

SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



ITEM: 3.5
(ID # 25281)

MEETING DATE:
Tuesday, July 09, 2024

FROM : EXECUTIVE OFFICE

SUBJECT: EXECUTIVE OFFICE: Approval of the Response to the 2023-2024 Grand Jury Report: March Joint Powers Authority: Marginally Transparent and Directive for the Response to be Sent to the Grand Jury, Presiding Judge, and County Clerk-Recorder.; All Districts. [\$0]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve, with or without modification, the attached response to the 2023-2024 Grand Jury Report: March Joint Powers Authority: Marginally Transparent; and
2. Direct the Clerk of the Board to immediately forward the Board's finalized responses to the Grand Jury, the Presiding Judge, and the County Clerk-Recorder.

ACTION:Policy

Juan C. Perez, Chief Operating Officer

7/2/2024

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Spiegel, seconded by Supervisor Perez and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Spiegel, Washington, Perez and Gutierrez
Nays: None
Absent: None
Date: July 9, 2024
xc: E.O., Grant Jury, Presiding Judge, Clerk-Recorder

Kimberly A. Rector
Clerk of the Board

By:
Deputy

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA**

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	N/A	N/A	N/A	N/A
NET COUNTY COST	N/A	N/A	N/A	N/A
SOURCE OF FUNDS: N/A			Budget Adjustment:	No
			For Fiscal Year:	23/24- 24/25

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Summary

On April 10, 2024 the Riverside County Grand Jury released the Grand Jury Report: March Joint Powers Authority: Marginally Transparent March 21, 2024. Penal Code Section 933(c) requires Board of Supervisors comment on the Grand Jury's recommendations pertaining to matters under the Board's control. In addition, responses must be provided to the Presiding Judge of the Superior Court within 90 days of receipt of the report.

ATTACHMENTS:

- ATTACHMENT A. 2023-2024 Grand Jury Report: March Joint Powers Authority: Marginally Transparent**
- ATTACHMENT B. Grand Jury Response: March Joint Powers Authority Marginally Transparent**


Tina Grande 7/2/2024


Minh C. Tran, County Counsel 7/2/2024



RIVERSIDE COUNTY GRAND JURY

(951) 955-8990 OFFICE • (951) 955-8989 FAX

April 10, 2024

Riverside County Board of Supervisors
4080 Lemons Street, 1st floor
Suite 127
Riverside, Ca 92501

Subject: 2023-2024 Grand Jury Report: March Joint Powers Authority:
Marginally Transparent March 21, 2024

Dear; Kimberly Rector, Clerk of the Board of Supervisors:

Please note that Penal Code Section 933 et seq. specifies that you file a response with the following agencies within ninety days.

Judith C. Clark, Presiding Judge
Superior Court of California, County of Riverside
4050 Main Street
Riverside, CA 92501

Riverside County Grand Jury
Post Office Box 829
Riverside, CA 92502

Riverside County Clerk-Recorder
2720 Gateway Drive
Riverside, CA 92507

Further, it specifies that this report be kept **confidential for a minimum of two working days** prior to public release. The contents of this report will be made public after the close of business **April 15, 2024**.

Sincerely,

Don Smith, Foreperson
2023-2024 Riverside County Civil Grand Jury

P.O. Box 829 – Riverside, California 92502



March Joint Powers Authority: Marginally Transparent March 21, 2024

SUMMARY

In 1993, the federal government decided to transition the March Air Force Base into the March Air Reserve Base. The result was lost jobs, economic losses, and surplus land turned over to Riverside County. Subsequently, an agreement among the County of Riverside and the cities of Moreno Valley, Perris, and Riverside established the March Joint Powers Authority (March JPA) to mitigate the negative consequences of this transition.¹

The March JPA's authority resides in its Commission. The public does not elect March JPA Commissioners. Rather, elected officials in the County of Riverside and the cities of Moreno Valley, Perris, and Riverside appoint members from their own legislative bodies to the March JPA Commission. The March JPA serves as an independent governmental agency like a city.² The March JPA manages millions of taxpayer dollars and makes decisions influencing the quality of life for county residents.

Similar to a city government, the March JPA has its own governmental structure. The March JPA's governmental structure has been established and maintained by a series of agreements, and amendments to those agreements, among the four governmental agencies comprising the March JPA for the past 30 years. In 1996, the March JPA's Commissioners approved a set of 12 goals (i.e., guiding principles) to guide their work as it strived to generate jobs and stimulate economic growth.³ Over the past three decades, the March JPA has accomplished noteworthy tasks that have benefited Riverside County residents.

There is no federal, state, or local agency that directly monitors or supervises the March JPA. However, the Riverside County Civil Grand Jury (Grand Jury) has the legal authority to

¹ March AFB Final Reuse Plan, Land Use Plan Section III, Goals and Policies, 1996, pp. I-1 to I-3. URL is located at https://www.marchjpa.com/documents/docs_forms/final_reuse_plan.pdf. Accessed November 29, 2023.

² California State Legislature Senate Local Government Committee, "Governments Working Together A Citizen's Guide to Joint Powers Agreements," August 2007, pp.11-13. URL is located at <https://sgf.senate.ca.gov/sites/sgf.senate.ca.gov/files/GWTFinalversion2.pdf>. Accessed November 2, 2023.

³ March AFB Final Reuse Plan, Land Use Plan Section III, Goals and Policies, 1996, pp. II-15 to II-19. URL is located at https://www.marchjpa.com/documents/docs_forms/final_reuse_plan.pdf. Accessed November 29, 2023.

investigate March JPA's compliance with laws, policies, and procedures.^{4,5} The Grand Jury investigated the March JPA during fiscal year 2023-2024.

The Grand Jury concluded that the March JPA generally follows the letter of the law, but not the spirit of the law. In certain instances, it is out of compliance with the law. The March JPA's activities are transparent with the public, but its transparency is principally limited to what is minimally required by law. After a thorough investigation, the Grand Jury reports 19 findings and nine recommendations for the March JPA Commission to consider. The Grand Jury also submitted six findings and four recommendations for the County of Riverside and the cities of Moreno Valley, Perris, and Riverside to consider.

BACKGROUND

March Air Force Base had a long and distinguished history. Established in 1918, this important United States Air Force Base located in Riverside County, California, played critical roles in defending the United States and supporting military forces across the globe. This facility is located near the cities of Riverside, Moreno Valley, and Perris.

March Air Force Base changed as the needs of our country changed. For example, during World War I, pilots flew in Curtiss JN-4 (i.e., double-winged) aircraft. In later decades, as part of the Strategic Air Command, pilots flew the powerful Boeing B-52 Stratofortress (i.e., long-range, subsonic, jet-powered strategic bomber capable of carrying nuclear weapons).

In 1996, March Air Force Base became the March Air Reserve Base. Currently, it is the headquarters for the Air Force Reserve Command's Fourth Air Force and the host of the 452nd Air Mobility Wing. Air Force pilots fly McDonnell Douglas/Boeing C-17 Globemaster III (i.e., large strategic transport aircraft) and Boeing KC-135 Stratotankers (i.e., military aerial refueling tanker aircraft) in and out of March Air Reserve Base.

Just as the aircraft types have changed over the years, the setting in and around March Air Force Base changed, especially after the operational air base transitioned to a reserve base (1993-1996). The transition resulted in thousands of fewer jobs, local businesses suffered, and a surplus of approximately 4,400 acres of land adjacent to the cities of Moreno Valley, Perris, and Riverside.

To alleviate job losses and stimulate economic growth, governmental leaders in the County of Riverside and the cities of Moreno Valley, Perris, and Riverside signed an agreement called the March Joint Powers Authority (March JPA).

