

2022-2023 KERN COUNTY GRAND JURY



**City of Bakersfield
Public Safety and Vital Services
Committee – Measure N
Is It Working?**

**Release Date
June 12, 2023**



City of Bakersfield

Public Safety and Vital Services Committee – Measure N

Is It Working?

SUMMARY:

The Public Safety and Vital Services Committee (Committee) was formed following the narrow passage of Measure N on the November 6, 2018 Ballot. Its role is to act as a committee in an advisory capacity to the City of Bakersfield (City) City Council (Council) examining the expenditures of revenue received through the 1% sales tax enacted by Measure N, resolutions, and the subsequent ordinances. When Measure N was placed on the ballot, it was anticipated that the tax would raise approximately \$50 million per year. In fact, it has grown to over \$100 million annually.

The task of the Committee is two pronged.

1. Determine if the City's Public Safety and Vital Services budget recommendations are compliant with the 13 Priorities of Measure N¹:

- a. Increasing police staffing to improve police response times, reduce crime, and increase neighborhood police patrols
- b. Improving rapid response to assaults and robberies
- c. Maintaining/improving rapid response to gang violence
- d. Investigating and proactively preventing property crimes, burglaries, and vehicle thefts
- e. Keeping public areas safe and clean
- f. Strengthening the capacity of the Special Enforcement Unit
- g. Expanding the School Resource Officer Program
- h. Maintaining a fully staffed and equipped Class II rated fire department
- i. Reducing homelessness through partnerships with service providers to increase outreach, sheltering and construction of affordable housing
- j. Addressing the fiscal stability of the City
- k. Creating jobs through economic development, business retention/attraction and workforce development
- l. Enhancing amenities throughout the community to improve the quality of life and attract visitors
- m. Enhancing neighborhoods through additional code enforcement and improved park maintenance

2. Follow up to assure compliance in the final implementation by the City Council

¹ The 13 priorities are a direct quote from City Resolution 009-19

PURPOSE OF INQUIRY:

Pursuant to Penal Code §925a, it is the opinion of the 2022-2023 Kern County Grand Jury (Grand Jury) that there is a significant degree of curiosity among the general public about the application of revenue from Measure N. An exploration of the entire process revealed compliance with Measure N but brought into question the effectiveness of the Committee.

METHODOLOGY:

The Grand Jury reviewed documents that authorized the implementation of Measure N, performed additional research on the internet, and interviewed Councilmembers, City staff, and members of the Committee.

DISCUSSION OF FACTS:

Measure N was passed by the residents of the City in November 2018. Officially, it is the voters' authorization for the enactment of Bakersfield City Ordinance 4958 (Ordinance). This creates a committee to *...act in an advisory² capacity to review the expenditures of revenues generated by the tax imposed by the Ordinance.* The Ordinance mandates a minimum of two meetings per year. Members of the Committee are not compensated.

2

The makeup of the 13 Priorities are all categories that fall under the City's General Fund. The enabling documents for Measure N mandate that all the accounting for its funds be separate and be audited independently on an annual basis.

The Committee was formed as a nine-member panel made up of eight members appointed at-large (representing the entire City as opposed to specific Wards) by the Council, and one appointed by the Mayor. Since the time that the original Committee was appointed at-large, the system of appointments has morphed slightly into one in which each Councilmember has an opportunity to make a nomination for appointment³, which is then voted on by the entire Council with one seat reserved for a true at-large member and one appointed by the Mayor. This stays within keeping of the Ordinance clause that requires appointments to be made at-large, but simultaneously gives each Councilmember the distinct opportunity to have direct input into the makeup of the Committee. Some Committee members do not live in the Ward of the Councilmember who nominated them.

The proposed Measure N budget originates within the City Manager's Office. It goes directly to the Committee to screen for compliance, by assuring that the expenditures adhere to the 13 Priorities and to make recommendations. From the Committee, the budget request and the

² Emphasis added.

³ The exact verbiage in the agendas of the Committee refers to members being "appointed" by a specific City Councilmember. In reality, and in conformance with the Resolutions, a Councilmember makes a nomination which is then voted on by the Council as a whole. The Resolution requires that Committee members be appointed at-large.

Committee's recommendations goes to the Council for their discussion, possible modification, and ultimate passage. There is limited time set aside for the council to consider all ramifications. The Grand Jury observed that Council meetings were held to discuss the Committee's comments and suggestions less than twenty-four hours after the Committee met.

As this is an oversight Committee, their first function is to determine if a proposal complies with the Ordinance.

Bakersfield City Resolution #009-19 states, ...c. The Committee may prepare recommendations on funding priorities for the Measure and present such recommendations to the City Council in advance of or during the City's annual budget process...

