

GRAND JURY 2016 - 2017



- From left to right last row: Ron Abee, Howard Stroman, Nick Sherwood, David Serpa, Larry Fishel, Thomas Mitchell, Daniel Fox, Deidra Vance, Norma Beyerbach, Raymond Cerniga, DVM and Jack Mori.
- From left to right first row: Marsha Clinton, Bonnie Paulli, Lino Moran, Cheryl Blevins, Alberto Aguilar, Reba Grissom (Foreman), Annette Guadagnin and Cheryl Cook.

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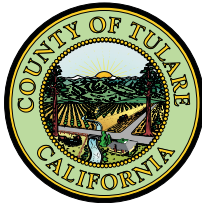
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LETTER FROM THE FOREMAN



TULARE COUNTY GRAND JURY

5963 South Mooney Boulevard
Visalia, CA 93277

Phone: (559) 624-7295; Fax (559) 733-6078

Honorable Judge Bret Hillman
Presiding Judge of the Superior Court
State of California
County of Tulare

Honorable Judge Brett Alldredge
Supervising Judge of the Grand Jury
State of California
County of Tulare

Dear Judge Hillman and Judge Alldredge,

Pursuant to California Penal Code 933, the 2016-2017 Tulare County Grand Jury presents this Final Report to the Court and the citizens of Tulare County. This document is the result of 19 people from diverse backgrounds and geographical areas working closely together to fulfil their sworn obligation.

The oath of confidentiality was taken on July 5, 2016, and all jurors began working toward a common goal of county/local oversight. Training was immediately conducted and during the course of the year, jurors learned the processes, procedures and laws to be followed by the grand jury, as well as the day-to-day functioning of many county and local entities. One goal of the grand jury was to improve "Trust, Transparency and Accountability" within county and local operations.

The 2016-2017 Tulare County Grand Jury's experience has reinforced our belief in the grand jury system. It is essential the public is made aware of the responsibilities of the grand jury and the importance of oversight in local government to ensure its efficiency and effectiveness.

The grand jury would like to express our appreciation to Judge Hillman for his guidance and support over the past two years. We would also like to welcome Judge Alldredge and thank him for assuming the role as Supervising Judge to the grand jury.

A thank you must be given to County Counsel for their many hours of assistance and support. We also thank the Office of the District Attorney for providing guidance and training.

In addition, a special thank you to Annette Jones, Tulare County Grand Jury Clerk and Ellen Kennedy, Tulare County Superior Court Clerk, for their support and expertise.

All members of the 2016-2017 Tulare County Grand Jury served with determination and pride. It was an honor and a privilege to serve the citizens of Tulare County and I would like to express my appreciation to all of the grand jurors that dedicated their knowledge and expertise to this effort.

Respectfully,

A handwritten signature in cursive script, appearing to read "Reba Grissom".

Reba Grissom, Foreperson
2016-2017 Tulare County Grand Jury

LETTER FROM THE JUDGES



Superior Court of the State of California

LaRayne Cleck
Interim 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

Michelle S. Martinez
Assistant Court Executive Officer

JUDGES' COMMENTS

On behalf of the entire bench of the Tulare County Superior Court we want to sincerely thank the 2016-2017 Grand Jury for all the work they have performed on behalf of the citizens of Tulare County. Once again another Grand Jury's term has been completed.

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 Grand Jury. We are especially grateful for the efficient manner in which this year's 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 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 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 Grand Jury by contacting the Superior Court at (559) 730-5000 x1359 and ask for an application.

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

Bret D. Hillman
Presiding Judge

Brett R. Alldredge
Assistant Presiding Judge

GRAND JURY RESPONSE REPORT 2015-2016 COMPLIANCE REVIEW

BACKGROUND

The Tulare County Jury (Grand Jury) is impaneled annually to act as the public's watchdog by investigating and reporting on the affairs of County and local governments. The TCGJ reviews complaints brought by citizens and internally initiates investigations about perceived government irregularities. As a fact finding body, the TCGJ has the potential to make recommendations for constructive changes and possible solutions to a wide-range of local governmental problems. This is done by reviewing and evaluating procedures, methods, and systems utilized by county and local government entities to determine if more efficient and economical programs can be implemented. The TCGJ 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.
- Inspect financial records of Special Districts in Tulare County
- Examine the books and records of any nonprofit organization receiving County funds

The TCGJ does not investigate nonprofit organizations not funded by the county, private entities, state or federal agencies, courts, school curriculum, or other matters not connected with local governments.

The TCGJ annually issues a final report which contains specific reports addressing one or more issues. California Penal Code §933 requires responses from governing agencies, including the Board of Supervisors, city and county governments, schools, special districts and certain non-profit organizations. This ensures these entities have performed their functions 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 and recommendations. All required responders must reply in writing to each finding and recommendation in the specific report, within a given time period.

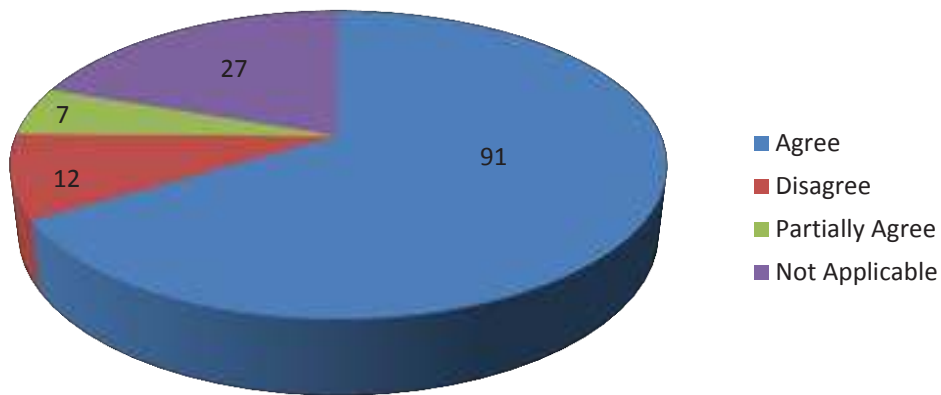
METHODS OF INVESTIGATION:

