

This document is an extract of a larger publication.

civilgrandjury.org is a project of UnGovr.org, a US-based 501(c)(3) nonprofit dedicated to government transparency and public accountability.



**HEALTH &
WELFARE**

MAIN JAIL INSPECTION

BACKGROUND:

The Main Jail was built in the 1960's in the collinear style with all cells in a row. It is a four story building with a fenced exercise yard on the fourth floor. The Sheriff's Offices are on the main floor. Janitorial functions are performed by the staff and inmates. The Main Jail is no longer inspected by the California Board of State and Community Corrections (BSCC) Title 15 and Title 24 of the California Code of Regulations because of its age. Maintenance was reduced due to the premise that a new facility was in the planning stages.

REASON FOR INVESTIGATION:

Penal Code §919(a) and §919(b) of the California Code authorizes the Grand Jury to inquire into jails and public prisons within the county. Verbal complaints by two inmates were made to members of the Grand Jury during the investigation of a non-related complaint. The nature of the verbal complaint were the deplorable conditions of all showers, toilet areas, and inmate common areas.

METHOD OF INVESTIGATION:

The Grand Jury inspected the Main Jail on September 18, 2014 with subsequent visits on October 27, 2014 and December 18, 2014. All inspections of toilet areas, showers, and inmate common areas were unannounced. The Grand Jury requested all maintenance records.

FACTS:

SEPTEMBER 18, 2014 – FIRST VISIT

1. Paint falling from ceiling and walls.
2. Black Algae and mildew in the corners of the showers.
3. Gang writing on the toilet stall walls in black pen.
4. Soap spots all over toilets.
5. Six used bars of soap were found on the shower floors.
6. Several mats missing from the showers. The existing mats were tattered and in a filthy condition.
7. Shower curtains were torn, ripped and in poor condition.
8. Showerheads leaking.
9. Used disposable razors laying around.
10. Water on the floor from the shower overflowing into the adjacent room.
11. Rust on metal in showers.

OCTOBER 27, 2014 – SECOND VISIT

1. Rusting vents in the shower areas.
2. Rust on metal in showers.
3. Several mats missing from the showers. The existing mats were tattered and in a filthy condition.
4. Paint falling from ceilings and walls.
5. Black Algae and mildew in the corners of the showers.
6. Excessive scum was present in the toilet and shower areas.
7. Shower curtains were torn, ripped and in poor condition.
8. Shower exhaust fans were rusted and basically non-useable.
9. Paint was peeling from the ceilings, walls and floors.
10. Floor drains were partially clogged because of paint chips, soap, and hair scum.
11. There was a distinct odor within the shower area.
12. Policies or procedures related to cleaning inmate facilities were not available.

DECEMBER 18, 2014 – THIRD VISIT

1. Efforts have been made to remove Black Algae, mildew, and scum.
2. A policy and procedure was established following the October 27, 2014 inspection.
3. Shower curtains have been changed.
4. New shower stall mats have been ordered.
5. Shower ceilings and walls have been scraped of all loose paint.
6. New procedures requires staff and inmates to clean inmate facilities two to three times per day.
7. Temporary fans are now being utilized to help circulate air near the shower areas.
8. Bids are being accepted as of January 2015, for all specified improvements.
9. The County is utilizing a product called “Bathroom Brite E-San 64” for cleaning the showers at the Main Jail.
10. A Weekly and Daily Maintenance Log is now being utilized.
11. The following is a copy of the Daily Maintenance Log form.

TULARE COUNTY GRAND JURY REPORT 2014-2015

Tulare County Main Jail Facility

Floor: _____

Location	Complete	Comments
Elevator Landing		Swept, mopped, walls wiped down and free of all debris
Bull Pen / Deputies Office		Swept, mopped, walls wiped down and free of all debris
Tier One Cell Areas		Enforce Inmate Rules and Regulations. Cells clean, beds made, walls free of all debris and contraband
Tier Two Cell Areas		Enforce Inmate Rules and Regulations. Cells clean, beds made, walls free of all debris and contraband
Tier Three Cell Areas		Enforce Inmate Rules and Regulations. Cells clean, beds made, walls free of all debris and contraband
Tier Four Cell Areas		Enforce Inmate Rules and Regulations. Cells clean, beds made, walls free of all debris and contraband
Showers / Lights / Plumbing Chase		Clean after each use, free of all debris including used soap, trash and excess water. Upon completion of daily showers, detailed cleaning will be conducted by utilizing the appropriate chemicals/supplies.
Barbershop		Swept, mopped, walls wiped down and free of all debris. Hair clippers shall be secured inside office when not in use.

Deputy: _____ **Date:** _____

TULARE COUNTY GRAND JURY REPORT 2014-2015

FINDINGS:

- F1. During the first inspection, the Grand Jury found the showers, toilet areas, and common areas in poor condition.
- F2. During the second inspection, the Grand Jury found the showers, toilet areas, and common areas had minimal improvements.
- F3. Distinct odor gave problems with air quality during the second inspection; several members of the Grand Jury inspection team experienced eye irritation, difficulty breathing and coughing during and for a short time after leaving the facility.
- F4. Tulare County Grand Jury is also concerned about air quality within the building for the inmates and the Sheriff's Deputies.
- F5. Prior to the third inspection, the Sheriff Department had developed Weekly and Daily Maintenance Logs due to the request of the Grand Jury following the second inspection.
- F6. During the third visit there were noticeable improvements in the air quality of the showers and toilet areas.
- F7. During the third inspection, the Grand Jury discovered conditions had dramatically improved.

RECOMMENDATIONS:

- R1. Continue to follow the new policies and procedures as established by the Tulare County Sheriff's Office.
- R2. The Tulare County Sheriff's Office needs to follow-up on systematic monitoring of air quality.
- R3. Continue to pursue contract process for Main Jail improvements.

REQUIRED RESPONSES:

- 1. Sheriff – Coroner
- 2. Board of Supervisors

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).

TAKING CARE OF OUR VETERANS

BACKGROUND:

The Tulare County Veterans Services Office (TCVSO) provides services to veterans and their family members regarding pensions and claims. The TCVSO is the local advocate for the veterans. All services are free to the veterans. Veterans can walk in and get an Identification Card, and immediately file a claim for benefits.

REASON FOR INVESTIGATION:

The Grand Jury maintains a history of investigating county agencies. The 2014-2015 Tulare County Grand Jury reviewed the operations and facilities of the TCVSO.

METHOD OF INVESTIGATION:

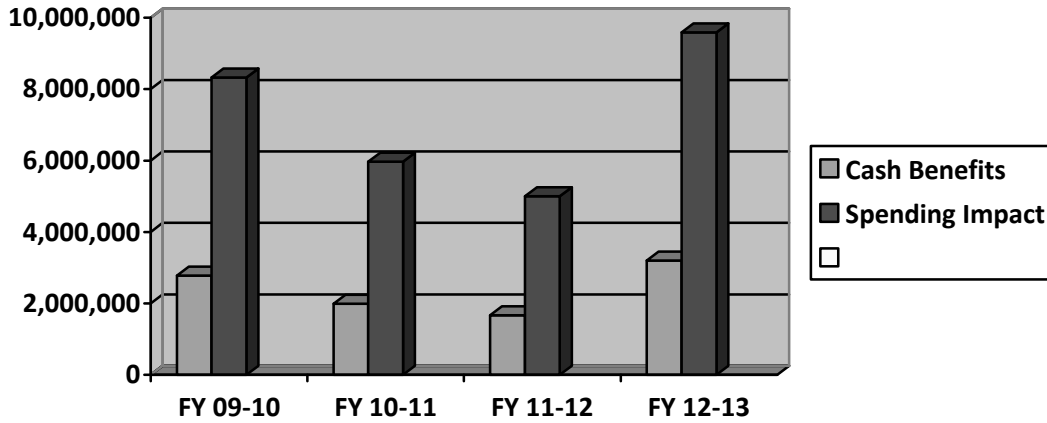
In September 2014, members of the Grand Jury took a tour of the Veterans Service Office. Members of the Grand Jury also interviewed representatives from Tulare County Health & Human Services Agency.

FACTS:

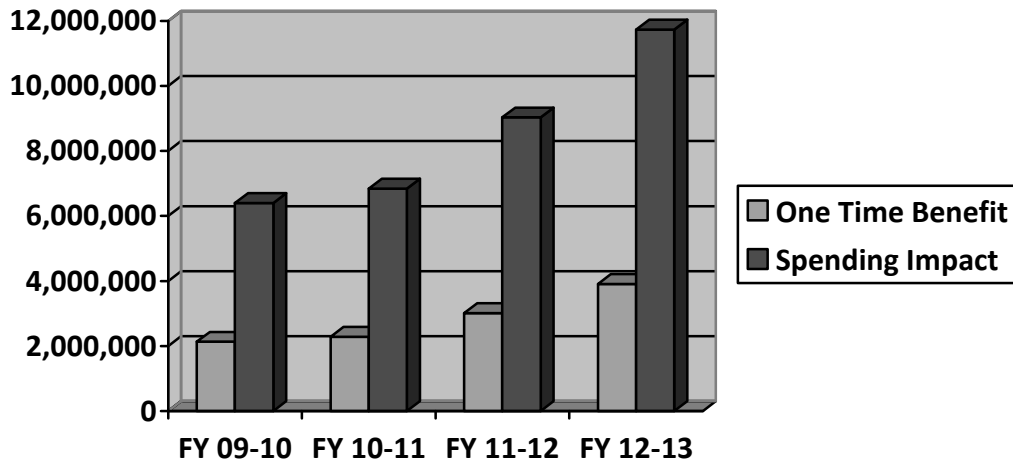
1. The TCVSO is a part of the Aging Services Department of the Tulare County Health & Human Services Agency, but their salaries are reimbursed by the Veterans Administration to Tulare County.
2. Office hours are Monday – Thursday 7:30am – 5:00pm and Friday 8:00am – 12:00pm. The TCVSO requests that a client attempt to make an appointment by calling (559) 684-4960, but they will take walk-ins.
3. TCVSO serves all of Tulare County; however, most clients live in Visalia, Tulare and Porterville.
4. To be credentialed as a Veterans Service Representative, an individual must receive training by an organization such as Cal-Vet or the Order of the Purple Heart. The American Legion will also grant accreditation to qualified individuals.
5. Training conferences are held three times a year for five days each. Training is rotated among the staff each year. Staff must attend training each year to maintain 16 Continuing Education Units (CEU) to retain National Accreditation. The Supervisor has seven different accreditations and each of the Service Representatives have two accreditations at the time of the Grand Jury visit.
6. A Veterans Service Officer writes an article for the Visalia and Tulare newspapers every third Saturday, and on the Health and Human Services website for veterans.
7. In Fiscal Year 2013-2014, the TCVSO assisted a total of 2,611 veterans, which averaged 218 per month and 11 per day.

TULARE COUNTY GRAND JURY REPORT 2014-2015

8. Veterans assisted by this office were awarded a total of \$4,141,553 in benefits, including retroactive benefits.
9. Historical Summary of Benefits – Continuing Cash Benefits and Spending Impact in Tulare County in dollars



10. Historical Summary of Benefits – Veterans One Time Benefits and Spending Impact in Tulare County in dollars



TULARE COUNTY GRAND JURY REPORT 2014-2015

11. The annual Veterans Opportunity Day is April 22, 2015, and will be held at the Tulare Memorial Building in Tulare. A wide variety of activities, benefits and opportunities will be available that day for all veterans in Tulare County.
12. TCVSO has an Outreach Program – bus wraps and bill boards to the rural areas, making contact with approximately 18,000 veterans in Tulare County by a Veterans Service Officer:
 - a. Monthly Porterville visits
 - b. Visalia Senior Center
 - c. A 60 ft. bill board in Ducor
 - d. North Valley bus wraps: one side in English and the back in Spanish
13. New advertising campaign “IF YOU SERVED – YOU EARNED” being shown at theaters and on television commercials for veterans to check with their local Veterans Service Office to see if they qualify for benefits.
14. Veterans Court was created as an alternative sentencing program for combat veterans who have committed a crime, with no criminal record prior to combat. It serves our veterans, many who suffer from Post-Traumatic Stress Disorder (PTSD), substance abuse, or psychological problems stemming from active service. In order to benefit from Veterans Court, the Veteran must plead guilty, participate in 18 months of mentoring and mental health programs, pay any fines, and attend monthly meetings. There have been 16 graduates since they started the program in April 2010 and not one has relapsed. Three are to graduate in March 2015. There is a Judge presiding over Veterans Court. The Veterans Court Program is a collaboration between agencies which include:
 - a. Tulare County District Attorney
 - b. Tulare County Probation Department
 - c. Tulare County Superior Court
 - d. Tulare County Veterans Service Office (TCVSO)
 - e. Department of Veterans Affairs (VA)
 - f. Central California Health Care System
 - g. Veterans Counseling Clinic
 - h. Law Enforcement Agencies throughout Tulare County
15. At this time, the TCVSO does not have enough space to meet the needs of the veterans. The building is currently owned by Am-Vets and there are no other available spaces that could accommodate TCVSO.
16. At this time, when a veteran requests water, a Veterans Service Officer will utilize a disposable cup to retrieve the drinking water from the restroom sink faucet.