To comply with the Ralph M. Brown Act⁴, meetings are open to the public. The meetings frequently last three hours or more, usually held in the late morning running until well after lunch. The Grand Jury attended three meetings and noticed an average attendance of 15 members of the public. A substantial amount of time is spent reading each item in the budget request, then rereading it item by item seeking discussion, generally revolving around whether the item complies with one or more of the 13 Priorities, and finally reading it for a third time to vote on each item.

Three City Departments have had visible impacts from Measure N funding:

- a. Bakersfield Police Department – increased officers by 63

3



Bakersfield City Police Department Recruiting Banner

- b. Public Works
 - i. Substantial improvements to streets and traffic flow
 - ii. Installing new or improved street lighting at 60 intersections

⁴ The Ralph M. Brown Act is known as the "Open Meeting Law," It requires that announcements of public meetings be made at least 72 hours prior to the meeting, and that the agenda be posted at that same time. No actions can be taken that are not on the agenda.

- c. Economic Community Development Department – Brundage Lane Navigation Center (BLNC) - Transitional shelter for the homeless



Photo courtesy of Bakersfield Community Development Department

FINDINGS:

4

- F1. Some members of the Committee have expressed concerns that much of the public perception of what the Committee can do differs from what they legally can do. The Committee is advisory only. Therefore, the public has unrealistic expectations of what the Committee can accomplish. Adding to this dilemma, various members of the Committee do not fully understand their role.
- F2. Many Committee members do not feel that they have sufficient time to review documents prior to having to vote, although other members find that the time allowed for research and study is adequate. Consequently, discussion, analysis, and recommendations of the Measure N budget are limited.
- F3. Some members of the Committee do not feel that they received adequate information about their roles either prior to their appointment or immediately after having been sworn in. This results in confusion over the extent of their roles as advisors.
- F4. The Committee has a legal requirement to meet formally at least twice a year. Past practice has indicated that more than two meetings are needed to accomplish the necessary research and have a coalescence of minds. For the betterment of the Committee, members are meeting more than they originally agreed to.

- F5. The practice of reading the Measure N budget request three times has the effect of filibustering the meeting, contributing to truncated discussion. The Grand Jury found this process frustrating and exhausting.
- F6. The triplicate reading of the proposed Measure N budget consumes an excessive amount of time and bores both the Committee and the members of the public, thus tamping down interest and participation.
- F7. Currently the Council only receives information from the Committee through the minutes. This method limits the degree of communication because the Committee does not prepare official written reports. The continuity between the Council and the Committee needs to improve.
- F8. Name plaques on dais indicate the Ward that the nominating Councilmember represents. However, the individual may or may not live in that Ward. In any case, the Committee member is appointed at-large. This gives the public the impression that Committee members represent the Ward.
- F9. The Grand Jury observed there was little time spent by the Committee discussing whether an expenditure is prudent or of “the right” amount.
- F10. The Council has limited time to review comments of the Committee prior to taking action on the recommendations. Consequently, this results in its inability to fairly assess the Committee’s work.
- F11. Committee recommendations for changes in scope and allotment of Measure N funds are generally sparse, and those that exist are not well known to the general public.

COMMENTS:

The Grand Jury thanks members of the Council, City staff, and members of the Committee for their time and willingness to answer questions relating to this report.

RECOMMENDATIONS:

- R1. The Bakersfield City Council should, by January 2, 2024, provide all Committee members with a manual outlining the following:
 - a. Outline of responsibilities for the members
 - b. Frequency of meetings and a calendar
 - c. Primer on the Ralph M. Brown Act
 - d. Copy of the Measure N Ballot
 - e. Copy of the three enabling Resolutions #089-18, #009-19, and #173-2022
 - f. Copy of Ordinance #4958
 - g. Contact information of Committee members and City staff
 (Findings 2 and 3)

- R2. By January 2, 2024, the Council should adjust the budget presentation calendar to allow for at least two weeks of advance study time. This would allow the Committee to become familiar with the proposal and formulate questions for City staff.
(Finding 2)
- R3. By January 2, 2024, the Council should adjust the budget presentation calendar to allow for a minimum of two weeks of advance study time enabling the Council to consider any recommendations from the Committee.
(Finding 10)
- R4. By January 2, 2024, the Council should agendaize reports from the Committee providing context to their recommendations.
(Findings 10 and 11)
- R5. By January 2, 2024, the Council should direct City staff to present the proposed Measure N budget items at its Committee meetings in a single reading, to combine the presentation, discussion, and item-by-item voting.
(Findings 5 and 6)
- R6. By October 1, 2023, the Council should remove the Ward number on the dais associated with the names of the Committee members, inasmuch as the members are all at-large.
(Finding 8)
- R7. The Council, by January 2, 2024, should instruct the Committee to prepare the recommendations on funding priorities and present those recommendations to the Council. Recommendations should be made available to the public via a report narrative distributed through local media.
(Finding 11)