- Received and reviewed returned responses to the 2015-2016 TCGJ Final Report
- Reviewed applicable California Government and Penal Codes
- Compiled statistics regarding the responses

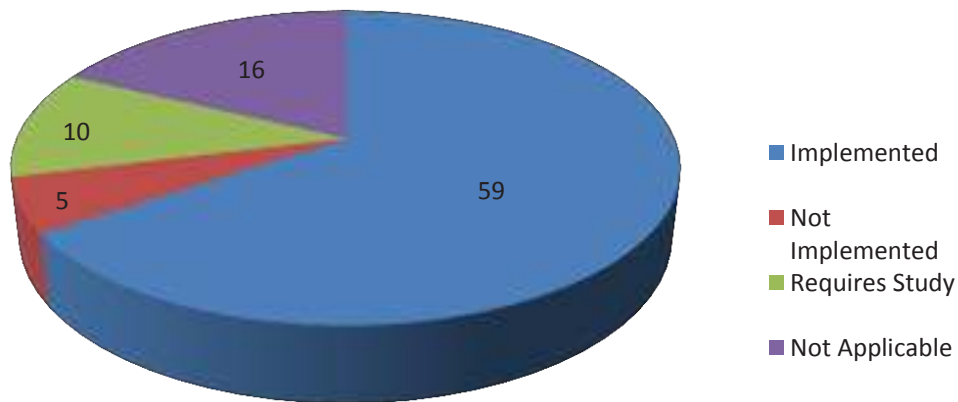
FACTS:

1. There were 13 specific reports contained in the 2015-2016 Final Report.
2. There were 70 findings and 32 recommendations within the 2015-2016 Final Report.
3. The first graph indicates the number of concurrences with, or disagreements to, the findings.
4. The second graph depicts the implementation responses received as a result of the 2015-2016 Final Report.

2015-2016 Findings



2015-2016 Responses



At the conclusion of each report is a section entitled “Required Responses.” This section lists the departments, agencies and elected officials designated to address the issues detailed in the report.

Instructions are provided to all entities to which responses are required. Not all entities responded by the specified due date. However, with subsequent requests to do so, all entities eventually responded. All entities responding to a report must do so in accordance with California Penal Code §933.

2015-2016 Final Report and Responses may be found on the Tulare County Grand Jury Website: <http://tularecounty.ca.gov/grandjury>

REVIEW OF 2013/2014 IMPLEMENTATION

The Tulare County Grand Jury annually issues a final report addressing one or more issues requiring responses from various agencies in the county. All required responders must reply in writing to each finding and recommendation in the specific report. The 2013-2014 Grand Jury Report included 11 reports, 7 had 61 findings and 51 recommendations. The grand jury is obligated to verify implementation of recommendations made in past reports.

METHOD OF FOLLOWUP:

- Clarification letters were sent to the designated responders.
- Reviewed websites and confirmed updates were completed.
- Reviewed updated documents and responses.

SUMMARY OF 2013/2014 RECOMMENDATION IMPLEMENTATION:

Charter Schools:

This report recommended that three Charter schools have Student Handbooks available in English and Spanish. Two of the schools have handbooks available online. One school does not meet the minimum standard required for multiple language handbooks. The report also included a recommendation for one school to pursue Western Association of Schools and Colleges (WASC) accreditation so students qualify for CSU or UC campuses. As of October 2016, an application for WASC accreditation was submitted.

Classroom Beneath the Stars:

This report recommended improvements to campus safety and security systems at the Tulare County Office of Education's (TCOE) outdoor education site SCICON. The follow-up revealed that SCICON implemented improved safety and security for students and staff.

Domestic Violence:

This report recommended that the Office of the District Attorney (ODA) apply for any grants available for providing services to the victims of domestic violence. The ODA confirmed their continuous pursuit of this project with a competitive grant through the California Office of Emergency Services. The ODA will continue to apply for any and all grants available.

Public Defender:

This report recommended that staff be hired to accommodate the additional case load of the Office of the Public Defender and that the current pay scale be increased. This recommendation was implemented.

Senior Services:

This report recommended the Tulare/Kings Area Agency on Aging increase hours of service and senior activities by the end of fiscal year 2013/2014 as a contract condition with Community Services Employment Training. The follow-up revealed that the hours of service and senior activities have increased at all Senior Centers in Tulare and Kings Counties.

Small School Districts:

This report made 33 recommendations to 13 small school districts. These school districts provided updates to their implementation efforts.

Buena Vista (2 recommendations):

- The school grounds should be locked during the day to increase safety and security. *2013/2014 Response:* Not to implement the recommendation due to logistical concerns. *Follow-up Response:* The plan for expansion has been approved and the school district is waiting for project funding, which will secure and close the campus. The goal of the school district is to begin construction within the next twelve months.

- The school district secure funding under Prop 84 (Safe Drinking Water Bond Act) to construct a new well.

2013/2014 Response: An application has been processed and the goal was to have the well completed by 2015.

Follow-up Response: The well was completed; however, levels of arsenic exceeded State standards.

This was resolved by combining water from an existing well. The water is routinely tested for arsenic levels and the blending process has worked. Final approval is pending from the State.

Citrus South Tule School District (2 recommendations):

- The District look for community volunteers to assist in the after school program.

- Request grant writing services from TCOE to seek funding for improvements in technology.

*Citrus South Tule School District responded only to the findings, not the recommendations in the report. They have since closed and merged with the Porterville Unified School District.

Columbine School District (3 recommendations):

- The district work with TCOE for funding of textbooks.
2013/2014 Response: The recommendation is still being implemented by working with TCOE.
Follow-up Response: In their update, the Columbine District indicated that the plan with TCOE is continuing to be implemented based upon LCAP funding.
- An office sign be installed so that visitors could readily identify the office.
2013/2014 Response/Follow up: This recommendation has been implemented.
- The district have student handbooks in both English and Spanish.
2013/2014 Response /Follow up: This recommendation has been implemented.