TULARE COUNTY GRAND JURY REPORT 2014-2015

FINDINGS:

- F1. Private offices are crucial for the interview process of the veterans.
- F2. The Tulare County Veterans Medical Clinic has also overgrown its current location in Tulare and is searching for new facilities.
- F3. It is the goal of the TCVSO to relocate within close proximity of the Tulare County Veterans Medical Clinic. According to the TCVSO, these two veterans facilities need to remain in close proximity.
- F4. TCVSO facility is for the exclusive use of veterans with its own entrance and exits.
- F5. Benefits to all veterans are available, but a portion of the veterans are unaware of what they are entitled to.

RECOMMENDATIONS:

- R1. Drinking fountain or water dispenser to be provided for the clients visiting the TCVSO.
- R2. Once the relocation of the Medical Clinic is determined, a search for a new TCVSO facility shall be in close proximity with private offices for counseling.

REQUIRED RESPONSES:

- 1. Director, Tulare County Health and Human Services Agency

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).

TEEN PREGNANCY EDUCATION AND AWARENESS

BACKGROUND:

Teen pregnancy is an issue which concerns many Americans. In the United States, there were 305,388 babies born to mothers aged 15 years to 19 years old for the year 2013. Certain medical problems, for example, pregnancy-induced high blood pressure and preeclampsia (a dangerous medical condition that combines high blood pressure with excess protein in the urine) tend to occur more frequently with teen births than with women in their 20's or 30's. Teen mothers are also more likely to give birth prematurely and have babies with low birth weight, both of which increases the baby's risk of health and developmental problems. Teen mothers are also more likely to suffer from postpartum depression than women who have given birth in their 20's and 30's.

Issues more likely to plague teen mothers include social, educational, and financial. The loss of education also has an effect on wage potential of the women later in life. The cost to pregnant teens is high over an extended period of time. The overall cost to the California taxpayer is estimated to be over one billion dollars annually.

REASON FOR INVESTIGATION:

Teen pregnancy is a significant issue with serious impacts to the community. Tulare County has consistently been in the top three counties in the State for high teen pregnancy rates. It is for this reason the 2014-2015 Tulare County Grand Jury decided to investigate various public agencies within the County in regards to teen pregnancy programs.

METHOD OF INVESTIGATION:

The Grand Jury reviewed the following aspects of teen pregnancy: assistance available for pregnant teens, effectiveness of teen pregnancy programs, teen pregnancy impact on school attendance and educational programming, and pregnancy prevention.

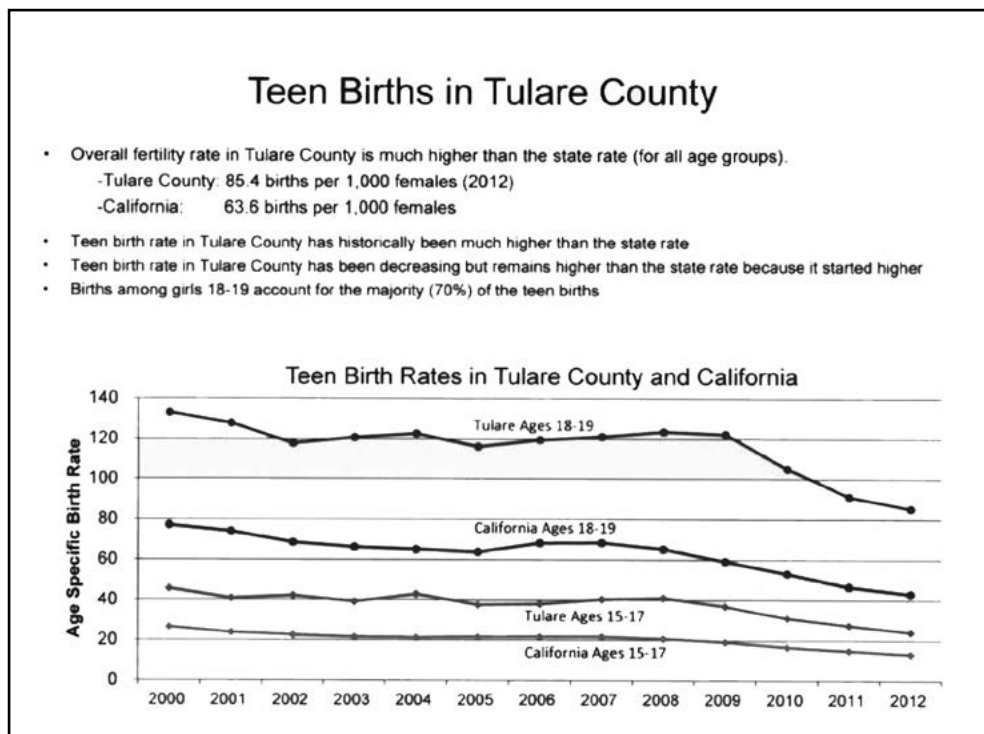
The Grand Jury reviewed numerous documents provided by local agencies, newspapers and other media sources, and via internet websites. These documents provided statistics, program details, resources, and other relevant information. Staff members from different branches of the Tulare County Health and Human Services Agency were interviewed. Representatives from the Tulare County Office of Education were also interviewed. Members of the Grand Jury visited various middle and high schools within Tulare County, interviewing staff and reviewing various educational materials.

FACTS:

1. Nationally, half of teenage mothers will not graduate high school. According to information from the U.S. Census Bureau, high school graduates annually earn \$10,386 more than those who drop out of school. Finding a job is harder for high school dropouts, with a nearly four percent (4%) higher unemployment rate as of September 2012.

TULARE COUNTY GRAND JURY REPORT 2014-2015

2. Approximately two percent (2%) of women who have a baby before age 18 will obtain a college degree by age 30.
3. The San Joaquin Valley region has the highest teen pregnancy rates (15-19 years of age) in California with Tulare, Kings, and Kern Counties consistently fluctuating between first, second, and third place.
4. Tulare County had the second-highest teen pregnancy rate in the State of California during 2013, with 64 births per 1,000 female population 15-19 years of age.
5. Tulare County's teen pregnancy rate has been steadily dropping with the rest of California over the last several years. Statewide, teen pregnancy rates have dropped approximately in half over the last 20 years.
6. The pregnancy rate for 18-19 year old teens (adults) in Tulare County is significantly higher than the state average. The rate for the 15-17 years age range (minors) is closer to the state average (see chart).



HEALTH AND HUMAN RESOURCES AGENCY (HHS) PROGRAMS

7. The Cal-Learn Program serves welfare recipients under 19 years of age who are custodial parents or pregnant. The purpose is to encourage teen parents to stay in or return to high school or an equivalent program and earn a diploma or its equivalent.
8. Cal-Learn is a mandatory program for those who are under 19 years of age, receive cash assistance through Cal-WORKS, are pregnant or reside with his or her child in the same qualifying family, and have not obtained a high school diploma or equivalent.
9. The Cal-Learn Program provides financial incentives to those who stay on the program. These financial incentives will be removed if the participant drops out.
10. The Adolescent Family Life Program (AFLP) is available to pregnant or parenting teens. Goals of AFLP are to help the young parents give birth to a healthy baby, complete their education, avoid future unplanned pregnancies, and develop good parenting skills.
11. AFLP is offered to girls up to age 18 and boys up to age 20. Teens work with a Social Service Worker who provides guidance and resources.
12. The HHS has an outreach program to help those with perinatal depression. There are effective and well-researched options for treatment available to teen mothers. The most common complication from childbirth is perinatal depression. Often referred to as perinatal mood and anxiety disorders, symptoms can appear any time during pregnancy or up to 12 months after childbirth and are experienced by women regardless of age.
13. For Fiscal Year 2013-2014, there were a total of 269 pregnant teens on the Medi-Cal program in Tulare County. Of these, 192 were 18 to 19 years of age and 77 were 15 to 17 years of age.
14. For Fiscal Year 2013-2014, there were a total of 203 pregnant teens which were recipients of the CalFresh program in Tulare County. Of these, 150 were 18 to 19 years of age and 53 were 15 to 17 years of age
15. For Fiscal Year 2013-2014, there were a total of five Foster Care recipients who had been pregnant. Three were age 17, one was age 18, and one was age 19. None were 15-16 years of age. As of this writing, there are no pregnant teens in the Foster Care program.

SCHOOLS AND EDUCATION (GENERAL):

16. A \$357,000 sex education grant was given to seven organizations in the San Joaquin Valley by the state in 2014, was shared between Fresno, Kings, Madera, and Tulare Counties. The goal of the funding was to reduce teen pregnancy rates through education.

TULARE COUNTY GRAND JURY REPORT 2014-2015

17. Teen pregnancy rates at Orosi High School are reported to have dropped 50% from 2010 to 2014 with teen pregnancy awareness outreach funded by grant awards.
18. California Education Code 51933 states, “school districts may provide comprehensive sexual health education”. California Education Code 51934 states, “...all pupils in grades 7 to 12, inclusive, receive HIV/AIDS prevention education ...at least once...in middle school and at least once in high school.”

TULARE COUNTY SCHOOL SURVEYS:

19. All the schools visited by the Tulare County Grand Jury met the California State requirement to teach HIV/AIDS prevention once in middle school and once in high school.
20. The classroom teachers or Tulare County Office of Education (TCOE) staff taught the HIV/AIDS lessons after receiving at least two days of training by TCOE.
21. Parents are notified by a school letter prior to starting an HIV/AIDS and sexual education unit in the classroom.
22. All parents are given a choice whether their student should take the class.
23. The curriculum was decided by the local school board. The following HIV/AIDS instruction was implemented at some of the schools the Grand Jury visited:
 - a. Positive Prevention HIV/STD Prevention for California Youth
 - b. Focus on Youth
 - c. Making Proud Choices
 - d. Making a Difference
 - e. American Red Cross/Center for Disease Control
24. The following teen pregnancy prevention programs were in place at the schools the Grand Jury visited:
 - a. Positive Prevention Plus Supplemental Program
 - b. Choices Prevention Program
 - c. Health Science Adolescent Center for Disease Control
 - d. California State National Health Standards
 - e. Safe – Jim Sullivan Prevention Program
25. When asked by the Grand Jury, school personnel outlined factors which seem to affect the teenage pregnancy issue:

TULARE COUNTY GRAND JURY REPORT 2014-2015

- a. Limited Education - Student Dropouts
 - b. Family Structure – Single Parents, Drug or Alcohol Issues
 - c. Economics – Below poverty level
 - d. Social Media – Movies, Internet usage, etc.
 - e. Television Programs – “Teen Mom” and “16 and Pregnant”
26. School personnel identified a wide disparity in race and ethnicity, with rates among both African Americans and Hispanic teens remaining twice as high as other ethnic groups.
27. School personnel interviewed by the Grand Jury expressed their concerns that not enough parents were talking to their teenagers about pregnancies because they felt uncomfortable discussing the topic. Therefore, these parents felt the schools should handle this topic because of the training teachers received in that specific area.
28. School staff indicated that they did not provide counseling to young women facing an unintended pregnancy. School personnel did encourage the young women to talk to their parents and to stay in school.

FINDINGS:

- F1. The majority of teen pregnancies in Tulare County are occurring with mothers 18-19 years of age. While still included in teen demographics, this age group is also considered adults.
- F2. While having a significantly higher rate than the state average, teen pregnancy rates have been steadily dropping in Tulare County.
- F3. The HHSA has numerous programs in place for pregnant teens and teen mothers. The majority of these programs assist teens after they are pregnant. Less focus was apparent in teen pregnancy prevention.
- F4. Although it may be difficult to prove a direct link, it is widely recognized that economic inequality, social marginalization and other structural factors affect teens’ sexual behavior patterns. How these behaviors are linked with teens’ race or ethnicity, educational achievements or family income is difficult to prove.
- F5. There was a wide disparity in race and ethnicity, with rates among both African Americans and Hispanic teens remaining twice as high as among other ethnic groups.