⁴ California Legislative Information, California Penal Code §925. URL is located at https://leginfo.ca.gov/faces/codes_displaySection.xhtml?sectionNum=925.&lawCode=PEN. Accessed January 25, 2024.

⁵ California State Legislature Senate Local Government Committee, "Governments Working Together A Citizen's Guide to Joint Powers Agreements," August 2007, p. 28. URL is located at <https://sfg.senate.ca.gov/sites/sfg.senate.ca.gov/files/GWTFinalversion2.pdf>. Accessed November 2, 2023.

What is the March JPA?

The March JPA is a separate, independent governmental agency.⁶ It has legal rights, including the ability to sign contracts and hold property just like a city. The March JPA is responsible for its own debts, liabilities, and obligations.

In 1996, the United States Department of Defense (DOD) and the State of California officially recognized the March JPA as the local redevelopment agency for the surplus land surrounding the March Air Reserve Base. To comply with DOD reuse implementation requirements, the March JPA was required to develop and implement a Master Reuse Plan. Later in 1996, the March JPA Commission officially adopted the “March AFB Final Reuse Plan.”⁷ The plan includes 12 goals to guide the March JPA’s work to facilitate an economic recovery resulting from the base realignment. The March JPA goals are as follows:⁸

1. Protect the interest and existing commitments to adjacent residents, property owners, and local jurisdictions in planning new land uses.
2. Support private investment that can create new property taxes, sales taxes, and increase local spending.
3. Support actions to attain a clean environment at and around March AFB.
4. Support the USAF commitments to maintain the integrity of the March AFB Historic District.
5. Replace lost jobs with new and expanded employment opportunities.
6. Maximize joint use (military and civilian) opportunities at airport-related land and facilities.
7. Planning and project implementation should always consider the importance of March AFB to the overall needs of the national defense.
8. Develop active and passive open space areas that offer community recreation opportunities and open land areas for public enjoyment.
9. Work to resolve conflicts that would otherwise delay or negatively impact the reuse planning and redevelopment process.
10. Eliminate blight and generate new development within the confines of and adjacent to the March AFB.
11. Facilitate the provision of public services, i.e., sewer, water, streets, and public safety, to provide in an efficient and cost-effective manner.

⁶ California Government Codes, Title 1, Division 7, Chapter 5 – Joint Exercise of Powers, §6500 - 6539.9. URL is located at

https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV§ionNum=6533.&article=1.&highlight=true&keyword=Joint+Powers. Accessed November 2, 2023.

⁷ March AFB Final Reuse Plan, Land Use Plan Section III, Goals and Policies, 1996, pp. II-15 to II-19. URL is located at https://www.marchjpa.com/documents/docs_forms/final_reuse_plan.pdf. Accessed November 29, 2023.

⁸ March AFB Final Reuse Plan, Land Use Plan Section III, Goals and Policies, 1996, pp. II-15 to II-19. URL is located at https://www.marchjpa.com/documents/docs_forms/final_reuse_plan.pdf. Accessed November 29, 2023.

12. Maximize the development potential as a regional Intermodal Transportation facility to support both passenger and freight-related air services.

The 1996 March JPA Commission did not adopt specific objectives and strategies to accomplish the original “March AFB Final Reuse Plan” goals.

March JPA’s Economic and Land Development

The March JPA has existed for 30 years. Over those years, it has directly or indirectly contributed to the economic and land development in Riverside County. Examples of those contributions include the following:

- Receiving federal authorization for Foreign-Trade Zone 244 in and around the March Air Reserve Base. A Foreign-Trade Zone helps U.S. companies by treating them as if they are outside of U.S. Customs territory for duty purposes.⁹ Billions of dollars of goods have moved through the 400 square mile Foreign-Trade Zone.
- Establishing Amazon, Western Municipal Water District, McLane Food Service, Sysco, and Kaiser Permanente medical facilities on former March Air Force Base surplus land.
- Approving the development of a 1.86 million square-foot Target distribution center.
- Providing surplus land that turned into Ben Clark Training Center for law enforcement officers, paramedics, and firefighters.
- Replaced a 2-mile-long soft bottom Heacock Channel to a fully concrete-lined channel.
- Generated \$3,875,000 each for the four governmental agencies creating the March JPA.¹⁰
- Created thousands of jobs in diverse fields, including jobs in medical fields, accounting, law, financial advisors, University of California benefits office, and geotechnical engineering.

March JPA’s Governmental Structure

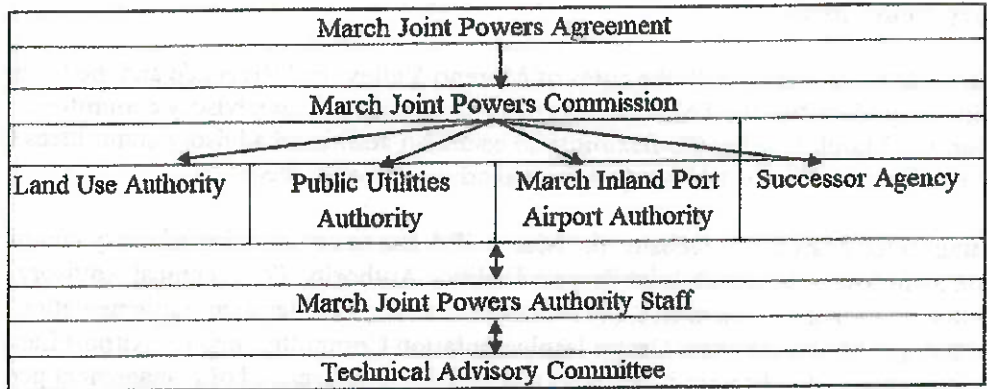
The County of Riverside and the cities of Moreno Valley, Perris, and Riverside established the March Joint Powers Authority in 1993. The March JPA has four separate authorities: (1) land development or reuse, (2) public utilities, (3) civilian air passenger and freight operations at the March Air Reserve Base, and (4) successor agency.¹¹ Illustration 1 provides an overall governmental structure.

⁹ Global Trade Management, “The basics of Foreign-Trade Zones (FTZs). What are they?” December 7, 2022. URL is located at <https://tax.thomsonreuters.com/blog/the-basics-of-foreign-trade-zones-ftzs-what-are-they/>. Accessed December 11, 2023.

¹⁰ The City of Perris, City of Moreno Valley, City of Riverside, and County of Riverside confirmed, via email, that they received \$3,875,000 each from the March JPA in July 2023.

¹¹ The land development authority is scheduled to end on July 1, 2025. The public utilities authority involves gas lines going to and near the March Air Reserve Base. The Commission is interested in dissolving that authority by transferring that service to a well-known gas company. If the Commission is successful, the only authority it will still have on July 1, 2025, will be its civilian air passenger and freight operations at the March Air Reserve Base.

Illustration 1
March JPA Overall Governmental Structure

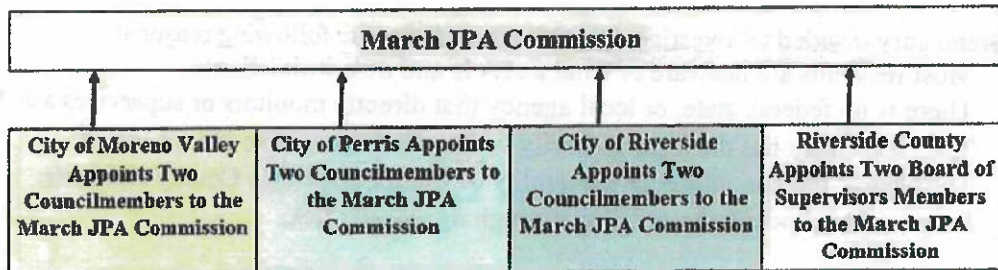


Evidence: Multiple Interviews, document reviews, and March JPA's Website (<https://marchjpa.com/>)

Commission

The public does not elect March JPA Commissioners. However, Commissioners are elected officials who are serving as city councilmembers or county supervisors. The cities of Moreno Valley, Perris, and Riverside appoint two councilmembers each to the March JPA Commission. Likewise, the Riverside County Board of Supervisors appoints two of its members to the March JPA Commission (see Illustration 2).