Liberty School District (2 recommendations):

- The district contract with Tulare City School District for lunch services when the contract with Visalia Unified School District ends.
2013/2014 Response: The Tulare City School District was contacted; they were not interested in providing Liberty School District with lunch services.
Follow-up Response: Liberty School District re-contacted Tulare City School District and is waiting for a response.
- The district explore linking their water supply with the City Of Tulare and discontinue the use of well water.
2013/2014 Response: The district stated that the recommendation was not warranted as the City of Tulare was not able to provide the water.
Follow-up Response: Since the relocation of the school, the district continues to pursue linking their water supply to the City of Tulare.

Palo Verde School District (1 recommendation):

- The district seek modernization funds to improve school buildings and infrastructure including asbestos abatement.
2013/2014 Response: The district will be implementing this recommendation as funds become available for modernization.
Follow- up Response: The district has implemented this recommendation and continues its efforts to upgrade and update. In 2016, several classrooms underwent asbestos abatement; plans to continue the process is ongoing.

Rockford School District (1 recommendation):

- The district change their board meetings from 6 A.M. to 6 P.M.
2013/2014 Response: The district maintained that the change of time was not conducive to their needs.

Follow up Response: The district has maintained their non-conductive position on the time change, but will continue to review and consider the recommendation.

Stone Corral Elementary School District (Irecommendation):

- The district encourage more parental support to raise the academic performance index.
2013/2014 Response: The district will make every effort to increase parental participation.
Follow-up Response: The district is continuing their efforts in this area.

Three Rivers School District (1 recommendation):

- The Student Handbook be provided in English and Spanish.
2013/2014 Response: The original recommendation was not implemented as there were no Spanish speaking parents or students.
Follow-up Response: The district currently has one Spanish speaking parent and is in the process of translating the handbook.

Tipton School District (1 recommendation):

- The district update their website on a regular basis.
2013/2014 Response: The district stated they are in the process of hiring a technology technician and have hired a resource teacher.
Follow-up Response: The district hired a full time technology technician in November 2014, to regularly update their website.

Traver School District (1 recommendation):

- The district seek Measure R funds for the construction of sidewalks around the school's perimeter.
2013/2014 Response: The recommendation is being implemented with Measure R funds.
Follow-up Response: All projects funded by Measure R were completed on October 6, 2014.

Woodville Elementary School District (1 recommendation):

- The district's Board of Trustees should take advantage of training on how to conduct meetings.
2013/2014 Response: The district's board members will take advantage of available training.
Follow-up Response: The board members have received training and attended workshops. They will continue to avail themselves of any training on an ongoing basis.

Water Please:

This report recommended Tulare County review and implement their water conservation programs and apply for any available Federal and State grants for the affected unincorporated areas needing potable water. Follow-up showed that the Tulare County Resource Management Agency has successfully managed the various county water conservation projects and has received grants to further assist communities in need.

CHILD SUPPORT SERVICES

BACKGROUND:

The Child Support Services Agency (CSSA) came into existence on January 4, 1975, under Title IV-D of the Social Security Act. This law was enacted to form a department within California's Office of Health and Human Services to oversee the operation of an enforcement program. This department was established to assist parents with collection of child support payments and obtain health insurance for their children. Until 2001, this agency was a part of the Office of the District Attorney and is now an independent agency of the County.

There are fifty-two CSSA branch offices in California. Most counties have their own office; however, some of the smaller counties work together as one branch. Out-of-state cases are processed with the assistance of State headquarters. In Tulare County, CSSA has transitioned from a punitive agency into a family support service.

REASON FOR INVESTIGATION:

The Tulare County Grand Jury (TCGJ) initiated an investigation to inform the public how the CSSA operates in order to meet the needs of children.

METHOD OF INVESTIGATION:

- Interviewed witnesses
- Reviewed documentation

FACTS:

1. CSSA has both a mission and vision statement.
 - Mission Statement: Enrich our community by partnering with parents to obtain accurate child support orders to assist families in meeting medical and financial needs.
 - Vision Statement: Educate and empower families with the knowledge and resources to promote the well-being of children.
2. CSSA is responsible for the collection and distribution of child support payments in Tulare County.
3. In 2017, the goal is to collect 75.6% of current support payments due.
4. CSSA has 204 staff positions, of which only one is an investigator.

5. CSSA is 66% federally funded and 34% state funded. None of the funding is provided by the county; however, services are administered by the County.
6. The State Department of Child Support Services determines the yearly budget for each county.
7. Most CSSA services provided are free.
8. CSSA establishes paternity, locates missing parents, establishes and modifies support orders, enforces orders by collecting and distributing support payments, maintains accounting records for money owed and distributed, establishes and enforces medical, dental and vision care and has a family law facilitator available.

FINDINGS:

- F1. In fiscal year 2015-2016, CSSA had 24,460 established child support cases in its system and was able to provide resources and services to 25,210 children in Tulare County. Of the child support owed, 74.3% was collected and distributed.
- F2. Resources provided include access to a Family Law Facilitator who provides information and assists parents to obtain and complete court forms at no charge. An Ombudsperson is also available to help resolve complaints, explain the complaint process, rights and responsibilities, the hearing process and arrange for interpreters or special accommodations.
- F3. Paternity must be established before the court will order child support. The Paternity Opportunity Program offers an easy and free method of establishing paternity by having both parents sign the form in the hospital after the child's birth. The hospital will file the form with the Department of Child Services. Paternity may also be established by genetic testing if either parent requests verification of paternity. The genetic testing will exclude any person who is not the biological father. It provides confirmation of paternity with a 99% accuracy rate. If there is a dispute about paternity and either party refuses testing, the court may order the parties submit to be tested or be in contempt of court. If the alleged father refuses or is unavailable/missing the court can actually establish paternity through reviewing evidence.
- F4. A parent ordered to pay child support is responsible for meeting that obligation. Income, other financial responsibilities, amount of time each parent has custody (if shared) are taken into consideration. If a non-custodial parent finds it impossible to meet the full obligation, they should notify the local child support agency as soon as possible to avoid or minimize adverse actions. The child support payments will still be due, but it may be possible to work out a payment plan. There are many reasons either parent may request child support payments be modified.
- F5. Locating a non-custodial parent who is determined to be in arrears of child support payments, requires the Local Child Support Agency to access all appropriate sources within seventy-five days. The State office is the branch that works with other states, in a sophisticated computerized effort, to

locate non-custodial parents who are missing and in arrears.