RECOMMENDATIONS:

- R1. Increased coordination between public agencies within Tulare County involved with the teen pregnancy issue.

TULARE COUNTY GRAND JURY REPORT 2014-2015

R2. School Districts increase outreach for educating parents on more direct participation on the teen pregnancy issue.

REQUIRED RESPONSES:

1. Tulare County Office of Education
2. Tulare County Health and Human Services Agency

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).

JUSTICE

AB 109 & COMMUNITY CORRECTIONS PARTNERSHIP

BACKGROUND:

Assembly Bill 109 (AB 109) – The public Safety Realignment Act of 2011, was passed into law in March 24, 2011, and is also known to the public as Criminal Justice Realignment. The effective date of the law was October 1, 2011. The law changed how the criminal classifications of probation would be determined. Community Corrections Partnership (CCP) is a coalition of Tulare County entities formulated to work together for the greater good of the county.

REASON FOR INVESTIGATION:

The Tulare County Grand Jury decided to look into the Community Corrections Partnership and see the progress they have made since AB109 was implemented.

METHOD OF INVESTIGATION:

On October 10, 2014, a presentation was made to the Grand Jury by a representative of the Probation Department. Details of AB 109 were presented and the changes to criminal classification of probation or parole status, which affects the Probation Department and Sheriff’s Department funding. Visalia Police Department representatives made a presentation to the Grand Jury and the impact on criminal re-classifications. Members of the Grand Jury also attended two meetings of the CCP. Members of the Grand Jury also visited with representatives of the Sheriff’s Department for additional information on AB 109.

FACTS – AB 109:

1. AB 109 shifted the responsibility for the supervision of offenders released from the California Department of Corrections and Rehabilitation (CDCR) from State Parole to Probation Departments for a period of post-release supervision. These offenders are referred to Post Release Community Supervision (PRCS). The offenses being dealt with are non-serious, non-violent and non-sexual.
 - a. No offender was released early.
 - b. Offenders in this category were previously released on non-supervised parole (January 25, 2010 through September 30, 2011)
 - c. Offenders, who are in the PRCS program and who break the terms of their probation i.e. use of drugs, not attending meetings, etc. may be ordered to 15 days of “flash incarceration” in lieu of technical violation proceedings.
 - d. Should a violation occur by an offender, they are not returned to CDCR and are sentenced to serve in county jail.

TULARE COUNTY GRAND JURY REPORT 2014-2015

2. AB 109 shifted responsibility for the management of all offenders whose most recent conviction was for a non-serious, non-violent and non-sexual offense to the counties. These offenders are no longer eligible for a commitment to CDCR but are subject to:
 - a. Formal probation
 - b. Local prison term in county jail – referred to as a straight sentence, cannot serve more than the mandatory term with ½ time credits.
 - c. Local prison term in county jail with a period of mandatory supervision – referred to as a split sentence, cannot serve more than the mandatory term with ½ time credits for custody days.
 - d. Mandatory supervision only (balance of sentence suspended).
3. When AB 109 went into effect, Bob Wiley Detention Center had 200 extra beds available at the Pre-Trial Center.
4. County jails are designed to house inmates up to a one year sentence and are not equipped for long term housing or critical/chronic illnesses.
5. Formal Felony Probation (violent offenders) is independent of AB 109.
6. In Tulare County, split sentencing averages 64-65% of all sentences handed down, but the State average for split sentences is only 22%.
7. Mandatory probation is four months of supervision.
8. Judges were educated in sentencing with the changes in AB 109.
9. Penal Code §1170(h) is the classification code for AB 109 Prisoners.
10. No one leaves probation without hygiene items i.e. tooth brush, soap, brush/comb and a place to live.
11. When released from State Prison, the average age of an inmate is 24-32. In prison there are no rehabilitation services.
12. AB 109 is funded through Vehicle License Fees with individual county allocations historically based on a formula driven by Bay Area counties. A more equitable formula has been established that will go into effect Fiscal Year (FY) 2015/2016.
13. Budget Summary:
 - a. Tulare County Probation had \$5.1 million in FY 2013 and received \$4.8 million in FY 2014.
 - b. Tulare County Probation has projected that 15% of the jail population will be affected by AB 109.

TULARE COUNTY GRAND JURY REPORT 2014-2015

- c. Funds are based on jail population, which fluctuates daily, so there is no way to precisely estimate funding.

14. AB 109 Tracking Data Sheet is maintained by the Probation Department.

FACTS – COMMUNITY CORRECTIONS PARTNERSHIP (CCP):

15. Tulare County CCP consists of:

- a. Chief Probation Officer (Chair)
- b. District Attorney
- c. Public Defender
- d. Sheriff
- e. Director of Health and Human Services
- f. Visalia Chief of Police
- g. Court Administrative Officer

16. Tulare County was adversely affected by the state funding formula by receiving less funding.

17. CCP meets quarterly and all meetings are open to the public.

18. Previously the county had only one drug treatment facility and as of January 2015, Probation now has over 32 contracted drug treatment facilities.

19. Drug Court is a program within the courts to monitor drug offenders. Drug Court is not funded but the time is donated by the Courts, Health and Human Services Agency, etc.

20. Mental Health Court is a program within the courts to monitor the mentally ill and they assist with Social Security Insurance, glasses, clothes, regular visits to counseling, etc. In order to qualify, participants in the program must have had no prior incidents.

21. Probation initiated the use of CareerScope, an Interest and Aptitude Assessment Tool and has personnel within the Probation Department to assist with job development of probation clients. An internet portal will be developed to assist probation clients in job search and preparation. Many employers in Tulare County are willing to hire probation clients and the employers are partially reimbursed a percentage of the employees pay.

22. According to criminal studies the uneducated, unskilled, and those on drugs/alcohol and the poor fit more crime profiles.

23. CCP members had the opportunity to meet with Governor Brown on February 22, 2014, to discuss AB 109 and CCP in Tulare County.

TULARE COUNTY GRAND JURY REPORT 2014-2015

24. If an individual is placed on probation, law enforcement may use risk assessment for a custom based plan for each individual. There is a need to find alternatives to help: family intervention, helping people help themselves.
25. The status of PRCS offenders through June 30, 2014:
 - a. 1,125 released to local control
 - b. 395 currently active
 - c. 7 warrants outstanding for failure to report following release
 - d. 31.5% recidivism rate
26. Status of Penal Code §1170(h) Cases through June 30, 2014:
 - a. 1,128 - Penal Code §1170(h) eligible sentencing
 - b. 35.22% straight sentences vs the state average of 22%
 - c. 64.8% received a split or alternative sentence
 - d. 559 split sentence offenders released
 - e. 25.9% recidivism rate

FINDINGS:

- F1. In Tulare County many Judges were giving a straight sentence for the term in jail.
- F2. Due to overcrowding in the jail, split sentencing is encouraged versus straight sentence.
- F3. According to Governor Brown, Tulare County was used as the model for CCP.
- F4. Courts need more funding and the funding allocation will come later into play.
- F5. A study was conducted of 2008-2010 violators who went to prison and are profiled – common denominators were substance abuse.
- F6. Statistical data has shown that the administration of programs to be effective in reducing recidivism rates.

RECOMMENDATIONS:

- R1. CCP continue to provide the current services available to its clients.

REQUIRED RESPONSES:

1. Tulare County Community Corrections Partnership

TULARE COUNTY GRAND JURY REPORT 2014-2015

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).

**BOB WILEY COMPLAINTS DOWN
RECORDS UP!**

BACKGROUND:

Per Penal Code §919(b) the Grand Jury is mandated to inquire into the operation and management of all public prisons within the County. Several past Grand Juries received numerous complaints from the Bob Wiley Detention Facility inmates. Those complaints resulted in yearly reports and major improvements to the facility. Penal Code §925 states, “The Grand Jury shall investigate and report on the operations, accounts of the officers, departments or functions of the County...”

REASON FOR INVESTIGATION:

The 2013-2014 Grand Jury suggested that the current Grand Jury inquire into the Bob Wiley Detention Facility – Inmate Grievance Process. There was a significant decrease of complaints sent to the Tulare County Grand Jury.

Additionally, due to the last report written in 2008-2009, it was suggested by the 2013-2014 Grand Jury to investigate the storage of grievance records at the Tulare County Sheriff’s Department.

METHOD OF INVESTIGATION:

On August 22, 2014, The Grand Jury toured the Bob Wiley Detention Facility. Later, members of the Tulare County Sheriff’s Department were interviewed regarding the inmate grievance process. Relevant documents on grievances within the calendar year 2011 through October 23, 2014, Tulare County Sheriff’s Department Inmate Grievances Policy 613, and Inmate Grievance Procedure and form were received and reviewed. The past and present records of the Tulare County Sheriff’s Records Department were reviewed.

FACTS:

1. Tulare County Sheriff’s Department has a written Inmate Grievance Policy.
2. Tulare County Sheriff’s Department has an Inmate Grievance Procedure, including an Inmate Grievance Form.
3. Due to Health Insurance Portability and Accountability Act (HIPAA) law, the Grand Jury was not allowed to review any medical grievances.
4. Corizon Correctional Healthcare took over the medical services of the inmates commencing in July 2013.
5. The Grand Jury reviewed past Inmate Grievance Forms submitted by inmates.

TULARE COUNTY GRAND JURY REPORT 2014-2015

	2011	2012	2013	2014
Bob Wiley Detention Facility				
Medical Grievances	186	272	311	219
Regular Grievances	205	220	223	171
Total	391	492	534	390
Pre-Trial Facility				
Medical Grievances	75	174	102	53
Regular Grievances	21	36	35	17
Total	96	210	137	70
Men's Correctional Facility				
Medical Grievances	1	2	41	10
Regular Grievances	1	1	5	3
Total	2	3	45	13

6. The Bob Wiley Detention Facility Grievance Records are stored on the premises for a period of one year. The records are then transferred to Central Record Storage with other facility records for four years.

FINDINGS:

- F1. Since Corizon Correctional Healthcare took over, there has been a decrease in inmate medical grievances.
- F2. Changes in kitchen management are also responsible for a significant decrease in grievances.
- F3. Correctional Staff now resolve grievances through outlined process and procedures for grievances of inmates. This has contributed to the decrease in grievances received by the Grand Jury.

TULARE COUNTY GRAND JURY REPORT 2014-2015

RECOMMENDATIONS:

1. None

REQUIRED RESPONSES:

1. None

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).

**THE DISTRICT ATTORNEY
WE ARE YOUR INVESTIGATIVE ARM**

BACKGROUND:

From the first days of horse and carriage in 1853 to current times of modern technology, the Office of the District Attorney has grown from one to over 60 attorneys. The Office of the District Attorney has evolved throughout time into an intricate part of our justice system. The District Attorney is an elected position, currently held by Timothy Ward. The Office of the District Attorney is divided into three bureaus. The Office of the District Attorney has approximately 200 employees working within these three bureaus of prosecution. These three separate bureaus have distinct job and caseloads: Bureau of Prosecution – General, Bureau of Prosecution – Special and Bureau of Prosecution – Investigation. The District Attorney is the public prosecutor and the chief law enforcement officer for the County. The District Attorney also provides advice and assistance to the Grand Jury in its investigation of citizen complaints.

REASON FOR INVESTIGATION:

The 2014/2015 Grand Jury, on its own initiative, looked into the functions of the Tulare County Office of the District Attorney.

METHOD OF INVESTIGATION:

On July 22, 2014, the Grand Jury requested and received information on the internal functions of the Office of the District Attorney. On August 15, 2014, visitors from the Office of the District Attorney visited the Grand Jury Office for a presentation to explain the jobs within the Office of the District Attorney.

FACTS:

1. The core function of the Office of the District Attorney is to be the prosecutor within Tulare County.
2. All criminal cases go to the Office of the District Attorney. A Senior Prosecutor will review all cases coming into the office to determine which Special Bureau of Prosecution it will be assigned.
3. There are three steps to the Interviewing and Investigation Process: investigative process, interviewing concepts, and documentation.
4. Current District Attorney created the Crimes Against Children Unit and partnered with law enforcement. This Unit deals with physical abuse and drug enforcement. This unit has a “living room” instead of an office in order to make the children as comfortable as possible. The same person does all the interviewing of the children for consistency and comfort of the children and gives the healing process for the child an ongoing chance.