Illustration 2
Commission Appointments



Evidence: Multiple Interviews and March JPA's Website (<https://marchjpa.com/>)

Commission Staff

To assist the Commission with its day-to-day business operations, the Commission hired a small staff with specific skill sets (e.g., professional planners). Similar to a city manager, March JPA's Chief Executive Officer manages March JPA staff members and their areas of responsibilities, prepares recommendations for potential March JPA Commission authorization, represents the March JPA with other federal and state governmental agencies (e.g., U. S. Air Force), engages

with the public as required by California's Brown Act,¹² and implements the March JPA Commission's actions.

Advisory Committees

The March JPA agreement with the cities of Moreno Valley, and Riverside and the County of Riverside only identifies the Technical Advisory Committee as an advisory committee. However, the March JPA has the flexibility to establish additional advisory committees to enhance its work and has established additional advisory committees.

According to the March JPA website, the March JPA has seven standing advisory committees. They are as follows: (1) March Joint Powers Utilities Authority, (2) Technical Advisory Committee, (3) Finance Committee, (4) Parks Committee, (5) Meridian Implementation Committee, (6) March Business Center Implementation Committee, and (7) Airport Land Use Study Committee. Membership in advisory committees is comprised of management personnel from the four governmental agencies comprising the March JPA and a representative from California's 41st Congressional Office.¹³

GRAND JURY INVESTIGATION

Few residents are aware of governmental services provided by joint power authorities. Yet, joint power authorities, like the March JPA, manage millions of dollars of taxpayer money and make decisions influencing the quality of life for county residents.

A well-organized and operated JPA can combine financial resources, professional expertise, save taxpayer money, generate revenue, and increase the quality of life for residents. A poorly organized and operated JPA can create conflicts of interest, potential bias, lack of transparency, unresponsiveness to resident concerns, and elude oversight by officials.¹⁴

The Grand Jury decided to investigate the March JPA for the following reasons:

1. Most residents are unaware of what a JPA is and how it functions.
2. There is no federal, state, or local agency that directly monitors or supervises a JPA.
3. The Grand Jury has the legal authority to directly monitor the March JPA.¹⁵
4. The March JPA can influence the quality of life for Riverside County residents.
5. Large sums of public money flow through the March JPA.

¹² California Attorney General's Office, The Brown Act, 2003 and adjustments to the Brown Act up to 2023. URL is located at <https://oag.ca.gov/system/files/media/the-brown-act.pdf>. Accessed January 25, 2024.

¹³ March Joint Powers Authority, March JPA Committees, 2024. URL is located at <https://marchjpa.com/march-jpa-committees/>. Accessed February 27, 2024.

¹⁴ Nevada County Grand Jury, "Joint Powers Authorities: What You Need to Know," p.1, June 1, 2021. URL is located at <https://www.nevada.courts.ca.gov/system/files/2021-spd-jointpowersauthorities.pdf>. Accessed January 30, 2024.

¹⁵ California State Legislature, Penal Code §925. URL is located at https://leginfo.ca.gov/faces/codes_displaySection.xhtml?sectionNum=925.&lawCode=PEN. Accessed January 25, 2024.

6. Riverside County residents have expressed concerns about March JPA activities.

METHODOLOGY

The Grand Jury served subpoenas, conducted an extensive series of interviews, attended public meetings, reviewed over 170 documents, viewed websites, reviewed audio and video recordings, and communicated with relevant individuals and organizations through emails and telephone calls.

Interviews

- 2023 March JPA Commissioners
- Environmental Quality Act Specialist
- March JPA Staff Members
- Representative from the Moreno Valley Convention Center
- Representatives from the Riverside County Auditor-Controller's Office
- Representative from the Riverside County Clerk of the Board's Office
- Representative from the Riverside County Countywide Oversight Board
- Representatives from the Riverside County Executive Office
- Representative from a Land Development Company
- Riverside County Residents

Visits

- March Joint Powers Authority, Commission Meetings
- March Joint Powers Authority, Technical Advisory Committee Meeting
- March Joint Powers Authority, Public Environmental Justice Meeting

Websites

- California Association of Joint Powers Authorities, <https://www.caipja.org/>
- California Department of Justice, <https://www.ca.gov/agency/?item=department-of-justice>
- California State Controller's Office, <https://www.ca.gov/agency/?item=state-controller%27s-office>
- California Treasurer's Office, <https://www.ca.gov/agency/?item=state-treasurer%27s-office>
- March Joint Powers Authority, <https://marchjpa.com/>
- West Campus Upper Plateau Project, 2023, <https://www.westcampusupperplateau.com/background/>

Email Correspondence

- California Association of Joint Powers Authorities
- California Secretary of State
- City of Moreno Valley, Finance Department
- City of Perris, Finance Department
- City of Riverside, Finance Department

-
- ~~March JPA Staff Members~~
 - Riverside County Auditor-Controller's Office
 - Riverside County Executive Office
 - Riverside County Office of Economic Development
 - Riverside County Treasurer's Office
 - Riverside Local Agency Formation Commission

Documents and Recordings Reviewed

- Over 220 documents, audio recordings, and video recordings were reviewed.

TRANSPARENCY

The March JPA is legally required to (1) follow transparency procedures within the Ralph M. Brown Act, (2) submit copies of agreements and amendments to the California Secretary of State, California State Controller, and Riverside County Local Agency Formation Commission, (3) arrange for annual financial audits, and (4) submit annual financial audits to the Riverside County's Auditor-Controller's Office.¹⁶

Public Meetings: Brown Act

The California Brown Act requires governmental agencies to have "Public Comment" periods at all public meetings. "Every agenda for regular meetings shall provide an opportunity for members of the public to directly address the legislative body on any item of interest to the public, before or during the legislative body's consideration of the item."¹⁷

The March JPA has a "Public Comment" item on all March JPA Commission and committee public meeting agendas. The governing body may set "reasonable time limitations" on public comments.¹⁸ The March JPA sets a three-minute time limit per public comment speaker.

There are residents who frequently attend public March JPA Commission and committee meetings. They do express their views on March JPA activities, procedures, and potential decisions during "Public Comment" periods.

¹⁶ California State Legislature Senate Local Government Committee, "Governments Working Together A Citizen's Guide to Joint Powers Agreements," August 2007, pp.11-13. URL is located at <https://scf.senate.ca.gov/sites/scf.senate.ca.gov/files/GWTFinalversion2.pdf>. Accessed November 2, 2023.

¹⁷ California Legislative Information, California Penal Code §.54954.3(a). URL is located at https://leginfo.ca.gov/faces/codes_displaySection.xhtml?sectionNum=54954.3.&lawCode=GOV. Accessed January 25, 2024.

¹⁷ This information was obtained from multiple interviews with March JPA Commissioners, March JPA staff members, and residents.

¹⁸ California Attorney General's Office, The Brown Act, 2003 and adjustments to the Brown Act up to 2023, p.19. URL is located at <https://oag.ca.gov/system/files/media/the-brown-act.pdf>. Accessed January 25, 2024.