F6. CSSA works with noncustodial parents who are behind in payments. The goal is to work out a plan for repayment that will benefit the child and clear the non-custodial parent's record.

RECOMMENDATIONS:

None.

REQUIRED RESPONSES:

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).



DID YOUR VOTE COUNT IN THE 2016 GENERAL ELECTION?

BACKGROUND:

On April 20, 1852, Governor John Bigler signed the enactment that created Tulare County. The first county election was held on July 10, 1852, resulting in the election of nine county officials with a total of 109 votes. On August 18, 1920, women were allowed to vote due to the 19th Amendment of the United States Constitution.

The right to vote in Tulare County is a privilege that every U. S. Citizen of at least 18 years of age is guaranteed, unless they are mentally incompetent, in prison, or on parole for the conviction of a felony. Voter registration in California takes place at the county level. Registering to vote is a prerequisite to voting in federal, state and local elections of candidates and ballot measures that are within the district where the voter resides. Whenever a registered voter moves or changes their name, they must re-register in their district of residence. If the voter's name does not appear on the county's registry list at a polling site, the voter will be issued a provisional ballot.

A provisional ballot is a regular ballot that is placed in a special envelope and returned to the election's office for verification of the voter's qualification. Voters may vote utilizing a provisional ballot at any polling place in the county in which the voter is registered. Only the candidates and measures the voters are eligible to vote for will be counted. Every voter who casts a provisional ballot has the right to find out from the county elections officials if the ballot was counted and, if not, the reason why it was not counted.

The Registrar of Voters is required to conduct fair and impartial Federal, State and local elections as mandated by the State of California Elections Code. By law, Tulare County Elections Department receives its instructions from the Secretary of State in Sacramento.

REASON FOR INVESTIGATION:

The Tulare County Grand Jury received a complaint from a private citizen alleging voting irregularities in the 2016 general election.

METHOD OF INVESTIGATION:

- Interviewed witnesses
- Reviewed documentation

FACTS:

1. Volunteer poll workers receive two to three hours of required training before each election.
2. Poll sites are staffed with a minimum of six volunteers.
3. Election's Office staffing consists of eight full-time positions.
4. An Interim Registrar of Voters was appointed on December 20, 2016, by the Board of Supervisors.
5. November 8, 2016, county registration was 154,003, a 9.43% increase from the 2012 General Election.
6. The Secretary of State requires that ballots be ordered 60 days prior to an election.
7. Total number of votes cast was 116,106 or 75.39% of registered voters.
8. Vote by mail and all mail-in ballots totaled 75,105.
9. Election turn out at voting polls totaled 41,001, of which 27.5% were Provisional Ballots.

FINDINGS:

- F1. The number of voters may have been underestimated in the 2016 General Election.
- F2. Some polling sites did not have sufficient ballots.
- F3. Two positions in the department were vacant during the election process.
- F4. Significant voter registration occurred after ballots were ordered.
- F5. A total of 11,281 provisional ballots were cast in the 2016 General Election. Of these ballots, 1,459 were cast by unregistered voters.
- F6. There were 2,881 provisional ballots partially counted due to outside designated precinct voting.
- F7. There were 1,866 provisional ballots not counted due to insufficient information.
- F8. The number of provisional ballots cast contributed to the shortage of ballots.
- F9. The increase in provisional voters caused delays at some polling sites.

RECOMMENDATIONS:

- R1. Ensure the person hired is a knowledgeable and experienced Registrar of Voters.
- R2. Fill all authorized department vacancies.
- R3. Continue to provide required training for all employees and volunteers.
- R4. Be prepared to deploy additional touch screen machines when needed.
- R5. Provide additional voting booths for General Elections.
- R6. Be prepared to print additional ballots when needed.
- R7. Debrief with all stakeholders after each election.

REQUIRED RESPONSES:

- 1. Tulare County Board of Supervisors (F2 and R1-R2)
- 2. Tulare County Registrar of Voters (F1-F9 and R2-R7)

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DROUGHT, AGRICULTURE AND RETIREMENT How Are They Connected?

BACKGROUND:

Tulare County has a population of approximately 460,000, located within an area of 4,853 square miles in central San Joaquin Valley. The county is one of the largest producers of agricultural products and commodities in the nation and the world. Agriculture is the largest contributor to the economy of Tulare County, totaling over \$6.9 billion in 2015. Commodities produced in the county are vast and varied. The county hosts the World Ag Expo each year to exhibit new machinery and techniques for farming. The success of the county relies on the expeditious and conscientious management of water resources. Farming and farm related industries have been impacted by a severe drought over the past several years, creating a reduction in revenues that could affect the county's ability to meet its financial obligations.

Tulare County has nearly 4,500 employees receiving benefits from the county, including contributions to an employee retirement fund. Tulare County Employee's Retirement Association (TCERA) manages the retirement fund. Contributions to the fund come from employees, employer and investment gains/losses. The retirement fund encompasses active plan participants (currently employed), retired employees receiving benefits, and inactive plan participants (not yet eligible for benefits). The existence of unfunded retirement liabilities is not isolated to Tulare County.

REASON FOR INVESTIGATION:

On August 2, 2016, the Tulare County Grand Jury (TCGJ) received a citizen's complaint alleging pension benefits granted to employees in the early 2000's, resulted in current unfunded pension liabilities in excess of \$120 million.

METHOD OF INVESTIGATION:

- Interviewed witnesses
- Reviewed documentation

FACTS:

1. Unfunded pension liabilities are defined as future payment obligations that exceed the present value of available funds at a given point in time.
2. TCERA has unfunded pension liabilities.