TULARE COUNTY GRAND JURY REPORT 2014-2015

5. During 2013, the current District Attorney restructured the office similar to the Army.... departmentalized ideals. Due to the restructuring of the Office of the District Attorney, they have the most senior office positions compared to prior history.
6. In 2013, the District Attorney assisted the Tulare County Superior Court system with restructuring for better co-ordination of how the daily courts were planning the calendar.
7. Press releases go out on a daily basis of filed charges and every day hundreds of cases go to court.
8. The Office of the District Attorney is focusing on a new Porterville facility, which will include a child witness room. The room will be set up for children and families to be comfortable.
9. The Porterville facility will help the number of cases heard, including juvenile cases when the minors are from South County.
10. The Office of the District Attorney is performing Outreach to the schools in Tulare County regarding domestic violence, teen dating, violence, date groping, etc.
11. The District Attorney may use his authority to charge the parent of a chronically truant student with a criminal misdemeanor, under Penal Code §270.1, when the guardian has failed to reasonably supervise and encourage the child's attendance at school.
12. The Office of the District Attorney issues all criminal subpoenas in Tulare County and the Sheriff's Office is responsible for serving each subpoena to the individual and/or entity.
13. The District Attorney will conduct investigations that are not to be handled by the Police or Sheriff's Department. For example: officer misconduct, corruption within a Police Department or a public official.
14. There are three principle components to all investigations and you must have two-thirds (2/3) of the following components:
 - a. Eyewitness Testimony- "saw/heard" received directly from the source. It is difficult to get hearsay into court, but it can lead to another source.
 - b. Physical Evidence – DNA, fingerprints
 - c. Admission or confession – Admission means I committed the crime, why and how.
 - d. You need 'a' and 'b' to get to 'c', which is the end result of a process of investigation.
15. Documentation for white collar crimes, such as embezzlement is very complex and produces volumes of evidence per case.

TULARE COUNTY GRAND JURY REPORT 2014-2015

16. The Office of the District Attorney Philosophy is “Improve Across the Board”.
17. The Office of the District Attorney does NOT follow up on anonymous complaints, but will refer the complaint onto another entity, if need be.
18. Number of felony, misdemeanor, and juvenile cases processed by Office of the District Attorney for Fiscal Years 2011 – 2013:

YEAR	Adult Felonies Submitted to DA	Adult Misdemeanors Submitted to DA	Juvenile Cases Submitted to DA
2011	7,173	14,817	2,278
2012	8,664	13,525	2,038
2013	8,310	14,242	1,947

19. Numbers of Cases Pled and Dismissals. These numbers include those offenders who had their case dismissed by the court for successfully completing pretrial diversion programs such as drug court, veterans court or mental health court for Fiscal Years 2011 – 2013:

YEAR	Pleas	Dismissals
2011	10,273	592
2012	12,339	607
2013	12,245	658

20. Number of total cases that went to trial for Fiscal Years 2011 – 2013:

YEAR	Felony Trials	Misdemeanor Trials
2011	75	68
2012	67	75
2013	67	71

21. There are currently 61 attorneys in the Office of the District Attorney. The following is the title and definition of each attorney position within the Office of the District Attorney.
 - a. District Attorney – To plan, organize, and direct the activities of the Office of the District Attorney.
 - b. Assistant District Attorney – To assist in administering the functions of the Office of the District Attorney; to serve as senior trial attorney in the prosecution of criminal cases.
 - c. Supervising Attorney – To plan, assign, and supervise the work of subordinate attorneys in the Office of the District Attorney and personally prosecute or act as defense counsel for complex and sensitive felony and criminal cases.
 - d. Attorney V – To perform professional legal work in the defense or prosecution of criminal cases.

TULARE COUNTY GRAND JURY REPORT 2014-2015

e. Attorney IV, III, II, and I – To perform professional legal work in the defense or prosecution of criminal cases.

22. The following chart illustrates the attorney headcount by position for each Fiscal Years 2011 – 2013.

POSITION	2011	2012	2013
District Attorney	1	1	1
Assistant District Attorney	2	2	2
Supervising Attorney	9	9	10
Deputy District Attorney V	13	12	13
Deputy District Attorney IV	16	12	15
Deputy District Attorney III	5	3	3
Deputy District Attorney II	5	5	10
Deputy District Attorney I	9	17	7
TOTALS	60	61	61

23. Attorneys are assigned to the Bureaus as follows:

a. Bureau of Prosecutions, General: 31

b. Bureau of Prosecutions, Special: 31

24. On average, the number of attorney and non-attorney employees are assigned to each division:

Division	Attorney Count	Non-Attorney Count
Gang Violence	7	3
Special Crime	8	4
Financial Crimes	8	24
Crimes Against Children	6	1
Special Operations	2	40
Victim/Witness	0	20
Forensic Mental Health	1	1
Public Admin Unit Assist.	1	1
Total	33	94

25. All attorneys hired are ‘at will’ employees.

26. The following chart illustrates all new hires within the Office of the District Attorney for Fiscal Years 2011 – 2013:

TULARE COUNTY GRAND JURY REPORT 2014-2015

POSITION	ANNUAL PAY	2011 COUNT	2012 COUNT	2013 COUNT
Deputy District Attorney I	\$53,695.20	4	4	7
Deputy District Attorney I	\$54,986.88	0	8	3
Deputy District Attorney II	\$60,494.72	2	0	0
Deputy District Attorney IV	\$85,575.36	0	0	1
Supervising Attorney	\$113,077.12	0	0	1
TOTALS		6	12	12

27. The following chart illustrates all attorney voluntary separations within the Office of the District Attorney for Fiscal Years 2011 – 2013:

POSITION	AVERAGE ANNUAL PAY	2011 COUNT	FY2012 COUNT	FY2013 COUNT
Deputy District Attorney I	56,417.92	1	0	2
Deputy District Attorney I	57,617.24	0	4	0
Deputy District Attorney II	66,782.56	1	0	0
Deputy District Attorney III	77,887.68	1	0	0
Deputy District Attorney III	74,129.12	0	2	0
Deputy District Attorney III	72,340.32	0	0	2
Deputy District Attorney IV	90,959.65	5	0	0
Deputy District Attorney IV	92,251.76	0	4	0
Deputy District Attorney IV	94,699.63	0	0	3
Deputy District Attorney V	99,316.88	2	0	0
Deputy District Attorney V	99,195.20	0	0	1
Assistant District Attorney	130,027.04	1	0	1
Supervising Attorney	113,077.12	0	1	2
District Attorney	168,170.08	0	0	1
TOTAL		11	11	12

28. As of Fiscal Year 2013, there are 114 non-attorney employees located within the Office of the District Attorney. The following chart illustrates the non-attorney headcount by position for Fiscal Years 2011 – 2013:

TULARE COUNTY GRAND JURY REPORT 2014-2015

POSITION	2011 COUNT	2012 COUNT	2013 COUNT
Account Clerk – Senior	2	2	1
Accountant II	1	2	0
Accountant III	0	0	2
Administrative Aide	2	2	1
Administrative Svc Officer III	1	1	1
Analyst – Staff Svc Officer II	0	0	1
Assist Chief Investigator – DA	2	2	3
Assistant Chief Investigator	1	1	3
Chief Investigator – DA	1	1	1
Child Interview Specialist	1	1	1
DA Grants & Program Coordinator	1	1	1
Graphics Specialist – DA	2	2	2
Investigative Auditor II	1	1	1
Investigative Technician I	6	6	4
Investigative Technician II	4	4	6
Investigator Aide	3	4	3
Investigator – Child Support	0	0	2
Investigator – Child Support – B	1	1	0
Investigator – Child Spt Supervisor	1	1	1
Investigator – DA	18	17	18
Investigator – DA – B	5	5	6
Investigator – Welfare	8	7	4
Investigator – Welfare, Supervisor	0	0	1
Legal Office Assistant I	5	6	5
Legal Office Assistant II	7	7	8
Legal Office Assistant III	15	14	14
Legal Office Assistant IV	2	2	2
Legal Office Assistant – Supervisor	4	5	5
Legal Secretary II	1	0	1
Legal Secretary III	2	1	1
Office Assistant II	1	1	0
Paralegal II	2	2	2
Prosecution Assistant	1	1	2
Subpoena Services Supervisor	1	1	1
Systems & Procedures Analyst I	1	1	1
Systems & Procedures Analyst II	1	1	1
Victim Witness Claims Specialist I	2	2	2
Victim Witness Claims Specialist II	1	1	1
Victim Witness Coordinator	1	1	1
Victim Worker I	3	3	2
Victim Worker II	3	2	2
Victim Worker – Supervisor	1	1	1
TOTALS	97	112	114

TULARE COUNTY GRAND JURY REPORT 2014-2015

29. The following chart represents a summary of the total Actual Revenue, total Expenditures/Appropriations and Net Cost for the Office of the District Attorney for Fiscal Years 2011 – 2013:

Section Total	2011	2012	2013-Estimated
Total Revenue	3,559,525	2,582,209	3,104,808
Total Expenditures/Appropriations	17,312,425	16,269,317	16,269,317
Net Cost	13,752,099	13,164,509	13,164,509

FINDINGS:

- F1. A portion of the Tulare County community is not aware of the operations of the Office of the District Attorney.
- F2. The Tulare County community has a right to know about the cases in the Tulare County court system.

REQUIRED RESPONSES:

- 1. District Attorney
- 2. Board of Supervisors

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).

TULARE COUNTY GRAND JURY REPORT 2014-2015

*THIS
PAGE
INTENTIONALLY
LEFT
BLANK*

LAND USE

FARMING WITH BIO-SOLIDS IN PORTERVILLE

BACKGROUND:

Porterville is Tulare County's third largest incorporated city with an estimated population of 55,174 (July 2013). Its 17.7 square miles of total area is located in the southeastern quadrant of the County approximately 51 miles north of Bakersfield and some 31 miles southeast of Visalia. Agriculture supplemented by the Central Valley Water Project has been the major source of economic growth in the area. The City is the center of a large farming area noted especially for citrus and livestock. Porterville is a charter city with a council-city manager form of government. In fiscal year 2014-15 the City had a budget of \$49,896,677 of which \$5,888,076 was allocated to the operation of the City's sewer system.

REASON FOR INVESTIGATION:

The Grand Jury received a citizen complaint alleging that the City of Porterville had failed to use proper procedures pertaining to requesting and reviewing proposals and subsequently entering into a lease agreement involving the farming of some 682.4 acres of land owned by the City. The lease agreement contained requirements that the lessee adhere to terms and conditions related to the dispersal of treated wastewater from the City's sewage treatment facility. The terms and conditions of wastewater dispersal stemmed from the City's "Bio-solids Management Plan" (BMP), monitored by the Regional Water Quality Control Board. The complaint also alleged that the City failed to take into consideration instances of non-compliance with provisions of previous contracts on the part of one of the respondents.

METHOD OF INVESTIGATION:

The Grand Jury interviewed Porterville City staff and studied various relevant documents, including the lease in question. The Grand Jury also viewed video footage of a Porterville City Council meeting during which information relative to non-compliance with the aforementioned BMP was presented.

FACTS:

1. In evaluating the proposals from prospective lessees, the City assigned a weighted value to each of four (4) criteria:
 - a. Farming experience (25 points)
 - b. Marketing and Sales Experience for Crops (5 points)
 - c. Recycled water irrigation and bio-solids application experience, quality of existing farming operations and response to Request For Proposal (RFP) (30 points)
 - d. Revenue accruing to the City from the lease (40 points)

TULARE COUNTY GRAND JURY REPORT 2014-2015

2. The criterion having the most value was criterion “d”
3. The City’s RFP included an addendum which, under normal circumstances, must be returned by each respondent in order to have their proposal considered.
4. One of the respondents failed to return the addendum within the prescribed time period.
5. The City Council received advice from legal counsel regarding the respondent’s failure to return the addendum and indicated this omission did not disqualify the respondent because it could be considered a waivable defect.
6. The City pursued redress of a previous instance(s) of non-compliance by filing a civil suit in Tulare County Superior Court which was consummated by a “Negotiated Settlement Agreement.”
7. Terms of the “Negotiated Settlement Agreement” effectively precluded the City from including the previous instances of non-compliance in the evaluation of future proposals submitted by the defendant in the suit.
8. The City has no formal schedule pertaining to lessee performance and compliance monitoring.
9. The City has discovered that the lessee has failed to adhere to the crop rotation requirements of the BMP and is, therefore, out of compliance with the terms of the lease.