Public Meetings: Scheduling

The California Brown Act requires, “Each legislative body, except for advisory bodies and standing committees, shall provide for the time and place for regular meetings by ordinance, resolution, or by-laws.¹⁹ A regularly scheduled meeting is a meeting that occurs on a recurring basis. A regular meeting occurs in a fixed pattern, with equal or similar amounts of space or time between one and the next meeting.

For years, the March JPA Commissioners scheduled regular March JPA meetings for the second and the fourth Wednesdays of each month. But in 2023, the March JPA Commissioners used an irregular meeting calendar schedule they call a “rolling calendar.” A rolling calendar is where meetings are not scheduled until the March JPA staff determines (1) there are enough agenda items to call for a meeting or (2) a special meeting is required to address a time-sensitive topic.

According to March JPA Commissioners, they approve a tentative meeting calendar and place “holders” on their calendars until they know a March JPA Commission meeting will occur. Meanwhile, the public does not know when public meetings will be held until the next public meetings are posted. This causes the public to wonder when the next meeting will take place. The March JPA website does not help resolve the public’s uncertainty.

When the public accesses the “View Calendar” option of the March JPA website, they read inaccurate information. For example, the Grand Jury reviewed the March JPA website to see when March JPA public meetings would be held during the months of October, November, and December 2023. On October 1, 2023, the March JPA website “View Calendar” section indicated, “There are no upcoming events” for October, November, and December 2023. However, the March JPA did hold meetings on October 11, 2023, December 13, 2023, and December 19, 2023.

As required by the California Brown Act,²⁰ the March JPA did post its public meeting agendas on its website at least 72 hours before public meetings were held. However, members of the public are required to continuously monitor the March JPA website to be aware of upcoming March JPA public meetings. Illustration 3 shows the irregular pattern of March JPA Commission meetings.

¹⁹ California Legislative Information, California Penal Code §.54954(a). URL is located at https://leginfo.ca.gov/faces/codes_displaySection.xhtml?sectionNum=54954.&lawCode=GOV. Accessed January 25, 2024.

²⁰ California Attorney General’s Office, The Brown Act, 2003 and adjustments to the Brown Act up to 2023, p.16. URL is located at <https://oag.ca.gov/system/files/media/the-brown-act.pdf>. Accessed January 25, 2024.

Illustration 3
Irregularly Held March JPA Commission Meetings in 2023

*Regular & Special Meetings	January	February	March	April	May	June
1st Wednesday	Met	Met	Cancelled	Met	Met	Met
2nd Wednesday	Cancelled	Cancelled	Met	Cancelled	Cancelled	Cancelled
Special Meetings			Met Thrice			
	July	August	September	October	November	December
1st Wednesday	Cancelled	Met	Cancelled	Met	Cancelled	Met
2nd Wednesday	Cancelled	Met	Met	**NA	Cancelled	**NA

* Regular March JPA Meetings normally occur on 1st and 2nd Wednesdays each month.

**NA - no regular March JPA Commission meeting was scheduled.

Source: March JPA "View Calendar" Website: "<https://marchjpa.com/meetings/>" and interviews

The March JPA's use of a rolling calendar causes (1) public doubts about when public March JPA meetings will occur²¹ and (2) delays before previous March JPA Commission meeting minutes can be approved and made available to the public.

The following are examples of why the public has concerns with the March JPA's 2023 rolling calendar:

- There were 22 scheduled regular Commission meetings.
- There were 11 regular Commission meetings held.
- There were 11 Commission meetings cancelled.
- There were 3 special Commission meetings held in one week.
- The same "rolling calendars" attributes occur for March JPA public committee meetings as for March JPA Commission meetings.
- Unless the public continuously monitors the March JPA website, they will not know when March JPA Commission and committee meetings will be held.

During interviews, March JPA Commissioners informed the Grand Jury that there is little time for them to discuss March JPA issues with fellow elected board/council members or to come to a consensus within their jurisdiction on how to vote on March JPA issues. Commissioners are frequently left to their own discretion on how to vote without receiving regular input from their fellow elected officials.

²¹ This information was obtained from multiple interviews with March JPA Commissioners, March JPA staff members, and residents.

Public Meeting: Hearing Comments

The Grand Jury attended multiple March JPA public Commission and advisory committee meetings. Comments by Commissioners, advisory committee members, and the public were difficult to hear when speakers did not use a microphone.

Public Meetings: Minutes

A March JPA staff member produces minutes from March JPA Commission meetings. When there is a lengthy delay between one March JPA Commission meeting and the next meeting, there is a delay when meeting minutes can be approved by the March JPA Commission and then posted on the March JPA website for public access. The result is, unless a person attended a March JPA Commission meeting in-person, the public is unaware of March JPA activities, proposals, or decisions for lengthy periods of time. (Illustration 4 shows three examples of lengthy delays in approving March JPA Commission minutes and delays in informing the public what transpired in March JPA Commission meetings.)

Illustration 4
Examples of Long Delays Between March JPA Commission Meetings
and Meeting Minutes Approvals

March JPA Commission Meeting Held	April 12, 2023	274 Days
April 12, 2023, Minutes Approved	January 10, 2024	
March JPA Commission Meeting Held	June 14, 2023	56 Days
June 14, 2023, Minutes Approved	August 9, 2023	
March JPA Commission Meeting Held	October 11, 2023	64 Days
October 11, 2023, Minutes Approved	December 13, 2023	

Public Meetings: Teleconferencing

According to the California Brown Act (2003), a teleconference meeting is a meeting in which one or more members of a governing body attends a meeting from a remote location via electronic means (e.g., Zoom). If a governing body decides to teleconference its public meetings, then they are required to follow a list of procedures to ensure transparency (e.g., permit the public to attend its meetings remotely).²² The Grand Jury learned, through document reviews, that March JPA Commission did not teleconference its Commission meetings prior to the coronavirus pandemic.

As the coronavirus spread in March 2020 and threatened the public's health, California's governor signed Executive Orders and bills into law that temporarily suspended Brown Act

²² California Attorney General's Office, The Brown Act, 2003 and adjustments to the Brown Act up to 2023, p. 14. URL is located at <https://oag.ca.gov/system/files/media/the-brown-act.pdf>. Accessed January 25, 2024.

teleconferencing provisions so as to make it easier for governmental agencies to teleconference their meetings.²³ The March JPA teleconferenced its March JPA Commission meeting during the COVID-19 pandemic.²⁴

The California's COVID-19 State of Emergency mandate ended on February 28, 2023. On April 12, 2023, the March JPA Commission considered whether to continue using a teleconferencing platform as it did during the pandemic.²⁵ The minutes for the April 12, 2023, March JPA Commission meeting appeared 274 days later in the January 10, 2024, Commission agenda. According to the April 12, 2023, minutes, a Commissioner said they had "tremendous technical difficulties during hybrid meetings [combined in-person and Zoom meetings] which have paused or delayed meetings."²⁶

The March JPA Commissioners cast six votes in favor of in-person only meetings and two votes for continuing the practice of combining in-person with remote access meetings. The March JPA Commission meeting held on April 12, 2023, was the last time the public had remote access to March Commission meetings.

The Grand Jury attended March JPA Commission meetings and took note of the livestreaming equipment in the room. The March JPA Commission meets in the same board room as a water district where the water district livestreams its board meetings.²⁷

Public Meetings: Video Recordings

All four governmental agencies comprising the March JPA video record their city/county public meetings and post those video recordings on their respective websites.^{28, 29, 30, 31} Since the March JPA Commission meetings are not video recorded, the public cannot view Commission meetings

²³ Atkinson, Andelson, Loya, Ruud & Romo, "New Brown Act Amendment Changes the Rules for Teleconference Meetings During A State of Emergency, 2021." URL is located at <https://www.aalrr.com/printpilot-alert-3874.pdf?1710355279>. Accessed March 14, 2024.