TULARE COUNTY GRAND JURY REPORT 2016-2017



3. The current unfunded pension liability is in excess of \$120 million.
4. Annually, an actuarial report is prepared for TCERA.
5. As of June 30, 2015, the Underfunded Actuarial Liability (UAL) was \$201 million based upon an actuarial valuation.
6. The total value of assets in the TCERA fund, as of June 30, 2016, is over \$1.165 billion.
7. TCERA has implemented a 19-year plan to eliminate the underfunded amounts.
8. The annual active member payroll as of June 30, 2016, is over \$248 million, an increase of 4.8% over the prior year.
9. Total active plan participants, as of June 30, 2016, is 4,405, an increase of 2.1% from Fiscal Year (FY) 2015.
10. Total inactive plan participants, as of June 30, 2016, is 2,821, an increase of 4.8% from FY 2015.
11. Total retired members receiving benefits as of June 30, 2016, is 2,940, an increase of 4.2% from FY 2015.
12. The ratio of retired members to active members has increased by 1.4% from FY 2015.
13. The Tulare County Agricultural Commission reported a 13.7 % decrease in total gross production value between 2014 and 2015.

FINDINGS:

- F1. Continuing drought issues affecting agricultural operations will significantly impact future revenues and the county's ability to meet its financial goals.
- F2. The UAL, as of June 30, 2016, was \$238 million, an increase of nearly \$37 million.
- F3. By the end of the proposed 19-year plan, the underfunded liability is expected to be eliminated.

RECOMMENDATIONS:

- R1. TCERA continue to review and modify the 19-year plan to ensure the funding needs of the retirement plan are being met.

REQUIRED RESPONSES:

1. Tulare County Board of Supervisors (R1)
2. Chief Administrative Officer, Tulare County (F1-3 and R1)

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FARMERSVILLE UNIFIED SCHOOL DISTRICT ISSUES

BACKGROUND:

The 2015-2016 Tulare County Grand Jury (TCGJ) issued a report titled, “Farmersville School Issues” relative to a complaint that was received from a citizen alleging excessive and/or improper spending on the part of the Farmersville Unified School District Board, as well as illegal hiring and inappropriate conduct during board meetings. The complaint further alleged that the Bond Oversight Committee had not been conducting meetings. This report is a public document and can be reviewed on the TCGJ website (grnd_jury@co.tulare.ca.us).

The report consists of the facts and findings during the investigative process as well as the grand jury’s recommendations and required responses submitted to the Farmerville Unified School District (FUSD) and the Tulare County Office of Education (TCOE). Governing bodies and elected officials of investigated entities are required by California Penal Code Sections 933(c) and 933.05 to respond to the findings and recommendations. It also specifies a time frame and prescribes the format for the responses. A response to the grand jury report was received on July 18, 2016, from FUSD; however, the response did not address any of the recommendations within the grand jury’s report.

REASON FOR INVESTIGATION:

The 2016-2017 TCGJ initiated an investigation to conduct a follow-up report regarding the ongoing issues at FUSD.

METHOD OF INVESTIGATION:

- Interviewed witnesses
- Reviewed documents
- Visited FUSD facilities
- Attended school board meetings

FACTS:

1. California Penal Code Section 933 (c) and 933.05 requires government agencies to respond to the findings and recommendations of grand jury reports.
2. During the time period of July 15, 2014 through June 17, 2016, FUSD had three different Superintendents and one Interim Superintendent.
3. Farmersville voters approved a \$4.8 million bond measure for school improvements.
4. \$3.1 million of the bond money was used to build a new vocational education building.

5. FUSD has approximately \$1.7 million of bond funds remaining to be sold.
6. FUSD has purchasing policies and procedures in place.
7. FUSD has job descriptions on file for administrative staff.
8. FUSD uses Personnel Action Forms to initiate the hiring process.

FINDINGS:

- F1. FUSD did not respond to the TCGJ’s recommendations when submitting its response to the 2015-2016 final report.
- F2. The Interim Superintendent was permanently hired as the new Superintendent for FUSD in 2016.
- F3. The new vocational education building cost \$3.6 million to build, of which \$3.1 million was bond funds and approximately \$500,000 from the general fund.
- F4. Policies and procedures regarding the expenditure approval process are not being followed.
- F5. Job descriptions for administrative staff are outdated.
- F6. Personnel Action Forms are not being used as policy requires.

RECOMMENDATIONS:

- R1. FUSD follow their established purchasing policies and procedures.
- R2. Update job descriptions to accurately reflect duties.
- R3. Train staff on the use of Personnel Action Forms and ensure policy is followed.

REQUIRED RESPONSES:

1. Farmersville Unified School District (Recommendations 1-3)

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FUTURE NEEDS FOR KAWEAH DELTA HEALTH CARE DISTRICT

BACKGROUND:

Kaweah Delta Health Care District (KDHCD), the largest of the three hospitals in Tulare County, is a non-profit district hospital. It was formed on March 28, 1961, by a vote of the community. The Tulare County Board of Supervisors appointed the first governing board. After the establishment of the District's physical boundaries, operation of KDHCD commenced July 1, 1963, when the Board of Directors leased the former Visalia Municipal Hospital. On December 14, 1965, a bond was passed and a new hospital was rebuilt in 1969, known as the Mineral King West Wing.

Triggered by the 1971 San Fernando Valley earthquake, which destroyed a number of hospitals, the California Legislature passed the original Alfred E. Alquist Hospital Facilities Seismic Safety Act (AEAHFSSA) in 1973, requiring all new construction to meet stringent seismic requirements. Following the 1994 Northridge Earthquake, which resulted in \$3 billion damage to hospitals, the AEAHFSSA was amended under SB 1953. The seismic mandate established five structural and five non-structural classification upgrades.

The Mineral King West Wing of the hospital does not meet the mandated seismic safety level requirements. The Board of Directors on January 25, 2016, passed a resolution asking the voters within the district to approve a general obligation bond in the amount of \$327 million. This bond was to help fund the expansion, improvement, acquisition, construction and/or renovation of health care facilities in the District. The \$327 million Measure H, General Obligation Bond failed to get the required votes.

