency.

F-13 The public does not have access to important March JPA documents.

The respondent disagrees with the finding. The March JPA complies with the California Public Records Act (PRA). If a member of the public requests a record that is subject to disclosure, it is provided in accordance with the law. Very few public agencies have the resources to upload every single public document to their website – this is a significant labor and cloud storage cost that would provide limited utility. Instead, most agencies, including the March JPA, make the most commonly utilized documents available online and comply with the PRA for all other documents.



F-14 It is difficult to search for documents on the March JPA website and it is difficult to search for content within documents on the March JPA website.

The respondent disagrees partially with the finding. The March JPA website is fairly user-friendly. It includes easy-to-use drop-down menus, which provide access to information about the agency and access to documents. For example, a member of the public wishing to find copies of old agendas and minutes can find a useful link to these documents under the “Meetings & Agendas” option under the “ABOUT” tab (which is the first tab option). In addition, under the “DEVELOPMENT SERVICES” tab, there is a link called “Documents and Forms”, which takes users to a list of frequently used documents. The website also includes a search function which allows a user to search the website, and can be used to identify whether a document is available. As for searching within documents, this is possible for more recent documents where a searchable pdf format exists. However, for some older documents, the posted document is a scanned document, which may not be searchable. The March JPA simply does not have the resources to post every single public document to its website and make every document, regardless of how old, into a searchable pdf. If members of the public desire access to a public record, March JPA staff are happy to help them identify it and obtain it through the PRA process.

F-15 The March JPA violated Government Code §6503.5 (d) by not submitting all required March JPA agreements and amendments to the California Secretary of State, and to the California State Controller.

The respondent agrees with the finding. The March JPA will be filing all these documents with the Secretary of State, who is responsible for forwarding the documents to the Controller.

F-16 The March JPA violated Government Code §6503.8 by not submitting all required March JPA agreements and amendments to the Riverside County’s Local Agency Formation Commission Office.

The respondent agrees with the finding. The March JPA has now filed all these documents with Riverside County LAFCO.

F-17 The March JPA violated Government Code §6503.5 (d) by obtaining bonds worth \$32,700,000, and later refinanced those bonds at \$33,095,000, without previously submitting all required March JPA agreements and amendments to the California Secretary of State and to the California State Controller.

The respondent agrees with the finding. As acknowledged in our response to F-15, the March JPA failed to file all these documents at the correct time. The March JPA has filed the most recent amendment to the joint powers agreement and will file all others shortly.

Notwithstanding the foregoing, the March JPA maintains the validity of the bonds, which were approved by the Oversight Board and Department of Finance.

F-18 The March JPA arranges for three annual audits: (1) March Joint Powers Authority, (2) March Joint Powers Utility Authority, and (3) March Inland Port Airport Authority. Annual audits appear on the March JPA website and copies are provided to the Riverside County Auditor-Controller's office.

The respondent agrees with the finding.

F-19 Effective on July 1, 2025, the March JPA transfers its land use authority, public works, policing, and fire protection responsibilities to the County of Riverside.

The respondent partially agrees with the finding. The member agencies entered into the 14th Amendment to the joint powers agreement; that document speaks for itself. It should be noted that the County currently provides fire and police protection pursuant to a municipal services agreement.

Responses to Recommendations

R-1 By August 1, 2024, the Grand Jury recommends that the March JPA Commission meet on a regular basis (i.e., meet in a fixed pattern, with equal or similar amounts of space or time between one and the next meeting) and publicize its regular meeting dates, times, and locations on its website. [Based on Findings 3, and 6 – 9; Minimal Financial Impact]

The recommendation has been implemented, with a summary regarding the implemented action. As noted in our response to F-3, the March JPA already has a regular meeting schedule and it is predictable on which dates the Commission will meet. March JPA staff will endeavor to ensure that upcoming meeting cancellations are noted on the calendar.

R-2 By October 1, 2024, the Grand Jury recommends that elected officials on the County of Riverside Board of Supervisors and city council members in Moreno Valley, Perris, and Riverside establish times when March JPA issues will be discussed, and a consensus developed for their representatives on the March JPA Commission. [Based on Findings 4 and 11; Minimal Financial Impact]

The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefore. Please see our response to F-4. This is not a common or appropriate practice for regional boards or other bodies to which member agency officials are appointed. Officials appointed to the March JPA retain discretion to vote their conscience when voting as part of the Commission.

