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2021-2022 TULARE COUNTY CIVIL GRAND JURY



Photo by Alesa Hefner

*Front row left to right: Cheryl Blevins, Nicholas Sherwood (Foreman), Joel Harris, Alfred Williams, Ray Cerniga, Kimberlei Davis and Janice Pineda. Back row left to right: John Sammis, Laurie Avila, Jeff Clarkson, and Ron White
Not pictured: Judie Casey (Pro-Tem)*

LETTER FROM THE JUDGE



Superior Court of the State of California

Stephanie Cameron
Court Executive Officer/
Jury Commissioner

COUNTY OF TULARE
ADMINISTRATION
221 S. Mooney Blvd., Room 303
Visalia, California 93291
Telephone: (559) 730-5000
Facsimile: (559) 737-4290

Noeona Soboleski
Assistant Court Executive Officer

JUDGES' COMMENTS

On behalf of the entire bench of the Tulare County Superior Court, I want to sincerely thank the 2020-2021 Civil Grand Jury for all the work they have performed on behalf of the citizens of Tulare County. Once again another Civil Grand Jury's term has been completed. Your efforts are especially appreciated during these difficult times. With the recent pandemic challenges and hurdles, the Civil Grand Jury remained diligent and worked hard to complete their duties.

Civil Grand Jurors always assume a great deal of responsibility whenever they agree to be a part of a year's panel. They willingly do this as volunteers without any purpose other than to insure that governmental agencies and individuals are properly performing their duties. The taxpayers of Tulare County were well served by all the time and effort put forth by this Civil Grand Jury. Our Court is especially grateful for the efficient manner in which this year's Civil Grand Jury performed these tasks and the overall cooperation and respect they showed to each other.

Much is misunderstood by the general public as to the functions and purpose of the Civil Grand Jury. It is empowered by statutory authority to investigate local governmental agencies and process citizen complaints involving local government issues. No other agency or group has mandate to be a "watch-dog" to insure that our local government works effectively, efficiently, and to the best interest of all citizens. We need responsible, dedicated people such as those on this year's Civil Grand Jury to serve in the future. If you would like to volunteer to do meaningful work for our community, we invite you to apply for service on Civil Grand Jury by contacting the Superior Court at (559) 730-5000 x1359 and ask for an application.

In closing, Tulare County Superior Court applauds each member of this Civil Grand Jury for your dedication to service on behalf of all citizens who live in Tulare County.

A handwritten signature in blue ink, appearing to read "Juliet L. Boccone".

Juliet L. Boccone
Assistant Presiding Judge

LETTER FROM THE FOREMAN



Tulare County Civil Grand Jury

5963 South Mooney Boulevard
Visalia, CA 93277

(559) 624-7295 • Fax (559) 733-6078

Honorable Judge David Mathias
Presiding Judge of the Superior Court
State of California
County of Tulare

Honorable Judge Juliet L. Boccone
Supervising Judge of the Grand Jury
State of California
County of Tulare

Dear Judge Mathias and Judge Boccone,

I am honored to present on behalf of the 2020/2021 Tulare County Civil Grand Jury its Final Report, pursuant to the California Penal Code 933. This report was created by overcoming unique and difficult challenges brought about by the COVID-19 Pandemic.

Obstacles such as a reduced period of empanelment, the grand jury would normally operate from July to June. The 2020/2021 jurors served from mid-October 2020 to mid-August 2021 ten months instead of 12 months. COVID-19 prevented inquiries into a number of county and city agencies due to them being closed or operating with emergency staff. The 2020/2021 TCCGJ started with 16 members instead of 19 and within 2 months our number had been reduced to 14 members. Since April of this year, we have been operating with only 12 members which is the required number of members for a legal quorum that is necessary to enact any official action by the jury.

I take this opportunity to thank Judge Mathias, Judge Boccone, and Superior Court Executive Secretary Ellen Kennedy for their support and guidance.

Members of the jury extend their gratitude to , Alison Pierce and the team at the Tulare County Counsel's office for their direction and wisdom, also to the County Printing Service for their aid with our final report.

To the Grand Jury Clerk Annette Jones, I echo the voices of all the members of this jury when I say, "We would not been able to get it done without you." Thank you for all you do for us every day.