NOTES:

- The Bakersfield City Council 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 DEADLINES:

- **REQUIRED WITHIN 90 DAYS FROM:**

**BAKERSFIELD CITY COUNCIL
1600 TRUXTUN AVENUE
BAKERSFIELD, CA 93301**

**RESPONSES ARE REQUIRED PURSUANT TO PENAL CODE
§§933(c) AND 933.05 WITHIN 90 DAYS TO:**

- **PRESIDING JUDGE
KERN COUNTY SUPERIOR COURT
1415 TRUXTUN AVENUE, SUITE 212
BAKERSFIELD, CA 93301**
- **FOREPERSON
KERN COUNTY GRAND JURY
1415 TRUXTUN AVENUE, SUITE 600
BAKERSFIELD, CA 93301**

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



BAKERSFIELD

THE SOUND OF *Something Better*

August 30, 2023

Foreperson
Kern County Grand Jury
1415 Truxtun Avenue, Suite 600
Bakersfield, CA 93301

RE: Response to Kern County Civil Grand Jury Report

Dear Foreperson:

Please see the enclosed responses to the Grand Jury report: City of Bakersfield Public Safety and Vital Services Committee – Measure N – Is it Working? This response was approved by the approved by the Bakersfield City Council on August 23, 2023.

Enclosure:

City of Bakersfield Response to Kern County Civil Grand Jury Report

Sincerely,

Christian Clegg, City Manager

City of Bakersfield Response

2022-2023 Kern County Grand Jury Report: Public Safety and Vital Services Committee – Measure N – Is it Working?

Findings:

F1. *Some members of the Committee have expressed concerns that much of the public perception of what the Committee can do differs from what they legally can do. The Committee is advisory only. Therefore, the public has unrealistic expectations of what the Committee can accomplish. Adding to this dilemma, various members of the Committee do not fully understand their role.*

City agrees with the finding.

F2. *Many Committee members do not feel that they have sufficient time to review documents prior to having to vote, although other members find that the time allowed for research and study is adequate. Consequently, discussion, analysis, and recommendations of the Measure N budget are limited.*

City agrees partially with the finding. The City agrees that there is a diversity of preferences among Committee members. Over the last four budget cycles in which the Committee has reviewed expenditures, there have been a small number of instances when scheduling challenges have left little time for research and study. Typically, Committee members receive budget materials two weeks or more in advance of voting. The City has found value in the discussion, comments and recommendations of the Committee.

F3. *Some members of the Committee do not feel that they received adequate information about their roles either prior to their appointment or immediately after having been sworn in. This results in confusion over the extent of their roles as advisors.*

City agrees with the finding. The City does provide orientation materials and training sessions for Committee members. The City will seek the input of Committee members as to how to improve the process.

F4. *The Committee has a legal requirement to meet formally at least twice a year. Past practice has indicated that more than two meetings are needed to accomplish the necessary research and have a coalescence of minds. For the betterment of the Committee, members are meeting more than they originally agreed to.*

City agrees with the finding. The City will inform prospective Committee members of the probability of additional meetings.

F5. *The practice of reading the Measure N budget request three times has the effect of filibustering the meeting, contributing to truncated discussion. The Grand Jury found this process frustrating and exhausting.*

City agrees with the finding. The City will adjust staff presentations to allow more time for discussion. At the request of Committee members, items have been presented initially by staff and scheduled for voting action at a later date. This allows Committee members time to assess, research proposed budget allocations and come prepared for further discussion.

F6. *The triplicate reading of the proposed Measure N budget consumes an excessive amount of time and bores both the Committee and the members of the public, thus tamping down interest and participation.*

City partially agrees with the finding. The City will adjust staff presentations to allow more time for discussion. As noted above, it has been at the request of Committee members that items have been presented initially by staff and scheduled for voting action at a later date. This allows Committee members time to assess, research proposed budget allocations and come prepared for further discussion. The budget schedule attempts to balance the interests of the public, the Committee, and the Council in allowing time for input, deliberation, and discussion.