FINDINGS:

- F1. The City’s contract administration and compliance monitoring relative to the lessee’s adherence to the provisions of the lease as well as the lessee’s compliance with the requirements of the “Bio-solids Management Plan,” displayed confusion and/or misunderstanding on the part of staff as to which City Departments had primary responsibility for the timing and collection of lease payments.
- F2. Although there was no misunderstanding as to which City Department has responsibility for monitoring compliance with the BMP, there are acknowledged shortcomings to the development and maintenance of schedules for performance reviews and the documentation thereof.

RECOMMENDATIONS:

- R1. The City implement a revised comprehensive performance evaluation process wherein the lessee(s) are more closely monitored.
- R2. The City define and implement detailed accounts receivable policies and procedures.

REQUIRED RESPONSES:

1. City of Porterville

TULARE COUNTY GRAND JURY REPORT 2014-2015

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).

LANDFILLS – TECHNOLOGY OF WASTE DISPOSAL

BACKGROUND:

Waste disposal in Tulare County has evolved appreciably since the 1950's when it was placed in ground pits and burned. Today the Tulare County Solid Waste Department, in accordance with the Tulare County Integrated Waste Management Plan, utilizes its latest comprehensive strategies to resolve the many challenges of county waste. United States Environmental Protection Agency (USEPA) standards are instrumental in driving decisions on how solid waste is managed. Household, electronics recycling, tire recovery, yard waste recycling, metal recycling and appliance recovery are included in the programs.

REASON FOR INVESTIGATION:

The 2014-2015 Tulare County Grand Jury on its own initiative, investigated Tulare County's waste management practices. The Grand Jury is aware that no report has been written within the past five years concerning landfills, which are in the jurisdiction of the Solid Waste Department.

METHOD OF INVESTIGATION:

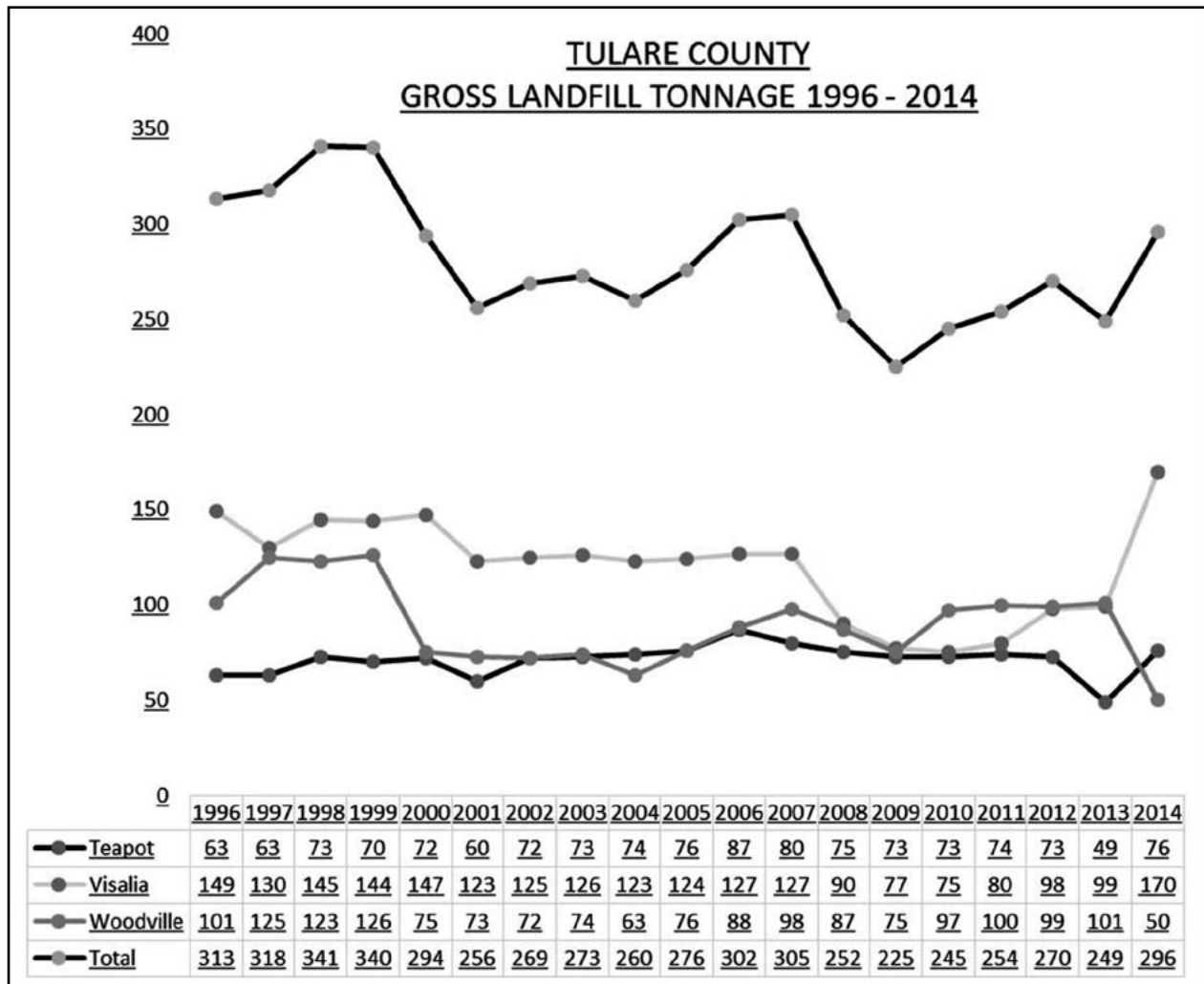
Members of the Grand Jury visited Visalia and Teapot Dome landfills. The Grand Jury interviewed employees of the Solid Waste Department, and reviewed specific documents.

FACTS:

1. A landfill is a carefully designed structure built into or on top of the ground which isolates trash from the surrounding environment; groundwater, air, and rain. A landfill is a very long construction project with finite volume of space for waste that takes many years (or decades) to complete. Landfills have a predetermined final shape when it is filled to capacity.
2. A sanitary landfill uses a clay or plastic liner to further isolate the trash from the environment. Visalia, Woodville (Tulare) and Teapot Dome (Porterville) are the sanitary landfills owned and operated by the County of Tulare.

The county landfills accept approximately 300,000 tons of waste recycling per year, an equivalent of about one ton per county resident annually.

TULARE COUNTY GRAND JURY REPORT 2014-2015



3. Tulare County currently operates Visalia Landfill, northwest of Visalia and Teapot Dome Landfill, southwest of Porterville, as well as six transfer stations.
4. The Woodville Landfill, southeast of Tulare was closed in the Spring of 2014. When Teapot Dome meets its capacity, it is anticipated that the Woodville Landfill will be reopened.
5. Building a new landfill is a long arduous job. Purchasing land, obtaining environmental impact reports, and dealing with litigation all drive the cost and time up.
6. Landfills are nonprofit and pay no taxes. Funds are generated by what comes in through the gate. Rates are set by the Tulare County Board of Supervisors.
7. The Tulare County Board of Supervisors oversees the budget for operation of the landfills. A large portion of the budget goes for the upkeep, purchase and maintenance of machinery and salaries.
8. Currently, rates are \$34.00/ton or \$15.00/pickup load. No money may be used from the Tulare County General Fund to maintain the landfills.

TULARE COUNTY GRAND JURY REPORT 2014-2015

9. Within the next three to four years a decision will need to be made about whether to have one large landfill with substations or two landfills. The preference of the county citizens will be influential in the final decision.
10. No hazardous waste is accepted by the Solid Waste Department. Both landfills have sensors in the liners to test for any buildup of methane gas or other toxic waste. Ground water probes in the soil check for leakage.
11. Batteries are picked up by a contractor, with most eventually ending up in Oregon. Independent contractors recycle much of the metal and various types of refuse, thereby allowing more room for additional refuse. Mattresses are a very difficult item for the landfills because they tend to float up to the surface. Plastic bags also create a problem at the landfills.
12. Visalia Landfill General Information:
 - a. Total Facility Area: 631 acres are permitted for refuse in two distinct units
 - b. Permitted Capacity: 18,630,666 cubic yards
 - c. Maximum Depth of Fill: Old area to West: 30 feet/ New lined area: 25 feet
 - d. Average Daily Tonnage: 730 tons (2000 tons maximum permitted per day)
 - e. Average Number of Vehicle trips per day: 300-350 trips (900 vehicle trips maximum permitted per day)
 - f. Days of Operation: 313 per year
 - g. Tipping Fees: \$34/ton or \$15/pickup load
 - h. Expected Life: 30-70 years, depending on the compaction and materials that are deposited
 - i. Funding for Operations: Tipping Fees
13. Teapot Dome Landfill General Information:
 - a. Total Facility Area: 122 Acres- 71 acres are permitted for refuse
 - b. Permitted Capacity: 7,880,307 cubic yards
 - c. Maximum Depth of Fill: 40 feet average
 - d. Daily Tonnage: 375 tons (600 tons maximum permitted per day)
 - e. Average numbers of vehicle trips per day: 160-200 trips (300 vehicle trips maximum allowed per day)

TULARE COUNTY GRAND JURY REPORT 2014-2015

- f. Permitted Days of Operation: 313 per year
 - g. Tipping Fees: \$34/ton or \$15/pickup load
 - h. Expected Life: 7-10 years, depending on the compaction and materials that are deposited
 - i. Funding for Operation: Tipping Fees
14. Current Transfer Stations include:
- a. Balance Rock Transfer Station
 - b. Badger Transfer Station
 - c. Camp Nelson Transfer Station
 - d. Kennedy Meadows
 - e. Pine Flat Transfer Station
 - f. Springville Transfer Station
15. Transfer station hours vary by location and seasons.
16. Solid waste is regulated under the umbrella of the USEPA.
17. Three California specific agencies are part of the USEPA: Cal Recycle, San Joaquin Valley Air Pollution Control District, and the Central Valley Regional Water Quality Control Board (CVRWQCB).

FINDINGS:

- F1. The biggest challenge to the operation of a landfill is containment, i.e. causing problems with the environment.

TULARE COUNTY GRAND JURY REPORT 2014-2015

Rates of Decomposition for Various Forms of Wastes

Paper	2-5 months
Orange Peels	6 months
Milk Cartons	5 years
Filter Tip Cigarettes	10-12 years
Plastic Bags	10-20 years
Leather Shoes	25-40 years
Plastic Containers	50-80 years
Disposable Diapers	75 years
Tin Cans	100 years
Aluminum Cans	200-500 years
Styrofoam	NEVER

- F2. Determining a landfill location requires an environmental impact study at the site. It can take up to twenty years and cost in excess of \$15,000,000.00 before a landfill can be authorized or operational.
- F3. Recycling programs are in place at both Teapot Dome and Visalia Landfills. Recycling programs include wood and yard waste, tires, construction and demolition debris, metal, and appliances and, as of January 1, 2015, mattresses.
- F4. In place are constant measures to monitor for methane, ground water and any pollutants that may leak from the landfills. These systems are mandated by state, federal and county laws which are in place forever.
- F5. Equipment such as a new Caterpillar D-7 Dozer costs \$800,000.00. This dozer is used for pushing, spreading, compacting waste and deploying Alternative Cover (ADC) Tarps (ADC reduces the amount of soil necessary for cover by use of tarps).

RECOMMENDATIONS:

- 1. None

REQUIRED RESPONSES:

- 1. Solid Waste Department

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).

MOONEY GROVE PARK

BACKGROUND:

Mooney Grove Park originated from a portion of land that had been settled by an early rancher named Benjamin Willis in 1853. Willis did not cut his trees and the Oaks still were densely populated on the property when Willis sold the land to Michael Mooney in 1878. In 1906, after Mrs. Mooney's death, the five Mooney children wanted to dispose of the forested land and invest their inheritance in more profitable endeavors.

The key figure was John Tuolny, one of the four Tulare County residents who led a campaign to have the county buy the property, and had a long interest in preserving local trees. In August 1909, county supervisors authorized the purchase of 100 acres from the Mooney heirs for a total price of \$15,000.

When sold, the agreement stipulated the land should be maintained as a public park for the enjoyment of everyone. It further held that none of the trees should be cut unless they were in an unhealthy condition, park improvement is needed, or railroad to be constructed or operated.

In December 1923, the Mooney heirs sold another 43 acres along the north edge of the park to the County for \$10,750. This land was purchased with no restrictive clauses.

The park remained the same size until 1963 when several acres of frontage land was sold to Caltrans to expand Highway 63 (Mooney Boulevard).

The Grand Jury has looked into Mooney Grove Park in the past: Interim Report 1981-82, 1985-86, 1992-93, 19934, 1997-98, and 2006-07.