REASON FOR INVESTIGATION:

The Tulare County Grand Jury (TCGJ) received several complaints concerning issues surrounding the authority, legality and methods used by KDHCD. The core issues of the complaints related to administrative transparency and accountability.

METHOD OF INVESTIGATION:

- Attended board meetings
- Conducted interviews
- Reviewed documents

FACTS:

1. Resolution 1888, dated January 25, 2016, stated the proposed tax rate for the bond measure would be \$9.92 per month per \$100,000 of assessed property value in fiscal year 2016/2017.

2. Per the KDHCDC website, management stated the cost to property owners to support the bond measure would be \$4.00 a month per \$100,000 dollars of assessed property value.
3. KDHCDC has legal authority to operate health clinics outside of their district boundaries.
4. SPC-4D is a new Structural Performance Category that is part of the 2016 California Building Standards Code, which allows noncompliant buildings to go beyond the 2030 seismic compliance deadline.

FINDINGS:

- F1. There was a lack of transparency and accountability in informing the general public of the bond’s cost to property owners.
- F2. To date, no facilities have been closed or services reduced.
- F3. KDHCDC operates several health clinics outside of their district boundaries.
- F4. Health clinics operated by KDHCDC are profitable.

RECOMMENDATIONS:

- R1. The KDHCDC Board of Directors develop an on-going dialogue, such as Town Hall Meetings, to develop a planning process with residents of the hospital district to determine future needs.
- R2. KDHCDC form a volunteer community advisory committee consisting of district residents.

REQUIRED RESPONSES:

1. Kaweah Delta Health Care District Board of Directors (F1-F4 and R1-R2)

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IMPLEMENTATION OF TRANSGENDER LAW BY TULARE COUNTY SCHOOLS

BACKGROUND:

Assembly Bill (AB) 1266 (Pupil rights: sex-segregated school programs and activities) was enacted August 12, 2013, to amend Section 221.5 of the Education Code relating to pupil rights.

Existing law prohibits public schools from discriminating on the basis of specified characteristics, including gender, gender identity, and gender expression, and specifies various statements of legislative intent and the policies of the state in that regard. Existing law requires that participation in a particular physical education activity or sport, if required of pupils of one sex, be available to pupils of each sex. AB 1266 requires that a pupil be permitted to participate in sex-segregated school programs and activities, including athletic teams and competitions, and use facilities consistent with his or her gender identity, irrespective of the gender listed on the pupil's record.

Section 221.5 of the Education Code is amended to read:

- a. It is the policy of the state that elementary and secondary school classes and courses, including nonacademic and elective classes and courses, be conducted, without regard to the sex of the pupil enrolled in these classes and courses.
- b. A school district may not prohibit a pupil in enrolling in any class or course on the basis of the sex of the pupil except a class subject to Chapter 5.6 of Part 28 of Division 4 of Title 2.
- c. A school district may not require a pupil of one sex to enroll in a particular class or course unless the same class or course is also required of a pupil of the opposite sex.
- d. A school counselor, teacher, instructor, administrator or aide may not, on the basis of the sex of a pupil, offer vocational or school program guidance to a pupil of one sex that is different from that offered to a pupil of the opposite sex or, in counseling a pupil, differentiate career, vocational or higher educational opportunities on the basis of the sex of the pupil counseled. The parents or legal guardian of the pupil shall be notified in a general manner at least once in the manner prescribed by Education Code, Section 48980, in advance of career counseling or course selection commencing with course selection for grade 7 so that they may participate in the counseling sessions and decisions.
- e. Participation in a particular physical education activity or sport, if required of pupils of one sex, shall be available to pupils of each sex.
- f. A pupil shall be permitted to participate in sex-segregated school programs and activities, including athletic teams and competitions, and use facilities consistent with his or her gender identity, irrespective of the gender listed on the pupil's records

REASON FOR INVESTIGATION:

The Tulare County Grand Jury initiated an investigation to determine the effect of the Transgender Law on the schools in Tulare County and if they were in compliance with the amended legislation.

METHOD OF INVESTIGATION:

- Interviewed staff from the Tulare County Office of Education and a variety of school districts in Tulare County.
- Conducted a compliance/implementation survey with school districts.
- Reviewed all documentation.

FACTS:

1. AB 1266 was signed into law on August 12, 2013, making California the first state to enact transgender legislation.
2. Students cannot be discriminated against based on gender identity.
3. School districts are required to accommodate all requests based on the individual student's gender identity, regardless of the gender listed on the student's school record.
4. All transgender identity information is maintained as confidential.
5. Facilities must be available and maintained if an accommodation is requested.
6. A compliance/implementation survey was sent to 48 school districts, of which 41 responded by the due date.

FINDINGS:

- F1. The Tulare County Office of Education provides guidance regarding the implementation of AB 1266 to all Tulare County school districts.
- F2. School districts are responsible for ensuring compliance with AB 1266.
- F3. Individual school districts are responsible for developing policies and procedures that provide accommodations for transgender pupils.



- F4. Seventeen school districts do not have a written policy/procedure in place, but are in compliance with AB 1266.
- F5. At least 41 school districts have reasonable accommodation plans in place.
- F6. The efforts put forth by schools in Tulare County appear to be addressing the needs of transgender students.

RECOMMENDATIONS:

- R1. Every school district should have written transgender policies/procedures in place.
- R2. Tulare County Office of Education should annually verify that all school districts have written policies/procedures and accommodation plans that comply with AB 1266.

REQUIRED RESPONSES:

- 1. Tulare County Office of Education (F1- F6 and R1- R2)

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RICHGROVE - WHERE WATER FLOWS PROBLEMS GROW

BACKGROUND:

Richgrove is a small farming community in the southern part of Tulare County. In 2010, the United States Census Bureau reported the population to be 2,882. Richgrove Community Services District (RCSD) was founded in 1977, and supplies the domestic water, sanitary sewage and other services to homes and businesses. Currently, Richgrove has two functioning domestic water wells. Staffing of RCSD includes an Office Manager, Office Clerk (part-time) and two Service Employees. The RCSD Board consists of five elected members.