It has been a great Privilege and Honor to have served as, Forman of the 2020/2021 TCCGJ, and served with the 11 hardworking and dedicated member who have met their sworn duties and responsibilities in their service to the citizens of Tulare County.

Respectfully,

Nicholas Sherwood, Foreman
2020-2021 Tulare County Civil Grand Jury

GRAND JURY RESPONSE 2019-2020 COMPLIANCE REVIEW

OVERVIEW OF GRAND JURY RESPONSE DUTIES:

The Tulare County Civil Grand Jury (TCCGJ) is impaneled annually to act as the public's watchdog by investigating and reporting on the affairs of county agencies, local governments, school districts and special districts within Tulare County. TCCGJ reviews complaints brought by citizens and internally initiates investigations about perceived government irregularities. As a fact-finding body, the TCCGJ makes constructive recommendations to a wide range of local governmental problems. This is done by reviewing and evaluating policies and procedures, methods and systems utilized to determine if more efficient and economical programs can be employed. TCCGJ is authorized to, and in some cases must, do the following:

- Inspect and audit books, records, and financial expenditures to ensure that public funds are properly accounted for and legally spent
- Examine the books and records of any nonprofit organization receiving local public funds
- Inquire into the conditions and management of jails and detention facilities
- Inquire into any charges of willful misconduct of County and local officials or employees

TCCGJ does not investigate private entities, nonprofit organizations not funded by the county, state or federal agencies, courts, school curricula, personnel issues, pending litigation, or other matters not connected with local governments.

TCCGJ annually issues a final report which contains specific reports addressing one or more issues. California Penal Code §933(c) requires responses from governing agencies, Tulare County Board of Supervisors, city and county government entities, schools, special districts, certain non-profit corporations, and other entities. This ensures these entities have performed their function in a lawful, economical, and efficient manner. Each report contains information such as the background regarding the subject matter, reasons for the investigation, the procedures followed in obtaining information, findings, conclusions, and recommendations. All required responders must reply in writing to each finding and recommendation in the specific report within a specified period.

ACTIVITIES OF THE COMMITTEE:

1. Reviewed responses to the 2019-2020 Grand Jury Final Report
2. Inquired into the status of implementation of the 2017-2018 Grand Jury recommendations
3. Reviewed relevant California Government and Penal Codes
4. Compiled statistics regarding the responses

The 2019-2020 TCCGJ required responses from the following agencies and reports:

1. City of Visalia Transit Division and Tulare County Area Transit
 - BUSES GETTING FROM HERE TO THERE
2. General Services Agency Director and Property Management Division Director
 - GIVE ME LAND LOTS OF LAND

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3. Tulare County Office of Education
 - GRADUATION: NOTHING TO DO WITH CAASPP TEST SCORES
4. Health and Human Services Agency
 - SPECIAL NEEDS, SPECIAL ATTENTION
5. Tulare County Sheriff
 - TULARE COUNTY SHERIFF OFFICE; FROM HORSES TO HELICOPTERS
6. Tulare Public Cemetery Board and Tulare County Board of Supervisors
 - TULARE COUNTY PUBLIC CEMETERY DISTRICT
7. Lower Tule Irrigation District and Pixley Irrigation District and Goshen Community Services District
 - “MORE MONEY ON TIME” DELIQUENT ACCOUNTS IN SPECIAL DISTRICTS

DATA REVIEWED:

1. There were 7 TCCGJ reports published requiring 12 agencies to respond in the 2019-2020 Final Report.
2. There were 32 findings and 17 recommendations in the 2019-2020 Final Report that required responses from the agencies listed above.
3. Four of the 12 agencies disagreed with findings in the 2019-2020 Final Report.

SUMMARY:

Entities responding to a report shall do so in accordance with California Penal Code §933.05.

The 2019-2020 Final Report and responses may be found on the Tulare County Civil Grand Jury website: <http://tularecounty.ca.gov/grandjury>

REVIEW OF 2017-2018 IMPLEMENTATION

TCCGJ annually issues a final report addressing one or more issues requiring responses from various agencies in Tulare County. All required responders must reply in writing to each finding and recommendation in the specific report. The 2017/2018 Grand Jury Final Report included 10 reports with 18 recommendations and 3 reports with no recommendations. The TCCGJ is obligated to follow up and verify implementation of recommendations made in these past reports.