REASON FOR INVESTIGATION:

The 2014-2015 Tulare County Grand Jury chose to investigate the state of affairs of Mooney Grove Park. Concerns were noted by the members of the Grand Jury of the condition of the park and the oak trees, and what the long term goals and strategies of the County to bring the health of the park back to its original condition.

METHOD OF INVESTIGATION:

The Grand Jury visited Mooney Grove Park and was met by park department staff. The Grand Jury members were shown the park and asked questions about the 20-year Conceptual Master Plan and park operations.

The Grand Jury interviewed members of the Department of Parks and Recreation and General Services staff.

TULARE COUNTY GRAND JURY REPORT 2014-2015

The Grand Jury reviewed documents; sales documents between Tulare County and the Mooney heirs, 20-year Conceptual Master Plan, Mooney Park Tree Inventory and Species Frequency Reports, William R. Allen Mooney's Oak Grove 1906-2003 (edition printing June 2003), Valley Voice Newspaper, and other appropriate sources related to Mooney Grove Park.

FACTS:

1. The August 1909 sales document designated the land shall be forever known and designated as Mooney Park, and shall be forever used and maintained as and for a public pleasure ground and park.
2. The park is commonly and widely known as Mooney Grove Park.
3. The August 1909 sales document did not state the land will be an oak preserve.
4. The August 1909 sales document states that, "... in the event of a failure on the part of the said party of the second part to observe or to comply with any of the said conditions or limitations, then the said lands together with all improvements thereon shall revert to and become the property of the said parties of the first part, their heirs and assigns".
5. There is a greater diversity of tree species now as opposed to when the park was sold in 1909.
6. Mooney Grove Park did have a zoo at one time, animals listed were bison, elks, badger, monkeys, bears and numerous birds. The Board of Supervisors agreed to discontinue the zoo in 1967.
7. There were dances in the pavilion until 1923 at which time they were deemed to be sinful and discontinued. Sources of activity then consisted of tossing horseshoes, swimming in the lagoon (also discontinued in 1923) and using the slides and swings.
8. In 1933, pony rides were sold for ten cents per ride. A pony ride and photograph were available for one dollar.
9. There were two statues at one time; The Pioneer and End of the Trail.
10. In 1934, Hugh M. Mooney, bequeathed to the Trustees of Mooney Park, Tulare, California five thousand dollars (\$5,000) to be spent as needed. Tulare County Officials designated the five thousand dollars were to be spent toward a museum.
11. The Tulare County Museum was formally dedicated in 1948.
12. In 1956, Dave Grove bought the ride concession from Doc Gilbert. Mr. Grove established Grove Amusement Rides. The rides went through a number of owners throughout the years. Over time, food concessions and amusement rides were discontinued.
13. Currently, a citizen group is interested in restoring Mooney Grove Park.
14. Due to the current drought, there has been an environmental impact to the park.

TULARE COUNTY GRAND JURY REPORT 2014-2015

15. Tulare County is currently looking at adopting a Mooney Grove Park 20-Year Master Plan.
16. Due to various reasons, the density of the Valley Oak trees in the park is slowly diminishing.
17. The County constructed an amphitheater along the eastern boundary of the park.

FINDINGS:

- F1. There have been a number of activities (e.g. dances, concessions, etc.) tried in the park that have failed to generate adequate funds to continue their operations.
- F2. The current drought has created an environmental impact to the park.
- F3. The tree species diversity has increased. County Officials wish to make the park trees more of an arboretum with species labeled, as opposed to an oak preserve.
- F4. Based on the Mooney Grove Park 20-Year Master Plan, new Valley Oak trees are to be planted away from the heavily used areas. County Officials are concerned about the potential dangers of heavy oak limbs.
- F5. Also addressed in the Mooney Grove Park 20-Year Master Plan, animals pose a problem with respect to the cleanliness of the sidewalks, tables, and benches.
- F6. Park fees, (entrance and arbor) only pay for part of the costs to operate the park; the rest is general funded. Entrance fees are collected only on Fridays, Saturdays, and Sundays.
- F7. There are currently a number of proposals for changes in Mooney Grove Park.
- F8. Presently, there are no food concessions or amusement rides within the park or museums.

RECOMMENDATIONS:

- R1. There should be more emphasis in planting Valley Oaks in the park.
- R2. The County should try to increase public awareness that the park is there and what the park offers.
- R3. The County should establish the optimum number of animals in the park, balancing Federal and State rules and the needs of the public for a healthy park environment.
- R4. Mobile vendors could be contracted to drive through the park to sell wares to give the public an opportunity to buy.
- R5. Increase marketing of the park for special events.

TULARE COUNTY GRAND JURY REPORT 2014-2015

REQUIRED RESPONSES:

1. Board of Supervisors
2. Tulare County General Services
3. Tulare County Department of Parks and Recreation

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).

SPECIAL DISTRICTS

CONFUSION AND CHAOS IN RICHGROVE

BACKGROUND:

Special Districts in the State of California first began as a means to meet the water needs of farmers in the San Joaquin Valley. Hampered by an inconsistent water supply, plus largely varying prices, farmers in Stanislaus County organized the Turlock Irrigation District under the Wright Act of 1887. The Wright Act allowed a majority of residents in an area to form a public entity for water delivery, and to finance its operation through the sale of bonds. The Turlock Irrigation District originated California's Special District Concept, and made it possible for San Joaquin Valley farmers, and others, such as Tulare County's Richgrove Community Service District (RCSD) to intensify and diversify their domestic and agricultural activities.

Richgrove, California is an unincorporated farming community located south of Porterville, California and is classified as a Census Designated Place in Tulare County, California. Census Designated Places are defined to provide data for settled concentrations of population that are identifiable by name but are not legally incorporated under the laws of the state in which they are located.

Richgrove's land area spans 0.452 square miles, is without surface water, and its boundaries are defined in cooperation with local officials and generally updated prior to each census taken every ten years. The population was 2,882 at the 2010 census, representing a slight increase over the 2000 census.

REASON FOR INVESTIGATION:

The 2013-2014 Grand Jury submitted a carryover request to the Presiding Judge for authorization to allow further scrutiny of the complaint. The Presiding Judge approved the request and the investigation was restarted by the 2014-2015 Tulare County Grand Jury.

The 2013-2014 Tulare County Grand Jury received a citizen complaint regarding action and non-action by members of the Richgrove Community Services District (RCSD) Board of Directors (Board). The RCSD has had problems in the past; an embezzlement indictment in 2008, inadequate internal controls were established to prevent similar problems from occurring again, and audits have not taken place from 2007-2011. Past Grand Juries have investigated similar matters pertaining to the district's operation.

METHOD OF INVESTIGATION:

The Tulare County Grand Jury began its 2014-2015 fiscal year by reviewing the previous jury's turnover documents.

The RCSD complaint process began with scheduled interviews with relevant witnesses of the district and a certified public accountant (CPA). The Grand Jury attended three Board meetings and reviewed documents provided by the RCSD during the course of its investigation. By-laws were subpoenaed but not received.

The Grand Jury attended two Board meetings.

TULARE COUNTY GRAND JURY REPORT 2014-2015

FACTS:

1. The Tulare County Grand Jury received a complaint regarding Board's fiscal accounting procedures.
2. A review of relative documents and inquiries has shown a history of a dysfunctional relationship between Board auditing procedures and a financial consultant's professional recommendations.
3. A county document, dated August 17, 2014, reports the RCSD has not filed their audits with the county for multiple years, (2007, 2008, 2009, 2010, and 2011) as required by California Government Code (Cal. Gov. Code) §26909. A RCSD representative informed the Grand Jury that a Limited Liability Partnership (LLP) was contacted to perform the audits for the years mentioned and that these reports would be available to the Grand Jury by September 2014. The Grand Jury has since been informed by the LLP that the preliminary audit report was not performed.
4. Penal Code §933.5 allows the Grand Jury to investigate a "special purpose assessing or taxing district", commonly referred to as a "Special District."
5. The complaint did not include allegations of willful misconduct, illegal activity, or acts of wrong doing on the part of the Board, although the complaint did warn that the prospect of wrongful action is heightened by RCSD's non-compliance with required auditing standards.
6. The Grand Jury consulted with the Tulare County District Attorney (DA) for their review of the complaint. The DA did not discover reasons that would warrant their follow up. The complaint was returned to the Grand Jury for further action.
7. A special district may, by unanimous request of the governing board of the Special District, with unanimous approval of the Board of Supervisors, replace the annual special audit with a biennial audit. In the event the district's annual budget does not exceed an amount specified by the Board of Supervisors, an audit covering a five year period may be approved.
8. Minimum requirements, which the State Controller must prescribe pursuant to Cal. Gov. Code §26909, requires that a Special District audit be filed with the State Controller and the county auditor. A professional independent Certified Public Accountant or public accountant undertaking an audit of a California Special District should have a sufficient knowledge and training to enable compliance with both the Generally Accepted Accounting Standards and the Generally Accepted Government Auditing Standards.
9. Pursuant to Cal. Gov. Code §61050 (b) and §61052 (a), the county treasurer of the principal county shall serve as the treasurer of the district, except as provided by Cal. Gov. Code §61053.
10. The Cal. Gov. Code §61053 provides that a Special District's Board Of Directors (SDBD) has authority to appoint a general manager and to designate an alternative depository, instead of The County Treasurer, by appointing a district treasurer who serves in place of The County Treasurer. As a result, the SDBD may appoint the same person to be the general manager and the district treasurer. Both positions serves at the pleasure of the SDBD. Compensation for these positions is set by the SDBD.

TULARE COUNTY GRAND JURY REPORT 2014-2015

11. The Cal. Gov. Code §61053 (3) further stipulates that the SDBD adopt a system of accounting and auditing that shall completely and at all times show the district's financial condition and that the system of accounting and auditing shall adhere to generally accepted accounting principles.
12. The Cal. Gov. Code §61051 requires the general manager of the district to be responsible for the supervision of the district's finances.

FINDINGS:

- F1. The Board has not submitted a financial audit in seven years. An anticipated five year preliminary audit has not been performed.
- F2. The Board has not shown sufficient knowledge and training to enable compliance with Generally Accepted Accounting Standards and Audits of State and Local Governmental Units publication.
- F3. Design or operational deficiencies of the Board internal control procedures adversely affect the district's ability to record, process, summarize and report financial data that would support minimum auditing requirements.
- F4. The RSCD Board has shown their dysfunction in parliamentary procedure and their compliance with The Brown Act is questionable. During the course of its investigation, the Grand Jury examined applicable laws and regulations pertaining to Special District requirements.

CONCLUSION:

1. The RCSD is not in compliance with proper study and evaluation of its existing internal control and financial organizational structure per established auditing code requirements.

RECOMMENDATIONS:

- R1. The Board will establish regular requirement for Richgrove Community Services District's officers to attend and practice the Tulare County Council Special District Government Basic Training concepts.
- R2. The Board will have knowledge and training to enable compliance with both Generally Accepted Accounting Standards and Generally Accepted Government Auditing Standards.
- R3. Pursuant to Cal. Gov. Code §61050 (b) and §61052(a), the Tulare County Treasurer shall become the treasurer of the RCSD, be the depository, and have custody of all district money.
- R4. The Board will require a legal advisor and financial consultant in attendance at board meetings.
- R5. Pursuant to Cal. Gov. Code §61053, the Board may petition for the resumption of its financial control once the county standards and educational recommendations have been met and approved by the Tulare County Local Agency Formation Commission.

TULARE COUNTY GRAND JURY REPORT 2014-2015

REQUIRED RESPONSES:

1. Richgrove Community Services District Board
2. Tulare County Board of Supervisors
3. Tulare County Local Agency Formation Commission

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).

SPECIAL DISTRICTS – AUDIT FAILURES

BACKGROUND:

Special Districts are authorized by the State of California and/or the Local Agency Formation Commission (LAFCO). After their creation, special districts became independent and, seemingly, unwatched.

Each independent special district has an elected (or appointed) board which acts as a separate self-regulated entity detached from city/county oversight. The Board members are responsible only to their constituents and to the state laws applicable to that specific district. These independent special districts are agencies that have been created by California law to perform a particular local governmental service. Tulare County is home to 112 independent special districts. This report does not review dependent districts that are set up by cities and the County solely to provide service, but focuses instead on the independent district.

The State of California Government Code (CGC) §16271(d) stipulates:

“A ‘special district’ means any agency of the state for local performance of governmental or proprietary functions with limited boundaries. A property tax rate is levied to pay for a service or improvement benefitting that area.”