Special Districts in the State of California first began as a means to meet 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 the 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 RCSD, to intensify and diversify their domestic and agricultural activities.

REASON FOR INVESTIGATION:

The Tulare County Grand Jury received an anonymous complaint alleging harassment of staff at the RCSD. During the investigative process, additional issues were identified.

METHOD OF INVESTIGATION:

- Attended board meetings
- Interviewed witnesses
- Reviewed documentation

FACTS:

1. The water quality for the community of Richgrove was not routinely tested during the 2012 – 2015 time periods as mandated by the State of California and County of Tulare.
2. Richgrove has five wells of which two are operational.
3. RCSD applied for grant/loan funding to improve its water infrastructure, but was ineligible due to inconsistent water samplings.

4. Water use violations cannot be documented or enforced due to lack of meters and malfunctioning meters.
5. California Government Code 53235 requires all elected and appointed officials to receive two hours of ethics training within one year of taking office and every two years thereafter.

FINDINGS:

- F1. The complaint concerning staff harassment could not be substantiated.
- F2. A significant number of homes have no functioning water meters.
- F3. Contractors are being paid without written agreements on file.
- F4. The need for future ethics training for board members was discussed during an open meeting.
- F5. Due to broken or lack of water meters, some customers are not being billed properly.

RECOMMENDATIONS:

- R1. RCSD ensure routine water testing is completed as mandated.
- R2. Water meters be repaired or installed.
- R3. Enforce all water usage violations.
- R4. The RCSD Board members should receive documented ethics training.

REQUIRED RESPONSES:

1. Richgrove Community Service District Board (F1-5 and R1-4)

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THE TULARE COUNTY SHERIFF'S OFFICE MOVES INTO THE 21ST CENTURY

BACKGROUND:

The Tulare County Sheriff's Office (TCSO) was established in 1852 and has had 30 sheriffs in the last 165 years. There was a high turnover of sheriffs in the 19th century due to none of them being professional lawmen. They were farmers, contractors, printers, businessmen and others with established positions in the community to which they returned after serving one, or at the most, two two-year terms. The duties of the sheriffs of the 19th century were entirely different from those of today. Until 1892, they served as county tax collector as well as sheriff, presumably because neither position was considered a full-time job.

Today the department consists of full-time professional law enforcement officers. With more than 25 years with the TCSO, the current sheriff was appointed as acting sheriff in 2013. He was elected in June, 2014, and was sworn in on January 2, 2015. Per the Sheriff's Office website, "The mission of the TCSO is to improve the quality of life through professional services and community partnerships." Under the sheriff's guidance, the department has become more progressive, transparent and community oriented. Many improvements have been made in equipment, training and technology; with many more to come.

REASON FOR INVESTIGATION:

The Tulare County Grand Jury initiated an investigation to update the residents in the county about the new technology and programs initiated by the TCSO.

METHOD OF INVESTIGATION:

- Visited sites
- Interviewed staff
- Reviewed documentation

FACTS:

1. There are two cold case detectives currently on staff.
2. There are three cyber-crimes staff members.
3. The building of a new evidence storage facility has been approved for construction.

4. TCSO was the first law enforcement agency in California to use Smart Water technology (property identification).
5. TCSO is the only law enforcement agency in California to use Leap Frog technology (3D investigative technology).
6. The Sheriff's Public Outreach Team has been established to involve community members.
7. New technology is being utilized in the jail system to improve safety and security.

FINDINGS:

- F1. The cold case detectives have approximately 200 unsolved homicide cases, with the oldest dating back to 1969.
- F2. The cyber-crimes unit has submitted 248 cases to the Office of the District Attorney for prosecution since January, 2016.
- F3. The current evidence room is approximately 7,000 square feet, not including the numerous seatrain containers also being used. All areas are filled to capacity and some are deteriorating. The new evidence room will be in excess of 10,000 square feet with climate control. Scanner/barcode technology will be used to maintain the inventory.
- F4. New technologies being implemented include Smart Water property marking, Leap Frog 3D visualization for evidence collection, and the use of drones for the K-9 teams.

RECOMMENDATIONS:

None.

REQUIRED RESPONSES:

None Required.

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VISALIA LANDFILL: “NOT A STINKY OPERATION”

BACKGROUND:

Tulare County has eight major cities that are serviced by Tulare County Waste Management: Dinuba, Farmersville, Tulare, Exeter, Lindsay, Porterville, Visalia and Woodlake; as well as six transfer stations for other outlying areas. After the 1950’s, waste disposal became a major issue due to mandates from the Environmental Protection Agency and Assembly Bill 939, which requires all California landfills to reduce waste by 50% by year 2000. Adopted in 1996, Tulare County Ordinance 3335 requires all licensed contract disposal carriers reduce their waste by 35%.

The biggest impact on waste disposal is tires and mattresses, which are moved off site for proper disposal. Currently, there are only two operating landfills in Tulare County: Visalia Municipal Solid Waste Landfill (VMSWL), operating on 631 acres, and Teapot Dome Landfill (TDL), operating on 127 acres. TDL has a projected life expectancy of 7 years before closing. Of the two, VMSWL is the one that is closest to water, the St. Johns River. VMSWL operation does not have any impact on the river, nor on the closest domestic and commercial wells, which are one mile from the facility.

REASON FOR INVESTIGATION:

The 2016/2017 Grand Jury initiated an investigation to determine compliance with operation and maintenance of the VMSWL.

METHOD OF INVESTIGATION:

- Inspected VMSWL
- Reviewed documents
- Conducted interviews

FACTS:

1. In 1989, the state mandated diversion rate was 50% of all waste taken to the landfill.
2. The state mandated diversion for 2017 increased to 65%.
3. The state mandated diversion will increase to 75% in 2020.
4. The VMSWL currently uses one lined dump area.