²⁴ March Joint Powers Authority, Commission Meeting, February 23, 2022, p. 2. URL is located at https://marchjpa.com/meeting_agendas/archive/2022/02232022_regular_jpc.pdf. Accessed March 12, 2024.

²⁵ March Joint Powers Authority, Commission Meeting, April 12, 2023, Agenda Item No. 9 (4), p. 181, "Consider the Continued Use of Teleconferencing Platforms During Brown Act Public Meetings." URL is located at <https://marchjpa.com/wp-content/uploads/2023/04/04-12-2023-JPC-Packet.pdf>. Accessed March 13, 2024.

²⁶ March Joint Powers Authority, Commission Meeting, January 10, 2024, Minutes for the April 12, 2023, Commission meeting, pp. 10-11. URL is located at <https://marchjpa.com/wp-content/uploads/2024/01/011024-JPC-Packet.pdf>. Accessed March 13, 2024.

²⁷ Western Municipal Water District, Regular Board Meeting, Wednesday, March 20, 2024. URL is located at <https://www.wmwd.com/Calendar.aspx?EID=1471>. Accessed March 13, 2024.

²⁸ City of Riverside, City Council Meetings, "Calendar" section, City Council, 2023. URL is located at <https://riversideca.legistar.com/Calendar.aspx>. Accessed February 20, 2024.

²⁹ City of Moreno Valley, City Council Meetings, Meeting Calendar, 2023. URL is located at <https://morenovalleveca.iqm2.com/Citizens/Calendar.aspx?From=1/1/2023&To=12/31/2023>. Accessed January 25, 2024.

³⁰ City of Perris, City Council Meetings, Archived Videos, City Council, 2024. URL is located at <https://www.cityofperris.org/government/city-council/council-meetings>. Accessed February 20, 2024.

³¹ County of Riverside, Riverside County Board of Supervisors, Riverside County Meeting Portal, 2023. URL is located at <https://riversidecountyca.iqm2.com/Citizens/Media.aspx>. Accessed February 20, 2024.

on the March JPA website. In contrast, the water district, using the same board room as the March JPA Commission, posts its board meeting video recordings on its website.³²

The Grand Jury interviewed March JPA Commissioners six months after Commissioners voted to terminate livestreaming March JPA Commission meetings. The Grand Jury asked Commissioners if their meetings were livestreamed, and video recorded for later viewing. Commissioners replied that they thought their meetings were livestreamed or they were unsure whether their meetings were livestreamed. Asked if they were familiar with the March JPA website, where video recordings would reside, Commissioners indicated they were not familiar with the March JPA website.

Public Engagement: Special Meetings

In early December 2023, the March JPA invited the public to an “Environmental Justice Element” workshop. The purpose for each workshop was to engage the public in the process of developing an “Environmental Justice Element” policy.

California law requires, “a meaningful consideration of recommendations from populations and communities most impacted by pollution into environmental and land use decisions.”³³ By holding an “Environmental Justice Element” workshop on December 19, 2023, the March JPA fulfilled this legal requirement.

However, the March JPA announced that it would hold two “Environmental Justice Element” workshops. The first workshop was held during the busy 2023 holiday season at the March Field Air Museum. The March JPA staff anticipated there would be between 100 and 200 public members in attendance. The Grand Jury attended that workshop and counted only 15 non-March JPA staff members in attendance.

Since the March JPA announced that there would be two “Environmental Justice Element” workshops, the Grand Jury monitored the March JPA’s website continuously throughout January and February 2024 to see when the second workshop would be held. The December 19, 2023, workshop appeared on the March JPA website, along with a one-page announcement,³⁴ more than three days before the workshop. However, no second workshop appeared on the March JPA website during the months of January and February 2024.

In addition to monitoring the March JPA website calendar, the Grand Jury searched for a second workshop using the website’s search engine and the only item that came up for “Environmental

³² Western Municipal Water District, Archived Meetings, Board and Commissions, Board of Directors, 2023. URL is located at <https://wmwd.primegov.com/public/portal>. Accessed March 13, 2024.

³³ California Legislative Information, California Government Code, Duties and Powers, §65040.12 (e) (2) (D), 2020. URL is located at https://leginfo.ca.gov/faces/codes_displaySection.xhtml?sectionNum=65040.12.&lawCode=GOV. Accessed February 28, 2024

³⁴ March Joint Powers Authority, “GP 23-02: March JPA Environmental Justice Element” announcement, December 4, 2023. URL is located at [https://marchjpa.com/wp-content/uploads/2023/11/Environmental-Justice-Notification .pdf](https://marchjpa.com/wp-content/uploads/2023/11/Environmental-Justice-Notification.pdf). Accessed February 28, 2024.

Justice” was the first workshop held on December 19, 2023. However, a second workshop was held on February 20, 2024, at the Moreno Valley Conference Center, and the Grand Jury confirmed with the Moreno Valley Conference Center that the workshop was held. According to a Moreno Valley Conference Center representative, few public members attended the workshop.

After the second workshop was held, the Grand Jury found a postcard notice for the second workshop on the March JPA website. The postcard notice was in the website’s “Planning and Permits” section, and it is titled “02/20/24 Workship Meeting Notice.”³⁵

The bottom line is that the March JPA can rightfully say it held two public “Environmental Justice Element” workshops. However, anyone who wanted to attend the second workshop had little chance of knowing when the second workshop would be held.

Public Engagement: Outreach

March JPA staff members do share information with the public on various March JPA activities. The following are examples of outreach activities.³⁶

Illustration 5
Samples of March JPA Outreach Activities

Orange Terrace Community Center Meeting	Community Open House
City of Riverside Police, County Sheriff, and Fire	Riverside City Council Briefing
Parks Meeting Riverside/Moreno Valley/County	Public Scoping Meeting
Sycamore Canyon/March Biking Community	Riverside Resident Leaders Meeting
March Airfield Museum Community Meeting	Environmental Justice Workshop

Public Engagement: Community Advisory Committees

The March JPA informed the Grand Jury, in writing, that it established an advisory committee focusing on the development of an “Airport Master Plan,” which is financially supported by the Federal Aviation Administration (FAA). The grant *requires* that the March JPA has an advisory committee. The committee is called the Public Advisory Committee, and it is comprised of federal, state, and local government representatives as well as residents.

Another advisory committee has been asked for by residents. Residents have requested that the March JPA create a community advisory committee consisting of residents. Rather than a temporary advisory committee, like the one associated with the developing of an “Airport Master

³⁵ March Joint Powers Authority, “Planning and Permits,” “02/20/24 Workship Meeting Notice.” Printed on February 1, 2024. URL is located at <https://marchjpa.com/wp-content/uploads/2024/02/EJE-Notice-2-20-24.png>. Accessed March 15, 2024.

³⁶ March Joint Powers Authority, Technical Advisory Committee Meeting, August 7, 2023, Agenda Item 6b, pp. 23-24. West Campus Upper Plateau PowerPoint Presentation. URL is located at <https://marchjpa.com/wp-content/uploads/2023/08/080723-TAC-Packet.pdf>. Accessed February 8, 2024.

Plan,” residents expressed interest in a standing (i.e., permanent) community advisory committee comprised of residents. The Grand Jury witnessed residents making this request.

The Grand Jury asked the March JPA about the Commission’s perspective on establishing a community advisory committee. The response given, in writing, was that March JPA management did not know what perspective the Commission had on creating a community advisory committee.