F7. *Currently the Council only receives information from the Committee through the minutes. This method limits the degree of communication because the Committee does not prepare official written reports. The continuity between the Council and the Committee needs to improve.*

City agrees partially with the finding. City Council has received information through Committee meeting minutes, but also through the administrative reports for budget items. The voting record and minority reports for voting items have been published in the budget staff reports presented to Council. However, the City agrees that communication and continuity can be improved through written reports and feedback between Committee members and their nominating Councilmembers.

F8. *Name plaques on dais indicate the Ward that the nominating Councilmember represents. However, the individual may or may not live in that Ward. In any case, the Committee member is appointed at-large. This gives the public the impression that Committee members represent the Ward.*

City agrees with the finding.

F9. *The Grand Jury observed there was little time spent by the Committee discussing whether an expenditure is prudent or of "the right" amount.*

City agrees with the finding. While the City welcomes both specific and general feedback from the Committee, the role of the Committee is specific to acknowledging that expenditures are consistent with the spending categories identified in the ballot measure. It is the role of the Council to determine prioritization and budgeted amounts.

F10. *The Council has limited time to review comments of the Committee prior to taking action on the recommendations. Consequently, this results in its inability to fairly assess the Committee's work.*

City agrees partially with finding. Over the last four budget cycles in which the Committee has reviewed expenditures, there have been a small number of instances when scheduling challenges have left little time for City Council review of the Committee's work. However, in most cases, the Council has been afforded several weeks to review the recommendations of the Committee. The typical budget calendar concludes Committee actions in late April, with Council adoption of the budget in June. The City agrees that sufficient time should be given for the Council to assess the Committee's work.

F11. *Committee recommendations for changes in scope and allotment of Measure N funds are generally sparse, and those that exist are not well known to the general public.*

City agrees with the finding.

Recommendations

R1. *The Bakersfield City Council should, by January 2, 2024, provide all Committee members with a manual outlining the following:*

- a. Outline of responsibilities for the members*
- b. Frequency of meetings and a calendar*
- c. Primer on the Ralph M. Brown Act*
- d. Copy of the Measure N Ballot*
- e. Copy of the three enabling Resolutions #089-18, #009-19, and #173-2022*
- f. Copy of Ordinance #4958*
- g. Contact information of Committee members and City staff (Findings 2 and 3)*

The recommendation will be implemented.

R2. *By January 2, 2024, the Council should adjust the budget presentation calendar to allow for at least two weeks of advance study time. This would allow the Committee to become familiar with the proposal and formulate questions for City staff. (Finding 2)*

The recommendation has been implemented. As noted above, over the last four budget cycles in which the Committee has reviewed expenditures, there have been a small number of instances when scheduling challenges have left little time for research and study. Typically, Committee members receive budget materials two weeks or more in advance of voting. The proposed budget calendar moving forward will afford the recommended two weeks of advance study time.

R3. *By January 2, 2024, the Council should adjust the budget presentation calendar to allow for a minimum of two weeks of advance study time enabling the Council to consider any recommendations from the Committee. (Finding 10)*

The recommendation has been implemented. As noted above, over the last four budget cycles in which the Committee has reviewed expenditures, there have been a small number of instances when scheduling challenges have left little time for Council to review Committee recommendations. Typically, the Council has several weeks to review Committee recommendations before budget adoption. The proposed budget calendar moving forward will afford the recommended two weeks of advance study time for Council to review Committee recommendations.

R4. *By January 2, 2024, the Council should agendaize reports from the Committee providing context to their recommendations. (Findings 10 and 11)*

The recommendation will be implemented. Future recommendations from the Committee, including reports of their voting actions will be included in the City Council agenda.

R5. *By January 2, 2024, the Council should direct City staff to present the proposed Measure N budget items at its Committee meetings in a single reading, to combine the presentation, discussion, and item-by-item voting. (Findings 5 and 6)*

The recommendation requires further analysis. As noted above, Committee members have requested additional time between meetings to research, assess and consider budget recommendations. The additional time also allows Committee members to solicit community feedback and discuss with

Councilmembers. The City will discuss with the Committee and Council to find an appropriate balance between the competing democratic values of efficiency and representation.

R6. *By October 1, 2023, the Council should remove the Ward number on the dais associated with the names of the Committee members, inasmuch as the members are all at-large. (Finding 8)*

The recommendation has been implemented.

R7. *The Council, by January 2, 2024, should instruct the Committee to prepare the recommendations on funding priorities and present those recommendations to the Council. Recommendations should be made available to the public via a report narrative distributed through local media. (Finding 11)*

The recommendation requires further analysis. The City agrees that a written report from the Committee would provide the Council with valuable input. However, development, approval, and presentation of the report may require additional Committee meetings and a longer budget calendar cycle. The City will balance the value of the written report feedback with the calendar impacts that would be required.