A less complicated way to describe a special district is to say that it is a separate local governmental agency that delivers a limited number of public services to a geographically defined area. In Tulare County, the majority of these districts have to do with water.

Tulare County independent special districts and their boards must abide by all Federal and State laws, and are responsible to their constituents. As with all governmental agencies, independent districts must comply with the directives from the Office of the State Controller. The function of a district may bring it under other laws and statutes that further define responsible operation and governance of the district. For example, all fire districts in Tulare County and the Tulare County Mosquito and Vector Control district must follow sections of the Health and Safety Code (HSC) as well as the Government Code.

The district’s registered voters usually choose an independent special district governing body but the district board may be appointed by a city council and/or the Tulare County Board of Supervisors instead of being elected. Once in office, board members are responsible only to their constituents and not the appointing body.

REASON FOR INVESTIGATION:

Tulare County Grand Jury requested and received documents relating to the status of Tulare County’s special district audit requirements, pursuant to CGC §26909. This law requires independent special districts to have annual audits conducted by either the County Auditor or a Certified Public Accountant. The completed audit is then filed with the State Controller Office and with the County Auditor Office. The annual audit can be changed to a two year audit if approved unanimously by the district board or the Board of Supervisors under certain conditions.

TULARE COUNTY GRAND JURY REPORT 2014-2015

The Grand Jury seeks to ensure the public has sufficient information to fully address appropriate aspects of overseeing these districts as they provide service to the community by publishing this informational report. It is the residents of each district who must determine if their level of service is satisfactory, if the cost is reasonable and whether funds are allocated judiciously and appropriately within the respective district's budgets. In order to guarantee that each citizen has enough information to make these determinations, all actions of every district must be open and clearly visible to all concerned.

PROCEDURES FOLLOWED:

The Grand Jury interviewed knowledgeable persons within Tulare County government agencies and county special districts. Visits to district board meetings, observation of board parliamentary procedures, and onsite interviews were made. Telephone interviews with County executive officers and a thorough review of reliable documents was conducted during the jury's investigative process.

FACTS:

1. The Grand Jury's review of detailed documents pertaining to the County's special districts has revealed failures by many districts in meeting their minimum auditing governance, which the State Controller must prescribe pursuant to the aforementioned CGC §26909.
2. LAFCO is a regulatory agency with county-wide jurisdiction and provides limited oversight to special districts within the County. The Tulare County LAFCO (one of 58 located throughout California) was formed by State Law in 1963 to help State government manage the tremendous growth the state was experiencing at the time. Since 2003 all county LAFCOs have been required by State Law to prepare an information report called a *Municipal Service Review* (MSR) for each city and special district within their County. The MSR measures services, projects growth, financial capabilities, use of shared facilities and community service needs, and are completed by district on a five-year cycle determined by the district function.
3. The Little Hoover Commission is a bipartisan, independent investigative state body established by the State of California whose members are appointed by the Governor and the Legislature. The Commission's goal is to promote effectiveness and efficiency in programs within the State. It is sometimes called the *State's Grand Jury*. In its Report of May 2000, the Little Hoover Commission found that California's independent special districts often lacked the kind of oversight and citizen involvement necessary to promote their efficient operation and evolution. Its authors stated, "... without robust mechanisms of public accountability, inefficiency can become routine and the occasional scandal inevitable."
4. Tulare County instituted an education program for special district board members covering a variety of important topics such as the Brown Act and conflict of interest. The information is also posted on line at: <http://tularecounty.ca.gov/board/index.cfrn/governance/>.
5. Special District audits, as prescribe by the State Controller and pursuant to CGC §26909, is intended to adhere to minimum requirements, including proper study and evaluation of the district's existing internal control and financial organizational structure.

TULARE COUNTY GRAND JURY REPORT 2014-2015

FINDINGS:

- F1. LAFCO intent was to create county (or area) agencies that could bring order and planning into overlapping jurisdictional and service boundaries that were becoming common circa 1963.
- F2. During its research of independent special districts, the Grand Jury learned that reviews and investigations of special districts are not uncommon.
- F3. Many special districts are not complying with State mandated annual audits conducted by the County Auditor or a Certified Public Accountant.

RECOMMENDATIONS:

- R1. Tulare County Special Districts are required to comply with minimum auditing requirements as set forth by the State Controller. Records of such audits are to be filed with the County Auditor as further required by CGC §26909.
- R2. Tulare County Special Districts should undertake an audit conducted by the County Auditor or a Certified Public Accountant/public accountant:
 - a. Have sufficient knowledge and training to enable compliance with both generally accepted auditing standards and generally accepted government auditing standards.
 - b. Have a thorough knowledge of the fundamental principles of governmental accounting, including both fund accounting and enterprise accounting.
 - c. Comply with Government Auditing Standards as promulgated by the United States General Accounting Office when applicable (e.g., Single Audit Act, required by agreement or contract, etc.).

REQUIRED RESPONSES:

- 1. Local Agency Formation Commission
- 2. County of Tulare Auditor-Controller
- 3. The following Districts which have not filed their audit report with the County by the required due date:

TULARE COUNTY GRAND JURY REPORT 2014-2015

DISTRICT ONE

Eshom Valley Public Cemetery District
Kaweah Delta Water Conservation District
Lemon Cove Sanitary District
Lewis Creek Water District
Lindsay Local Hospital District
Lindsay-Strathmore Memorial District
Poplar Community Services District
Sequoia Memorial District
Three Rivers Memorial District
Three Rivers Public Cemetery District

DISTRICT TWO

Allenworth Community Services District
Alpaugh Community Services District
Atwell Island Water District
Deer Creek Storm Water District
Friant Power Authority
Teviston Community Services District
Tipton Community Services District

Tipton-Pixley Public Cemetery District
Tulare Irrigation District
Tulare Local Healthcare District

DISTRICT THREE

Delta Vector Control District
Kaweah River Power Authority District
Visalia Memorial District

DISTRICT FOUR

Dinuba Veteran’s Memorial District
Ivanhoe Public Utility District
Kingsburg Hospital District
Orosi Public Utility District
St. John’s Water District
Woodlake Veterans Memorial District

DISTRICT FIVE

Porterville Memorial District
Springville Veteran’s Memorial District
Terra Bella Memorial District
Vandalia Water District

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).

VISALIA PUBLIC CEMETERY – HEADSTONE FOR A LOVED ONE

BACKGROUND:

Public Cemetery Districts were established by California legislature in 1909 to meet the cultural and economic needs for the interment of human remains in the state. The Visalia Public Cemetery District (VPCD) is a public cemetery district formed in October 1943 to provide burial services for residents within its jurisdictional boundary. The VPCD area includes the communities of Visalia, Ivanhoe, and Goshen. It is governed by a Board of Trustees (Board) which is appointed by the Tulare County Board of Supervisors to three-year terms. The VPCD and its board are members of the California Association of Public Cemeteries (CAPC) and California Special District Alliance (CSDA). Locally, the district is a member of the Visalia Chamber of Commerce.

The VPCD currently maintains three cemeteries within their jurisdiction: Visalia Public Cemetery, Elbow Creek Cemetery, and Lone Oak Cemetery; however, new burials are only allowed at the Visalia Public Cemetery location. The first burial was recorded at the Visalia Public Cemetery on September 7, 1860. The site has grown over the years with the community and now covers approximately 68 acres.

All public cemetery districts, including the VPCD, are required to follow State of California Health and Safety Code regulations for operations and management. Public cemetery districts are also allowed to develop and adopt policies and rules as they see fit, as long as they do not conflict with state regulations. Additionally, much of the business affairs of public cemetery districts must adhere to the California Department of Consumer Affairs, Cemetery and Funeral Bureau requirements as well.

REASON FOR INVESTIGATION:

The 2014-2015 Tulare County Grand Jury received a citizen's complaint in regards to the installation of an upright above-ground memorial marker (headstone).

The Complainant alleged that the VPCD did not cooperate to facilitate the purchasing of a headstone from a non-local manufacturer (Vendor). The complaint described poorly written specification documents and the lack of communication for the clarification of these specifications.

When the headstone was built and delivered by the Vendor, the complaint states that the VPCD did not allow for it to be installed, citing improper dimensions. The Complainant also claims the VPCD has granted exceptions and allowed the installation of headstones which do not meet their criteria.

METHOD OF INVESTIGATION:

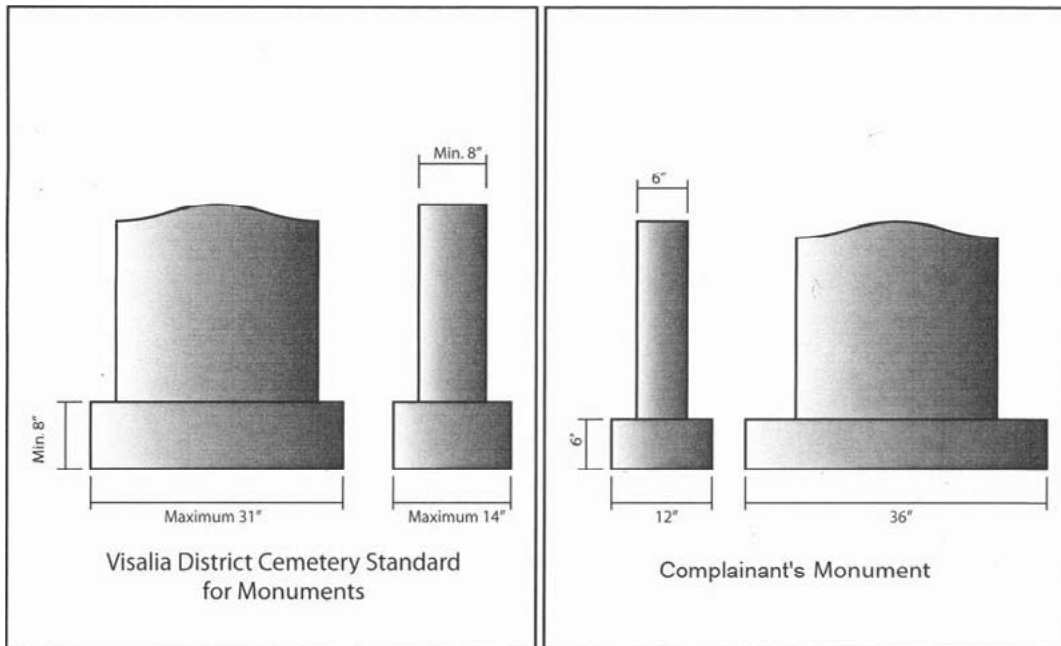
The 2014-2015 Tulare County Grand Jury (Grand Jury) investigated the issues of the complaint. Members of the Grand Jury visited the Visalia Public Cemetery on two (2) occasions and measured the headstones of a large number of gravesites. Emphasis was placed on noting dimensions, styles, and types of upright headstones installed after the adoption date for the current VPCD policies. The Complainant's headstone

TULARE COUNTY GRAND JURY REPORT 2014-2015

was observed and measured. Relevant witnesses were interviewed. Guideline material published for and provided by VPCD were reviewed, along with documents containing their standards and specifications. Various transactions, receipts, commercial advertisements, communications, letters, and other documents provided by pertinent sources were also scrutinized. Additional examination of relevant public codes and statutes, applicable government websites and news articles was also performed.

FACTS:

1. As per the California Department of Consumer Affairs - Cemetery and Funeral Bureau, public cemeteries must allow customers to purchase a headstone from the vendor of their choosing as long as it meets the cemetery's standards.
2. Public cemeteries may adopt standards for headstone specifications; therefore, they can and will refuse any headstone that does not meet their requirements.
3. The Visalia Cemetery District adopted standards July 1, 2003, which requires specific dimensions for the upright headstones. The principle reason for the revised standards is to assure sufficient material dimensions for improved durability.
4. All upright headstones measured by the Grand Jury that were installed after 2003 met VPCD standards; except two (2) styles: the "Pillow" Stone style, and headstones provided for veterans by the United States Department of Veterans Affairs (VA).
5. The "Pillow" Stone style is a shorter, trapezoidal-shaped stone which is thicker at the bottom and narrower at the top. The VA provides one standard of headstone for the veterans. These headstones are significantly thinner and narrower than the VPCD standards.
6. Communication between the Complainant and the Vendor containing pertinent headstone standards were made available to the Grand Jury.
7. Required headstone dimensions were sent from the Complainant and the VPCD to the Vendor.
8. The headstone which the Complainant purchased in 2008 is currently in storage. The cost of storage is accrued at the Complainant's expense.
9. The headstone received from the Vendor did not meet VPCD standards. (See illustration on next page)



FINDINGS:

- F1. Both the Complainant and the Vendor stated difficulty in understanding the dimensions within VPCD standards pamphlet.
- F2. Prior to the manufacture of the headstone, communication between the Vendor and the Complainant stated references to correct dimensions. Those references were not adhered to with the finished product received from the Vendor.
- F3. From information provided to the Grand Jury, despite the Complainant or the Vendor having some misunderstanding of the specification documents, there was evidence indicating an awareness of the proper dimensions for the headstone.