Coincidentally, in September 2022, the California Department of Justice published a document³⁷ that identifies “best practices” for governmental agencies facing land development projects, especially potential warehouse projects. One of the “best practices” mentioned in that California Department of Justice document is for local governmental agencies to create a community advisory committee made up of residents.

March JPA Website

An important transparency avenue for the March JPA to communicate with the public is its website. The March JPA website provides historical information, governmental structure documents, letters, announcements, forms, and notices³⁸ (e.g., audit documents). These documents are located under its “Development Services – Documents, Forms, and Online Resources” option. However, it is difficult to find some documents on the website, and there are known documents not available on the website.

Missing Documents

The public has access to some documents associated with March JPA activities and actions but not all. The public does not have easy access to the following March JPA documents.

1. The West Campus Upper Plateau property was appraised at \$26,195,000.³⁹
 - The public has no access to the appraisal on the March JPA website.
2. “Second Amendment to the West March Disposition and Development Agreement”⁴⁰
 - The “Second Amendment” is an agreement between the March JPA and a developer. The agreement describes how the West Campus Upper Plateau property will be transferred to the developer with conditions. The conditions

³⁷ California Department of Justice, “Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act,” September 2022, pp. 4-5. URL is located at <https://oag.ca.gov/system/files/media/warehouse-best-practices.pdf>. Accessed January 10, 2024.

³⁸ March JPA documents are available at URL <https://marchjpa.com/documents-forms/>. Accessed February 20, 2024.

³⁹ Mission Property Advisors, Inc., June 6, 2022, p. 2. URL location is <https://www.dropbox.com/s/biq4dxzjk3ouq1g/22029%20March%20JPA%20West%20Campus%20Upper%20Plateau%20Land%20Final.pdf?dl=0>. Accessed December 20, 2023.

⁴⁰ “Second Amendment to West March Disposition and Development” between March JPA and Developer, October 27, 2022. Document provided by March JPA.

include the March JPA receiving financial compensation for the property as land development projects are approved and completed.

- The public does not have easy access to this document on the March JPA website.
3. Grant Deed between the March JPA and the developer for the West Campus Upper Plateau property⁴¹
 - The public has no access to this document on the March JPA website.
 4. “Fourteenth Amended Joint Powers Agreement between the Cities of Moreno Valley, Perris, and Riverside and the County of Riverside for the Formation of the Joint Powers Authority to Formulate and Implement Plans for the Use and Reuse of the March Air Force Base.”⁴²
 - The Fourteenth Amendment reflects the March JPA’s goal to terminate its land use and reuse authority on July 1, 2025. The March JPA will retain its March Inland Port Airport Authority and Successor Agency.
 - The County of Riverside will be responsible for land development decisions, public works, policing, and fire protection services after July 1, 2025.

Over the past 30 years, the March JPA has modified its agreements with the four governmental agencies comprising the March JPA. The Grand Jury has copies of the 15 March JPA agreements and amendments. Except for one agreement (1997) and one amendment to that agreement (2008), the other 13 March JPA agreements and amendments are not available on the March JPA website. (See Illustration 6 for the full list of March JPA agreements and amendments.)

Difficult to Find Documents

It is difficult to search *for* documents and difficult to search *within* documents on the website. For example, the March JPA Commission approved an agreement with a developer who is interested in developing the West Campus Upper Plateau. The agreement is titled “Second Amendment to the West March Disposition and Development Agreement.”⁴³ The public cannot electronically search for the document on the March JPA website. However, this “document” is on the March JPA website, but it is embedded within a March JPA Commission agenda.

In this case, the “document” is embedded within the October 26, 2022, agenda. It is item 9(1), pages 210 through 241. Again, the public cannot electronically search the October 26, 2022, agenda to find the “document.” The public must read the agenda to find where the “Second Amendment to the West March Disposition and Development Agreement” is located within the agenda.

⁴¹ Riverside County Assessor’s Office, Grant Deed, Recorded in Official Records, December 23, 2022. The Grand Jury has a copy of the Grant Deed between the March JPA and developer.

⁴² Document provided by March JPA. Fourteenth Amended Joint Powers Agreement between the Cities of Moreno Valley, Perris, and Riverside and the County of Riverside for the Formation of the Joint Powers Authority to Formulate and Implement Plans for the Use and Reuse of the March Air Force Base,” April 18, 2023.

⁴³ “Second Amendment to West March Disposition and Development” between March JPA and Developer, October 27, 2022. Document provided by March JPA.

State Law Required Document Submissions

JPA agreements and amendments notify the public that the JPA exists and under what conditions it exists. California Government Code §6503.5 requires JPAs to submit all their agreements and amendments to the California Secretary of State and to the California State Controller.⁴⁴ California Government Code §6503.8, requires JPAs to submit all their agreements and amendments to the county's Local Agency Formation Commission (LAFCO).⁴⁵ JPA agreements and amendments must be submitted within 30 days after the effective date of the agreements and amendments.

On December 19, 2023, the Grand Jury requested that the March JPA provide evidence that it submitted its agreements and amendments to the California Secretary of State's office. On January 31, 2024, the March JPA notified the Grand Jury, in writing, that it does not have records of submitting agreements and amendments to the California Secretary of State's office.

On February 6, 2024, the California Secretary of State's office notified the Grand Jury, in writing, that the March JPA submitted one agreement in 1993, one amendment in 1994, and one agreement in 2023. The 2023 agreement was submitted to the California Secretary of State's office seven months late and only *after* the Grand Jury made inquiries into March JPA's state submissions.

Simultaneously, the Grand Jury contacted Riverside County's LAFCO to determine if the March JPA submitted March Joint Powers Utility Authority agreements and amendments to LAFCO. On December 19, 2023, Riverside County's LAFCO informed the Grand Jury, in writing, that it has not received any March Joint Powers Utility Authority agreements and amendments.

For over 30 years (April 1994 to December 2023), the March JPA failed to submit legally required March JPA agreements and amendments to the California Secretary of State, California State Controller, and Riverside LAFCO. (See Illustration 6 for a list of March JPA agreements and amendments.)

⁴⁴ California Legislative Information, California Government Code §6503.5 (d). URL is located at https://leginfo.ca.gov/faces/codes_displaySection.xhtml?sectionNum=6503.5.&lawCode=GOV. Accessed February 7, 2024.

⁴⁵ California Legislative Information, California Government Code §6503.8. URL is located at https://leginfo.ca.gov/faces/codes_displaySection.xhtml?sectionNum=6503.8.&lawCode=GOV. Accessed January 31, 2024.

Illustration 6
March JPA Agreements and Amendments

Dates	Agreement & Amendment Documents	Submitted to State (Yes or No)
September 7, 1993	Original March JPA Agreement	Yes
February 28, 1994	JPA Agreement Amendment 1 ("Quorum")	Yes
February 28, 1994	JPA Agreement Amendment 2 (Financial Issues)	No
November 14, 1994	JPA Agreement Amendment 3	No
July 25, 1995	JPA Agreement Amendment 4	No
May 7, 1997	Joint Use Agreement with US Air Force	No
February 21, 2001	Amendment 1 with U. S. Air Force	No
July 16, 2003	JPA Agreement Amendment 8	No
November 19, 2003	JPA Agreement Amendment 9	No
August 23, 2005	JPA Agreement Amendment 10	No
November 27, 2007	JPA Agreement Amendment 11	No
June 20, 2008	Amendment 2 with U. S. Air Force	No
March 16, 2011	JPA Agreement Amendment 12	No
October 15, 2014	JPA Agreement Amendment 13	No
April 18, 2023	JPA Agreement Amendment 14	Yes

*Source: The March JPA provided the Grand Jury with copies of these documents.
Only documents approved by the March JPA Commission appear in the list above.*

Bonds

Before counties and cities can issue revenue bonds, they need a majority of voters to approve issuing those bonds. However, California law allows JPAs to issue revenue bonds without voter approval if each of the JPA's member agencies adopts a separate authorizing ordinance for issuing those bonds.⁴⁶ Additionally, starting on January 1, 2008, state law prohibits JPAs from issuing bonds or incurring debt until JPA agreements and amendments are submitted to the California Secretary of State, California State Controller, and to the county's LAFCO.⁴⁷

On February 16, 2011, the March Joint Powers Redevelopment Agency approved Series 2011A and 2011B bonds with the principal amount of \$32,700,000. Five years later, the 2011 bonds were refinanced at a lower interest rate by the March Joint Powers Authority. (The March Joint Powers Authority is the Successor Agency for the March Joint Powers Redevelopment Agency).