METHOD OF FOLLOW UP:

1. Clarification letters were sent to the designated responders.
2. Reviewed websites and confirmed updates were completed.
3. Reviewed updated documents and responses.
4. Performed a site visit.

SUMMARY:

The 2017-2018 TCCGJ reports required responses from the following agencies:

1. Tulare County Health and Human Services Agency (TCHHSA) – “It’s Reigning Cats and Dogs Animals Are In Control” This report recommended that TCHHSA continue to explore improvement options at Tulare County Animal Shelter (TCAS). TCAS continues to focus on their mission for expanded services as a result of the remodel completed in 2016.
2. Kaweah Healthcare District- “Kaweah Delta’s Emergency” This report recommended completion of all aspects of their three-phase, two-year expansion project of their emergency department services and capacity, which they responded was completed in 2021.
3. Tulare County Health and Human Services Agency (TCHHSA) and Tulare County Association of Governments (TCAG) - “Homeless, Health, and Sanitation” This report recommended they investigate transportation accessibility to services and resources for the homeless. TCAG presented the issue to their Board of Governors in August 2018. They identified several related programs already dealing with the issues of providing transportation for the homeless.
4. Tulare County Probation Department and Tulare County Board of Supervisors – “Pay Up and Recover” This report recommended that probationers be informed that Tulare County Probation Accounting and Collections Department (TCPACD) will report delinquent accounts to the national credit bureaus. TCPACD is unable to implement this recommendation due to legal issues. This report also recommended TCPACD conduct a feasibility study to determine what amount a single collector can recoup and if additional collectors would increase collection rates. The TCPACD did implement the feasibility study. However, due to significant legislative action impacting the TCPACD, the feasibility study could not be utilized.
5. Superintendent of Pleasant View School - “A Pleasant View of Discipline” This report recommended that the district disciplinary form add a line for the principal signature and a date be included on the form and that the timeline for the parents receiving the form be a shorter timeline. The school district superintendent responded that the signature line had been added and a shorter timeline was initiated along with adding many new services and tools.

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6. Tulare County Chief Administrative Officer (CAO) and Tulare County Board of Supervisors (TCBOS) – “Show Me The Records!!!” This report recommended that the CAO establish separate files for each California Privacy Rights Act (CPRA) request and a date-based tracking system for each request received. It was also recommended to inform requestors of CPRA required procedures. Per the TCBOS, all recommendations have been implemented. Per the CAO, all recommendations have been implemented.
7. Tulare County Sheriff’s Office (TCSO) - “Visions of Protection” This report recommended that the TCSO continue to pursue technological advancements to protect and serve Tulare County, which they continue to do.

