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TULARE COUNTY GRAND JURY REPORT 2014-2015

9. Dial-A-Ride demand-response service: A supplemental specific curb-to-curb pick up and drop off service. Reservations are generally required the day before service is provided. TCAT Dial-A-Ride service is currently listed as Monday through Friday with hours varying by service area. Visalia Transit Dial-A-Ride service is listed as Monday through Friday, 6:00 A.M. to 9:30 P.M., and Saturday and Sunday, 8:00 A.M. to 6:30 P.M.
10. Late buses is the most frequent complaint.
11. Complaints about the system are handled collaboratively by Tulare County or City of Visalia and their respective contractors. At this time, both TCAT and Visalia Transit have awarded transit operations contracts to the same firm.
12. Fare revenues are insufficient to finance the operation of both TCAT and Visalia Transit; therefore, their budgets must be augmented with additional funding sources. This is typical of all the transit operations not only within the County but statewide as well. Included in the many different funding sources are exterior bus wraps and other advertising and various local, state and federal subsidies and grants. Tulare County's Measure R also assists with the financing of transit operations in the County. The Measure R Transportation initiative, passed by voters in 2006, allocates 14% of its funds for transit, bike, and other environmentally friendly projects.
13. TCAT and Visalia Transit switched over to Compressed Natural Gas (CNG) to fuel their buses. The advantage of CNG is reduced fuel costs and produce cleaner emissions; however, maintenance and engine longevity issues are greater than when the fleet ran diesel fuel.
14. Grand Jury ridership survey results:
 - a) Riders - most riders polled use public transit frequently. They felt safe while on bus, breakdowns are rare, drivers have a professional appearance and are courteous, and the buses were clean. With the bus stops, riders reported that they were clean, with adequate numbers and locations. Scheduled time intervals were reported as adequate; however, buses arrived late on occasion.
 - b) Bus Drivers – The bus drivers indicated they drive from 6-1/2 to 9 hours per day. One specific route is assigned to each bus driver. They stated that the contractor keeps the buses on an adequate maintenance schedule. Bus Drivers noted there were few rider behavior problems, and company protocols pertaining to behavior, illness, violation of handicap and senior seating issues are established and in place.
 - c) Grand Jury member observations – bus conditions were clean, there were missing arm rests in one bus; parking areas were adequate, driving habits were good, ridership depends on time of day and route, all buses had handicap access, and some riders occupied senior and handicap seats.

FINDINGS:

- F1. With the given limitations of a rural setting, riders can still transfer between various transit systems and services with a reasonable amount of effort.

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- F2. As a whole, the transit system within Tulare County is providing fundamental transportation service for its citizens. The majority of transit users are able to move about within the county with a reasonable level of service. For citizens who do not own or drive a vehicle, public transit within Tulare County is a necessity for their commuting needs.
- F3. Because of the rural nature and lower levels of ridership in many locations, the public transit system does not provide comprehensive fixed-route service for the entire county. Dial-A-Ride provides a reasonable stop-gap for those not served with a fixed-route within close proximity. Reasonable expansion of the system as demand increases is expected.
- F4. Due to variables in traffic and rider demand, it is not always possible to arrive as scheduled. As per transit staff, due to riders setting their schedules based on bus arrivals, riders may miss their bus if it arrives and leaves earlier than published schedule.

RECOMMENDATIONS:

- R1. TCAT may consider revisions in rural schedules so as not to exclude certain south county unincorporated communities.

REQUIRED RESPONSES:

- 1. Tulare County Association /of Governments
- 2. Tulare County Area Transit
- 3. Visalia Transit

Disclaimer

Grand Jury reports are based on documentary evidence and the testimony of sworn or admonished witnesses, not on conjecture or opinion. However, the Grand Jury is precluded by law from disclosing such evidence except upon specific approval of the Presiding Judge of the Superior Court, or another judge appointed by the Presiding Judge (Penal Code Section 911, 924.1 (a) and 929). Similarly, the Grand Jury is precluded by law from disclosing the identity of witnesses except upon an order of the court for narrowly defined purposes (Penal Code Section 924.2 and 929).

TRANSPARENCY - OPEN MEETING LAW

BACKGROUND:

The Brown Act is the quintessential law governing public meetings in California. Authored by Assemblyman Ralph M. Brown and enacted in 1953, it guarantees the public's right to attend and participate in meetings of local legislative bodies.

The Brown Act, originally a 686 word statute that has grown substantially over the years, was enacted in response to mounting public concerns over informal, undisclosed meetings held by local elected officials. City councils, county boards, and other local government bodies were avoiding public scrutiny by holding secret "workshops" and "study sessions." The Brown Act originally applied to California city and county government agencies, boards, and councils. Additionally, the comparable Bagley-Keene Act mandated open meetings for State and local government agencies including school district boards of trustees, community services districts and planning commissions.

The introduction to the Brown Act describes its purpose and intent:

In enacting this chapter, the Legislature finds and declares that the public commissions, boards and councils and the other public agencies in this State exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly. The people of this State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.

REASON FOR INVESTIGATION:

Over the past five (5) years, the Tulare County Grand Jury has received no fewer than twenty-three (23) citizen complaints involving alleged violations of the State's open meetings laws. These complaints allege such violations as:

- a. failure to post agendas in the manner prescribed which is, in most cases seventy-two (72) hours in advance of the scheduled start time of the meeting
- b. failure to post notice of the continuation of a suspended/recessed meeting in the prescribed manner
- c. failure to make public documents pertaining to meeting agenda items available for public scrutiny in the prescribed manner

METHOD OF INVESTIGATION:

In the 2014-2015 term, the Grand Jury has interviewed complainants and relevant public officials in an effort to determine whether or not and/or to what extent violations did in fact occur. Additionally the Grand Jury reviewed relevant public documents.

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FACTS:

1. Repeatedly, the Grand Jury was confronted with situations in which, by the time the complaint was received and processed, sufficient time had passed so as to make it exceedingly difficult to determine with certainty whether a violation had indeed occurred. Thus placing all but the most flagrant violations in a category of “He said, she said.”

FINDINGS:

- F1. Adherence to the provisions of California’s “open meetings” laws requires diligence on the part of public officials; vigilance on the part of those they serve; and good faith on the part of both.

RECOMMENDATIONS:

- R1. All Tulare County public agencies strictly adhere to the provisions of California open meetings laws.
- R2. All elected/appointed members of Tulare County special districts, school boards, planning commissions, etc. participate in Tulare County Counsel’s annual board training.
- R3. The eight incorporated cities in Tulare County convey the findings of this report to all public boards within their jurisdiction.
- R4. Tulare County Local Agency Formation Commission (LAFCO) convey the findings of this report to all the agencies within their jurisdiction.
- R5. Tulare County Office of Education (TCOE) convey the findings of this report to all the school districts within their jurisdiction.

REQUIRED RESPONSES:

1. Local Agency Formation Commission (LAFCO)
2. Tulare County Office of Education (TCOE)
3. Eight incorporated cities in Tulare County;
 - a. Dinuba City Council,
 - b. Exeter City Council
 - c. Farmersville City Council
 - d. Lindsay City Council
 - e. Porterville City Council
 - f. Tulare City Council
 - g. Visalia City Council
 - h. Woodlake City Council

4. Board of Supervisors

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