⁴⁶ California State Legislature Senate Local Government Committee, "Governments Working Together A Citizen's Guide to Joint Powers Agreements," August 2007, p. 13. URL is located at

<https://sgf.senate.ca.gov/sites/sgf.senate.ca.gov/files/GWTFinalversion2.pdf>. Accessed February 20, 2024.

⁴⁷ California Legislative Information, California Government Code §6503.5 (d). URL is located at

https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=6503.5.&lawCode=GOV. Accessed February 7, 2024.

On May 4, 2016, the total principal bond amount was \$33,095,000 which includes insurance cost.

According to California Government Code §6503.5 (d), the March JPA should have submitted its March JPA agreements and amendments to the California Secretary of State, California State Controller, and to Riverside County's LAFCO *before* issuing the 2011 bonds. Likewise, the March JPA was required to submit additional March JPA amendments *before* commencing refinancing the 2011 bonds in May 2016. Nevertheless, the March JPA informed the Grand Jury, in writing, that the refinancing of the 2011 bonds in 2016 was approved by the Riverside County Oversight Board on May 9, 2016, and approved by the California Department of Finance on July 5, 2016.

Annual Financial Audits

California Government Code §6505(a) requires the March JPA to conduct annual financial audits, and those audits must follow "generally accepted auditing standards." Annually, the March JPA arranges, with an external professional auditing firm, for three annual audits: (1) March Joint Powers Authority, (2) March Joint Powers Utility Authority, and (3) March Inland Port Airport Authority. March JPA annual audits for 2019, 2020, 2021, and 2022 are available to the public on the March JPA website.⁴⁸

The professional auditing firm used by the March JPA indicates that, "Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinions."⁴⁹

California Government Code §6505(c) requires the March JPA to submit its annual audits to the Riverside County Auditor-Controller's Office. The Riverside County Auditor-Controller's Office notified the Grand Jury that it has received copies of March JPA annual audits.

The March JPA notified the Grand Jury, in writing, that it has not arranged for any other type of audit (e.g., internal audit, performance audit, operational audit, or forensic audit).

March JPA's Land Development Authority Sunsetting

The conversion of the March Air Force Base from an active military installation to the March Air Reserve Base resulted in the surplus of approximately 4,400 acres of land adjacent to the cities of Moreno Valley, Perris, and Riverside. Over the past 30 years, the March JPA developed much of

⁴⁸ March Joint Powers Authority, "Documents and Forms," 2023. URL is located at <https://marchjpa.com/documents-forms/>. Accessed December 18, 2023.

⁴⁹ Rogers, Anderson, Melody, & Scott, LLP, Certified Public Accountants June 30, 2022, p.2. URL is located at <https://marchjpa.com/wp-content/uploads/2023/06/2022-MJPA-Annual-Financial-Report-05-15-2023.pdf>. Accessed February 28, 2024.

that property. Now, the March JPA Commission has taken steps to terminate its land use and reuse authority effective on July 1, 2025.⁵⁰

One of those steps approved was to transfers land use authority, public works, policing, and fire protection to the County of Riverside.⁵¹ City officials in Moreno Valley, Perris, and Riverside will no longer be involved in land development decisions even though their cities will be financially affected by those decisions.

It seems improbable that a land development project as large as the one proposed for the West Campus Upper Plateau will proceed without unexpected occurrences happening. For example, the March JPA and/or developer may want to modify the current land development proposal. Modifying the proposal would undoubtedly result in the revision of the Second Amendment to the West March Disposition and Development Agreement.

Three decades ago, Riverside County residents entrusted the March JPA to develop all 4,400 acres of surplus land. The West Campus Upper Plateau property proposal involves 817.0 acres of land entrusted to the March JPA. By releasing its land use and reuse responsibilities to Riverside County before the West Campus Upper Plateau property is fully developed, the March JPA is disregarding its responsibilities to current Riverside County residents.

CONCLUSION

Governmental transparency refers to the availability of information to the public. A transparent governmental agency provides the public with easily accessible, timely, and complete information about topics related to the operation of that governmental agency. Transparent governmental agencies inspire trust in elected officials and the policies, procedures, and decisions they make on behalf of residents. The more transparent, the more trust is generated.

When considering governmental transparency, how does the March JPA do?

- As required by California's Brown Act, the March JPA conducts public meetings, posts agendas online, and the public can express their opinions during "Public Comment" periods. However, it is difficult to hear March JPA Commissioners, March JPA staff members, and public speakers when they do not use a microphone.
- Public meetings occur on an irregular basis.
- Public meeting minutes are available to the public, but only months after the public meetings occurred.
- The March JPA livestreamed its Commission meetings during the pandemic but terminated that practice once the COVID-19 State of Emergency was over.

⁵⁰ Document provided by March JPA. Fourteenth Amended Joint Powers Agreement between the Cities of Moreno Valley, Perris, and Riverside and the County of Riverside for the Formation of the Joint Powers Authority to Formulate and Implement Plans for the Use and Reuse of the March Air Force Base," April 18, 2023.

⁵¹ March JPA Commission Meeting, "MIPA - MIPAA - SA - Reports, Discussions and Action Items," October 26, 2022, Agenda Item 11 (1), pp. 379-393. URL is located at <https://marchjpa.com/wp-content/uploads/2022/10/10262022-regular-jpc-meeting1.pdf>. Accessed March 6, 2024.

- March JPA public meetings are accessible to the public but only if the public attends those meetings in-person.
- March JPA public meetings are not video recorded and accessible to the public.
- The March JPA has advisory committees, but it does not have a permanent community advisory committee comprised of Riverside County residents.
- The March JPA website has historical and contemporary documents available to the public. However, some documents are hard to find, difficult to search, and some documents are missing altogether.
- The March JPA does engage in outreach activities and seeks public comments on topics of interest to the public. However, it is not always easy to know when and where those sessions will be held.
- Since 1993, the March JPA has not submitted 12 legally required documents to the state, including documents required to be submitted before obtaining bonds.
- The March JPA has arranged for independent audits of its three authorities and made those audit documents available to the public via its website. However, the March JPA has not arranged for any other type of audit that would support transparency and efficiency.

In conclusion, the March JPA follows the letter of the law, but not the spirit of the law. The March JPA is transparent with the public but only marginally.

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.
- F-2 The March JPA complies with the California Brown Act.
- F-3 The March JPA Commission does not meet on a regular basis.
- F-4 The March JPA Commissioners infrequently seek a consensus on March JPA issues from other elected officials on their city council/board.
- F-5 It is difficult to hear comments in March JPA Commission and committee meetings when speakers do not use a microphone.
- F-6 There are lengthy delays between March JPA Commission meetings and meeting minutes approvals.
- F-7 Once the Governor terminated the state's COVID-19 State of Emergency, the March JPA discontinued livestreaming its March JPA Commission meetings.
- F-8 The March JPA Commission meetings are not video recorded.