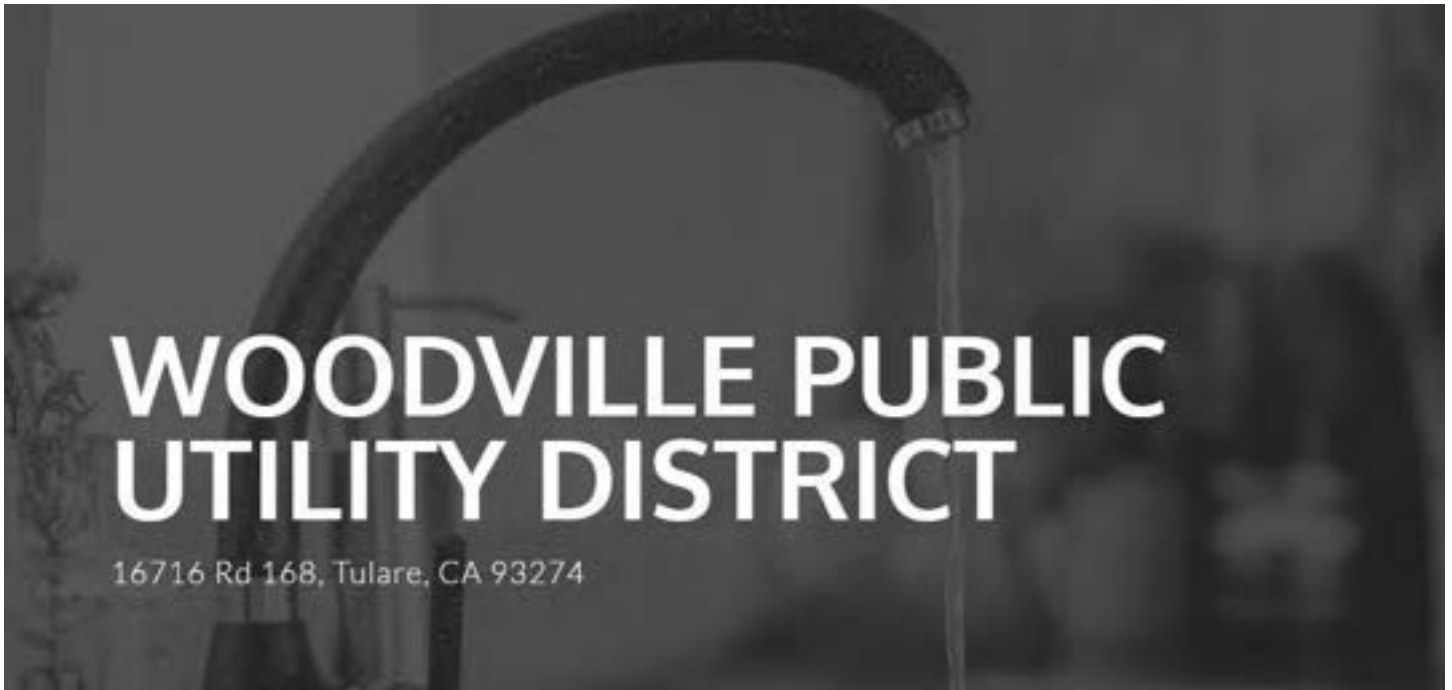
Instructions were provided to all entities from which responses were required. All entities responded in accordance with California Penal Code §933.05.



REPORTS

Photo by Nick Sherwood

FOR YOUR VIEWING PLEASURE



BACKGROUND:

Woodville, a small agricultural community, is located west of Porterville, about 21 miles south of Visalia. Woodville was the first settlement in Tulare County and served as the original Tulare County seat when the county was founded in 1852. The Woodville Public Utilities District (WPUD) is a utility company that provides public services for about 1,700 residents. The WPUD was established in 2004, with an estimated annual revenue of approximately \$661,000 and a staff of eight. The Tulare County Civil Grand Jury (TCCGJ) reviewed the WPUD's compliance with the Ralph M. Brown Act of 1953, an act of the California State Legislature, that guarantees the public's right to notice of the agenda and time of meeting. Thereby, the public can be aware of content, attend, and participate in meetings of local and legislative bodies.

REASON FOR INVESTIGATION:

The TCCGJ received a complaint on October 1, 2020 about a possible violation of the Brown Act at the WPUD.

METHOD OF INVESTIGATION:

1. Interviewed complainant.
2. Conducted onsite review of posting.
3. Reviewed relevant documents.

FACTS:

1. The Brown Act was enacted to govern open meeting laws of governing bodies.

2. Per CA Government Code § 54954.2(a)(1) “At least 72 hours prior to a regular meeting, an agenda shall be posted which contains a brief general description of each item to be transacted or discussed at the meeting.”
3. The Brown Act provides for closed sessions regarding the appointment, employment, evaluation of performance, discipline, or dismissal of a public employee. §54957(b)(1)

FINDINGS:

- F1. Upon investigation, the WPUD was following the Brown Act requirements.
- F2. During site review of the WPUD Office, it was established that the agenda posting was available during business hours but was restricted from close inspection by a locked gate after normal business hours.

RECOMMENDATIONS:

- R1. The TCCGJ recommends that the WPUD provide viewable agendas with less restriction after business hours. An additional unobstructed posting area to view the agendas should be provided outside the locked gate.

REQUIRED RESPONSES:

1. Woodville Public Utilities District (F2, R1)

******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).