RECOMMENDATIONS:

- R1. Make a new pamphlet with drawing of all headstone with all specifications on each type of headstone.

REQUIRED RESPONSES:

- 1. Visalia Public Cemetery

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).

*THIS
PAGE
INTENTIONALLY
LEFT
BLANK*

GRAND JURY FORMS

Citizen Complaints

The Grand Jury receives complaints from Tulare County citizens concerning a variety of grievances. These complaints are assigned to one of the standing committees for action.

The Grand Jury may refuse to act on a complaint, particularly if the matter is under judicial review, appears to be more appropriate for action by another agency, or it is out of the Jury's purview. Grand Jury investigation reports (regarding complaints) are submitted to the entire jury with recommendation for action. A quorum of 12 jury members must approve the report. Some complaints may remain open for action by the following Grand Jury as deemed appropriate.

Submission of Complaint

Complaints should be in writing and legible. All normal attempts to resolve the problem should have been taken prior to the submission of the complaint. When these efforts have been proven unsuccessful, a complaint form should be prepared and submitted. These complaint forms may be requested and obtained from the Grand Jury office and this Web Site.

Content of Complaint

The complaint form available from the Grand Jury is designed to help an individual supply pertinent data regarding the reason for the complaint. It is easy to fill out and asks for information that is vital in helping the Grand Jury resolve the problem.

1. Identify yourself with your full name, correct mailing address and a phone number where you can be contacted during office hours.
2. Identify the nature of your complaint.
3. Identify all the people involved and how they might be contacted.
4. If needed, the location of the occurrence that precipitated your complaint.
5. Furnish originals or copies of documents and / or recordings that may support your allegation. *(according to Ca. Evidence Code 140 all submitted documents & recordings are evidence and will not be returned)*
6. Be specific in reporting the reasons for you claim. Avoid making broad statements.

Confidentiality

The *complainant's identity is rigorously guarded* and the Grand Jury is forbidden, by law, to release any information about investigations.

You will receive written acknowledgment of this complaint after it is received and reviewed by the Grand Jury. This acknowledgment will be mailed to the address on the form.

TULARE COUNTY GRAND JURY REPORT 2014-2015

Citizen Complaint Form

All complaints submitted to the Grand Jury are held in the strictest confidence

Tulare County Grand Jury

5963 So. Mooney Blvd.
Visalia, CA 93277
Phone: (559) 624-7295
Fax: (559) 733-6078

Date: _____

1. YOUR PERSONAL INFORMATION:

Name: _____ Res. Phone _____

Res. Address (City/Zip) _____

Work Location _____ Bus. Phone _____

2. PERSON OR AGENCY ABOUT WHICH THE COMPLAINT IS MADE:

Name/Agency: _____

Location or Address: _____

Phone: _____ Person in Charge (if agency): _____

3. OTHER PERSONS OR AGENCIES YOU HAVE CONTACTED ABOUT THIS PROBLEM:

<u>Agency and Location</u>	<u>Approximate Date of Contact</u>
_____	_____
_____	_____
_____	_____

4. BRIEF SUMMARY OF PROBLEM (Include names and dates of events, and agencies involved)

(Attach Additional Sheets if Necessary)

5. PLEASE SUBMIT COPIES OF CORRESPONDENCE AND / OR DOCUMENTS REGARDING YOUR COMPLAINT AND THE NUMBER OF PAGES SUBMITTED WITH YOUR COMPLAINT. (PAGES \ ATTACHMENTS)

TULARE COUNTY GRAND JURY REPORT 2014-2015

6. PERSONS YOU THINK SHOULD BE CONTACTED:

Name and Occupation: _____

Address: _____

Reason to Contact: _____

Name and Occupation: _____

Address: _____

Reason to Contact: _____

Name and Occupation: _____

Address: _____

Reason to Contact: _____

7. ACTION WHICH YOU BELIEVE WE SHOULD TAKE:

Excerpt from the Grand Juror's Oath: "...I will keep my counsel, and that of my fellow Grand Jurors and of the government, and will not, except when required in the due course of judicial proceedings or authorized by statute, disclose the testimony of any witness examined before the Grand Jury, nor anything which I or any other Grand Juror my have said, nor the manner in which I or any other Grand Juror may have voted on any matter before the Grand Jury..."

DUTIES OF THE CIVIL GRAND JURY

The Civil Grand Jury consists of a panel of nineteen jurors plus three or more alternates. Jurors serve a one-year term from July 1 through June 30. The Presiding Judge may continue up to ten jurors into a second one-year term.

The selection process of a prospective Grand Juror begins with the submission of a completed nomination questionnaire to the Courts by *mid April*. Between May and June, Tulare County Grand Jury Association and Presiding Judge of the Tulare County Superior Courts, reviews the questionnaires and evaluates a prospective juror's qualifications as required by California Penal Code §893. Prospective jurors are then interviewed and their names are placed in a pool to be drawn by lot.

The California Supreme Court described the duties of the grand jury in a 1988 case called *McClatchy Newspapers v Superior Court*, 44 Cal 3d 1162:

“The California grand jury has 3 basic functions: to weigh criminal charges and determine whether indictments should be returned (Penal Code §917); to weigh allegations of misconduct against public officials and determine whether to present formal accusations requesting their removal from office (Penal Code §922; and Government Code §3060 et seq.) and to act as the public's “watchdog” by investigation and reporting upon the affairs of local government (e.g. §§919, 925 et seq.) Of these functions, the watchdog role is by far the one most often played by the modern grand jury in California.”

California Penal Code §919(b)(c) states, “The Grand Jury shall inquire into the condition and management of the public prisons within the county.” It also states, “The Grand Jury shall inquire into the willful misconduct in office of public officers of every description within the county.”

California Penal Code §925 states “The Grand Jury shall investigate and report on the operations, accounts, and records of the officers, departments, or functions of the county including those operations, accounts, and records of any special legislative district or other district in the county created pursuant to state law for which the officers of the county are serving in their ex-officio capacity as officers of the districts.” It also states, “Investigations may be conducted on some selective basis each year.”

*For more information visit the Tulare County Grand Jury's website at:
www.tularecounty.ca.gov/grandjury/*

TULARE COUNTY GRAND JURY REPORT 2014-2015

2016 – 2017

TULARE COUNTY CIVIL GRAND JURY QUESTIONNAIRE

Pursuant to California Penal Code §893, the following questions must be answered:

STATUTORY QUALIFICATIONS: (Place a check in the appropriate box)

- No Yes Are you a citizen of the United States?
- No Yes Are you eighteen years of age or older?
- No Yes Have you been a resident of Tulare County for at least one year prior to the date of this application?
- No Yes Are you in possession of your natural faculties? Are you of ordinary intelligence and of sound judgment and fair character?
- No Yes Do you possess a sufficient knowledge of the English language?

STATUTORY DISQUALIFICATIONS: (Place a check in the appropriate box):

- No Yes Are you serving as a trial juror in any court of this State? If Yes, County _____
- No Yes Have you been discharged as a grand juror in any court of this State within one year prior to the date of this application? If Yes, County _____
- No Yes Have you ever been convicted of malfeasance in office or any felony or other high crime?
- No Yes Are you currently serving as an elected public official?

- Check one: () I am interested in serving on the Tulare County Civil Grand Jury for the fiscal year **2016-2017** and I understand the time commitment required.
- () I am unable to serve on the Grand Jury in **2016-2017**.
- () I am unavailable at this time, but would like to be considered for term **2016~2017**.

If you answered **NO** to any **STATUTORY QUALIFICATIONS** or you answered **YES** to any **STATUTORY DISQUALIFICATIONS**, you do not qualify. There is no need to continue or to return the questionnaire.

IF QUALIFIED, please continue and complete the questionnaire, returning it to the address listed on Page 4.

CALIFORNIA RULES OF COURT, Rule 10.625, regarding certain demographic data relating to regular grand jurors.
{Please check the appropriate box to the following}

- (A) Age range, please check the appropriate box: 18-25 26-34 35-44 45-54 55-64 65-74
- 75 and over (B) Gender: Male Female

(C) Please indicate your ethnic origin by circling one of the following (may select more than one):

- American Indian or Alaska Native Asian Black or African American Hispanic/Latino
- Native Hawaiian or other Pacific Islander White Other (please specify)_____

Decline to Answer

Place of Residence by Supervisorial District: District 1 District 2 District 3 District 4 District 5

TULARE COUNTY GRAND JURY REPORT 2014-2015

THIS QUESTIONNAIRE IS TO ASSIST THE JUDGES OF THE SUPERIOR COURT IN COMPLETING A LIST OF NOMINEES WHICH FAIRLY REPRESENTS A CROSS-SECTION OF OUR COMMUNITY. SOME OF THE QUESTIONS THAT MAY SEEM PERSONAL ARE NECESSARY IN ORDER TO ASSURE THE JUDGES THAT THE GROUP THEY NOMINATE, FROM WHICH THE FINAL NAMES WILL BE DRAWN, REPRESENTS VARIOUS AGE GROUPS, ECONOMIC, SOCIAL AND ETHNIC BACKGROUNDS.

PLEASE PRINT LEGIBLY

1. Full Name: _____ Date of Birth: _____
(First) (Middle) (Last)
2. Address (Phys.): _____ City: _____ Zip +4: _____
Address (Mail): _____ City: _____ Zip +4: _____
Residence Phone: () _____ Business Phone: () _____
Cell Phone: () _____ Fax Number: () _____
Email Address: _____
3. Occupation: _____
Employer: _____
If retired, previous occupation _____
4. Can you afford the time required to be a Civil Grand Juror (approximately 20 hours per week)? _____
If not, briefly state why not: _____
5. Do you have any physical or mental condition which would interfere with your ability to function as a Civil Grand Juror? _____ If yes, explain briefly _____
What accommodations would the Court need to provide to accommodate your physical or mental impairment?

6. Education (Circle highest grade completed):
6 (or less) 7 8 9 10 11 12 College: 1 2 3 4 5 6 7
Name of schools attended and degrees or certification attained: _____

7. Clubs or organizations: List any civic, service organizations or any volunteer work to which you belong.

8. Spouse / Domestic Partner Name: _____
Occupation: _____
If retired, list previous occupation you retired from: _____
Employer: _____
9. Are you or any immediate family member an appointed or elected public officer of any public agency? _____
If yes, explain: _____
10. Are you currently involved in any litigation (law suits) in this county? _____

TULARE COUNTY GRAND JURY REPORT 2014-2015

11. Are you or any of your immediate family members employed by the County of Tulare?
or any school district within the county? _____
If yes, where? _____
12. Do you have any significant problems reading or understanding the English Language? _____
13. Do you have any suggestions, comments or other matters you would like to bring to the judges attention in
connection with your application? _____
14. Please tell us about any special skills or abilities that you have which the judges should know about in considering
your application? _____

15. Please tell us why you are interested in serving on the Tulare County Civil Grand Jury. (Please attach additional
pages as needed) _____

16. Describe any background experience or skills you have which would be helpful to grand jury service (i.e., computer
skills, leadership skills, or experience writing/editing reports, working in groups, or conducting investigations
or interviews.) _____

Would you be willing to serve in any of the following capacities?

FOREPERSON	Yes <input type="checkbox"/>	No <input type="checkbox"/>
SECRETARY	Yes <input type="checkbox"/>	No <input type="checkbox"/>
COMMITTEE CHAIRPERSON	Yes <input type="checkbox"/>	No <input type="checkbox"/>

Mail in or deliver questionnaire to: **Civil Grand Jury
Tulare County Superior Court
221 S. Mooney Blvd., Room 303
Visalia, CA 93291**

Or Fax to: (559) 737-4290

NOTE: Applicants for nomination as a member of the Tulare County Civil Grand Jury are subject to investigation by an appropriate law enforcement agency as to the statutory qualifications for service and the applicant's ability and suitability for service.

In support of my application for selection as a member of the Tulare County Civil Grand Jury, I declare under penalty of perjury that the foregoing information is true and correct.

Signed: _____

Date: _____

PLEASE RETURN THIS QUESTIONNAIRE NO LATER THAN: April 15, 2016