R-3 *By August 1, 2024, the Grand Jury recommends that the March JPA Commission require anyone speaking in March JPA Commission and committee meetings to use a microphone while speaking. [Based on Finding 5; Minimal Financial Impact]*

The recommendation has been implemented, with a summary regarding the implemented action. While we believe this has always been the case, March JPA staff and commissioners will be mindful of this issue at meetings.

R-4 *By August 1, 2024, the Grand Jury recommends that the March JPA Commission (a) livestream all March JPA Commission and committee public meetings and (b) allow the public to remotely make comments as if they attended in-person. [Based on Findings 7 -9; Minimal Financial Impact]*

The recommendation requires further analysis. While the March JPA previously opted not to implement livestreaming and live participation, consistent with California law, the March JPA Commission has expressed an interest in reconsidering this and discussing the possible implementation of livestreaming and remote participation by the public. This discussion will occur within six months following the date of publication of the report. Please note that this is a legislative determination and the March JPA provides no commitment regarding the decision on that item.

R-5 *By August 1, 2024, the Grand Jury recommends that the March JPA Commission video record all March Commission and public committee meetings and make those video recordings available to the public on its website. [Based on Findings 7 -9; Minimal Financial Impact]*

The recommendation requires further analysis. While video recording of March JPA meetings is not required by law and would involve redeployment of March JPA's limited resources, the March JPA Commission has expressed a willingness to consider the practice. March JPA staff will bring forward an item to discuss this practice, including consideration of the cost, within six months following the date of publication of the report. Please note that this is a legislative determination and the March JPA provides no commitment regarding the decision on that item.

R-6 *By August 1, 2024, the Grand Jury recommends that the March JPA Commission establish, or be in the process of establishing, a permanent community advisory committee made up of Riverside County residents. [Based on Findings 7 -9 and 11; Minimal Financial Impact]*

The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefore. See response to F-11. March JPA would like to note that at least one Commissioner has raised the possibility of establishing a community advisory committee that would be composed of residents within the March JPA territory only. Thus, while at this time no direction has been provided to March JPA staff, it is possible that the Commission may wish to discuss this matter in the future.

R-7 *By November 1, 2024, the Grand Jury recommends that the March JPA Commission require that all Commission and public committee meeting dates, agendas, agreements, amendments, by-laws, policies, and procedures be (a) easily searchable on its website and (b) once found and opened, easily searchable. [Based on Findings 12 – 14; Minimal – Moderate Financial Impact]*

The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation. March JPA staff is committed to posting searchable pdf documents to the website whenever possible. March JPA staff will continue to ensure that public agendas are searchable.

R-8 *By October 1, 2024, the Grand Jury recommends that the March JPA Commission submit copies of all March JPA agreements and amendments, from 1993 to the present, to the California Secretary of State, California Controller, and Riverside County LAFCO as required by California Government Codes §6503.5 and §6503.8. [Based on Findings 15 and 16; Minimal Financial Impact]*

The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation. March JPA staff intends to fulfill this obligation in the coming months. March JPA staff has already submitted the documents to Riverside County LAFCO and anticipates doing the same for the other entities by June 30, 2024.

R-9 *By October 1, 2024, the Grand Jury recommends that the March JPA Commission reconsider its decision to transfer its land use authority, public works, policing, and fire protection to the County of Riverside until all land development projects are completed. [Based on Findings 3 – 9, 11 – 14, and 18; Minimal Financial Impact]*

The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefore. This recommendation is not consistent with the current joint powers agreement. The March JPA has no authority except the authority granted collectively by its member agencies.



Sincerely,



Grace I. Martin, DPPD
Chief Executive Officer

Enclosure

Cc: Ed Delgado, Chair of the March JPA Commission
Michael Vargas, Vice Chair of the March JPA Commission
Chuck Conder, March JPA Commissioner
Jim Perry, March JPA Commissioner
Kevin Jeffries, March JPA Commissioner
Rita Rogers, March JPA Commissioner
Ulises Cabrera, March JPA Commissioner
Yxstian Gutierrez, March JPA Commissioner
Thomas Rice, March JPA General Counsel, Best Best & Krieger