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- F-9 The public does not have access to video recorded March JPA Commission meetings on the March JPA website.
- F-10 The March JPA provides information to the public in a variety of venues.
- F-11 The March JPA does not have a permanent community advisory committee comprised of Riverside County residents.
- F-12 The March JPA does not always place special public meetings on its website calendar.
- F-13 The public does not have access to important March JPA 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.
- 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.
- 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.
- 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.
- 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.
- 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.

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, 6, 7, 8, and 9
Financial Impact – Minimal

- 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
Financial Impact – Minimal
- 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
Financial Impact – Minimal
- 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, 8, and 9
Financial Impact – Minimal
- 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, 8, and 9
Financial Impact – Minimal
- 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, 8, 9, and 11
Financial Impact – Minimal
- 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, 13, and 14
Financial Impact – Minimal to Moderate
- 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
Financial Impact – Minimal

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, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, and 18
Financial Impact – Minimal

LEGALLY REQUIRED RESPONSES

California Penal Code §933.05 requires the March JPA to respond to Grand Jury findings and recommendations, within 90-days, to Riverside County’s Superior Court Presiding Judge.

Required Responses

Locations	Findings	Recommendations
March JPA Commissioners	3 through 19	1 through 9
City of Moreno Valley	4, 11, 16, & 19	2, 6, & 9
City of Perris	4, 11, 16, & 19	2, 6, & 9
City of Riverside	4, 11, 16, & 19	2, 6, & 9
Riverside County Board of Supervisors	4, 11, 16, & 19	2, 6, & 9

Invited Responses

Locations	Findings	Recommendations
City of Moreno Valley	3, 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, 17, & 18	1, 3, 4, 5, 7, & 8
City of Perris	3, 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, 17, & 18	1, 3, 4, 5, 7, & 8
City of Riverside	3, 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, 17, & 18	1, 3, 4, 5, 7, & 8
Riverside County Board of Supervisors	3, 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, 17, & 18	1, 3, 4, 5, 7, & 8

Report Issued: 4/10/2024

Report Public: 4/15/2024

Response Due: 7/10/2024

FY2023-2024 Grand Jury Report
March Joint Powers Authority: Marginally Transparent
April 10, 2024
Riverside County Board of Supervisors

GRAND JURY FINDINGS:

Grand Jury Finding #4:

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

Response to Grand Jury Finding #4:

Respondent agrees with finding.

The Board of Supervisors appoints two members of its body to the March Joint Powers Authority. The members have the individual discretion to make decisions as a member of the authority. In fact, the California Attorney General issued an opinion stating that an appointed member to a joint powers agency may even cast a vote on a matter before the JPA that may be inconsistent with a position of the legislative body who appointed the member. (83 Ops.Cal.Atty.Gen.267: 2000)

According to another opinion by the California Attorney General, independent due process issues could arise in certain circumstances relating to adjudicative matters. This could happen if the legislative body discusses with their appointee to the JPA about how to vote in a particular way. Secondly, due process could be an issue if the appointee relies, inadvertently or not, on evidence outside the record that is before the JPA. (104 Ops.Cal.Atty.Gen 34: 2021)

Further, requiring review from each of the governing bodies on matters before they are considered by the March JPA would be burdensome to the proceedings of each governing body, and add delay to the consideration of matters conducted by the JPA.

With all this said, nothing precludes the appointed member at their discretion to mention actions that have occurred or speak in general of issues surrounding the March Joint Powers Authority.

It should also be noted that any action that formally requires the Board of Supervisor's consideration is placed on the Board's agenda and is voted on by that legislative body. For example, *The Joint Powers Agreement Between the Cities of Moreno Valley, Perris and Riverside and the County of Riverside, Executed September 7, 1993*, and all the subsequent amendments were brought before the Board of Supervisors for

consideration. The most recent amendment (Fourteenth) was approved by the Board of Supervisors on April 18, 2023 (Item 3.10).

Grand Jury Finding #11:

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

Response to Grand Jury Finding #11:

Respondent agrees with finding.

The March JPA has not had a permanent community advisory committee since its creation in 1993. If a community advisory committee were to be formed, it would most likely follow the county's practice of residents that live within the subject area (March JPA current boundaries). This matter would need to be considered and implemented via an action of the entire March JPA, and not by the individual member agencies.

Grand Jury Finding #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.

Response to Grand Jury Finding #16:

Respondent agrees with finding.

According to the March Joint Powers Authority to the presiding judge dated May 20, 2024, the Authority acknowledges and agrees with this finding and states that they are currently in compliance. The County of Riverside has no additional comment.

Grand Jury Finding #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.

Response to Grand Jury Finding #19:

Respondent agrees with finding.

On April 18, 2023 (Item 3.10), the Board of Supervisors approved the *Fourteenth Amended Joint Powers Agreement Between the Cities of Moreno Valley, Perris and Riverside and the County of Riverside executed April 18, 2023*. The express purposes outlined in pages 4-5 reflect the change beginning July 1, 2025. The County of Riverside provides municipal services, including fire and police protection pursuant to a municipal services agreement. The *Amended Restated Municipal Services Agreement*

Between the County of Riverside and the March Joint Powers Authority was approved by the Board of Supervisors on April 18, 2023, for the effective dates of July 1, 2023- June 30, 2025, in the same item as previously mentioned.

GRAND JURY RECOMMENDATIONS:

Grand Jury Recommendation #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
Financial Impact - Minimal**

Response to Grand Jury #2:

Recommendation will not be implemented because it is not warranted or reasonable.

As stated in the response to Finding #4, the Board of Supervisors appoints two members of its body to the March Joint Powers Authority. The members have the individual discretion to make decisions as a member of the JPA. Having the Board of Supervisors act on and provide direction to the County JPA members would not be in keeping with their individual discretion, would raise due process concerns on JPA matters, and not be practical or reasonable to implement.

Grand Jury Recommendation #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, 8, 9, and 11
Financial Impact - Minimal**

Response to Grand Jury #6:

Recommendation will not be implemented because it is not warranted or reasonable.

As stated in response to Finding #11, the March JPA has not had a permanent community advisory committee since its creation in 1993. If a community advisory committee were to be formed, it would most likely follow the county's practice of residents that live within the subject area (March JPA current boundaries). This matter

would need to be considered and implemented via an action of the entire March JPA, and not by the individual member agencies.

Grand Jury Recommendation #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, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, and 18
Financial Impact - Minimal**

Response to Grand Jury #9:

Recommendation will not be implemented because it is not warranted or reasonable.

Please see response to F#19. The *Fourteenth Amended Joint Powers Agreement Between the Cities of Moreno Valley, Perris and Riverside and the County of Riverside executed April 18, 2023* (14th Amendment), by all member agencies in public meetings.

As outlined in the staff report for the Board of Supervisor's consideration, after thirty-one years the Authority's mission for the reuse of the subject property in the 3,500-acre area is near completion. The subsequent execution of the 14th Amendment provided direction for the Authority and the County of Riverside to begin the transition process of land use authority and continued provision of municipal (and countywide) services. This process is well underway with a year left to completion.

The Authority's mission will generally transition to the operation and management of the March Inland Port Airport; management of Green Acres residential property; disposition of property still owned by the JPA; responsibilities associated with successor agency of the former redevelopment agency; and continued responsibility for any other outstanding contractual obligations entered into by the JPA that would not otherwise be transferred to the County.