» **TULARE COUNTY GRAND JURY REPORT 2016-2017** «

5. Once shut down, dump areas continue to be monitored for gas emissions and flooding.
6. An additional dump area is under construction.
7. Landfills are inspected monthly by the local enforcement agency and by the State Water Board once a year.
8. VMSWL is self-sustaining through fees collected for refuse and recyclable materials.

FINDINGS:

- F1. The VMSWL met the state mandated diversion rate of 50%.
- F2. It is anticipated that the VMSWL will meet the increased 65% diversion mandate.
- F3. VMSWL personnel inspect the facility daily.
- F4. The following personnel play key roles in the maintenance and operation of VMSWL:
 - a. Refuse Site Coordinator
 - b. Fiscal Manager
 - c. Solid Waste Sustainability Program Coordinator
 - d. Solid Waste Environmental Coordinator
- F5. Materials transported to the landfill must be properly secured.
- F6. Specific areas are designated for recyclable materials that are picked up by other companies.
- F7. The VMSWL is well organized and operates efficiently.

RECOMMENDATIONS:

- R1. Explore a memorandum of understanding with the Tulare County Sheriff's Office to supply inmate workers for the landfill to ensure it remains self-sustaining and provide additional workforce when needed.

REQUIRED RESPONSES:

1. Tulare County Solid Waste Department (F1-7 and R1)

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WATER IS GOLD

BACKGROUND:

The California Legislature enacted a ground breaking Sustainable Groundwater Management Act (SGMA) in late 2014, effective January 1, 2015. This act provides for a legal framework to reasonably regulate production of groundwater in California. Aside from surface water regulation enacted in 1914, groundwater management in the state is the first of its kind. As a requirement of SGMA, a Joint Powers Authority was created by board members from local districts and others to cooperatively work towards groundwater sustainability by establishing a Groundwater Sustainability Agency (GSA) by June 30, 2017, which reports directly to the State Water Resources Board. Local water districts will then work collaboratively to develop a Groundwater Sustainability Plan (GSP) with a 20 year timeline for implementation of groundwater management in the Tulare Lake Hydrologic Region. Relevant to this report, affected water districts located in the southwest section of the county are:

- Deer Creek Storm Water District (DCSWD)
- Atwell Island Water District (AIWD)
- Angiola Water District (AWD)

Finding a collaborative path toward reaching SGMA goals has proven a challenging task for local districts. There have been multiple opinions amongst district members regarding the legal and ethical processes of pursuing GSA and GSP implementation.

REASON FOR INVESTIGATION:

The Tulare County Grand Jury (TCGJ) received complaints alleging the aforementioned water districts board's lack of compliance with existing governing bylaws, fund mismanagement and Brown Act violations.

METHOD OF INVESTIGATION:

- Interviewed witnesses
- Attended board meetings
- Reviewed documentation

FACTS:

1. The DCSWD bylaws state, “Should a vacancy occur or be found to exist in the office of trustee, the Board of Trustees shall submit to the board of supervisors a list of suggested appointees, and the board of supervisors shall fill the vacancy by appointment.”
2. On October 31, 2016, a DCSWD special board meeting was held to appoint a board member to fill a vacancy.
3. The AIWD bylaws state, “Replacements for vacancies on the board shall be selected and appointed by a majority of the remaining Directors then in office, even though less than a quorum, or by the sole, remaining Director (s). A successor Director so selected shall serve the unexpired term of the vacating Director if the next general election, the appointed Director serves only until the next General Election. A Director elected under these circumstances will serve the remainder of the vacating Director.”

FINDINGS:

- F1. It appears DCSWD was not in compliance with their bylaws pertaining to a board appointment made on October 31, 2016.
- F2. Per AIWD bylaws, the January 9, 2017, board member appointment to fill a vacancy was found to be appropriate.
- F3. The allegation of misappropriation of funds by the DCSWD Board was not substantiated.
- F4. Brown Act violations could not be substantiated.

RECOMMENDATIONS:

- R1. DCSWD Board comply with established bylaws pertaining to appointments.

REQUIRED RESPONSES:

1. DCSWD Board (F1 and R1)



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WOODLAKE PUBLIC CEMETERY DISTRICT

BACKGROUND:

The Woodlake Public Cemetery District (WPCD) was founded in 1928. According to the 2010 census, the population within the sphere of influence of the cemetery was 9,333. The WPCD was formed under the provisions of the California Health and Safety Code sections 8890-9925 to provide and maintain cemetery facilities for district residents. The WPCD is a special district that is governed by a Board of Trustees consisting of three members. The WPCD has one manager and a part-time employee. There are thirteen Public Cemetery Districts within Tulare County. Cemetery maintenance standards regulations are specified within Title 16 of California Code of Regulations Division 23, Cemetery and Funeral Bureau. Each cemetery district is governed by a board of trustees of either three or five members as specified in the petition for formation of the district. In Tulare County, all Public Cemetery District board members are appointed by the Board of Supervisors. In the event of a non-functioning district board, the Board of Supervisors has the authority to assume the responsibility of the district board.

REASON FOR INVESTIGATION:

The Tulare County Grand Jury (TCGJ) received a complaint alleging poor conditions and maintenance of the cemetery and violations of the Brown Act.

METHOD OF INVESTIGATION:

- Attended board meetings
- Interviewed witnesses
- Inspected the site
- Reviewed documentation

FACTS:

1. The board of trustees shall meet at least once every three months. (California Health and Safety Code).
2. Notices and agendas for regular meetings are required to be posted.
3. On or before August 30th of each year, the board of trustees shall adopt a final budget for their district and forward a copy to the county auditor.

4. The board of trustees shall adopt a schedule of fees for interments in cemeteries owned by the district and for other necessary convenient services.
5. The county treasurer acts as the district's treasurer.
6. A district that has total annual revenues greater than \$500,000 may withdraw excess funds from the control of the county treasurer.
7. Every endowment care cemetery shall have cemetery maintenance standards to ensure the property is kept in a condition so as to prevent the cemetery's offensive deterioration.
8. The Americans with Disabilities Act (ADA) became law in 1990.

FINDINGS:

- F1. Many headstones are in need of repair and maintenance. Some headstones have fallen into holes and others are partially sunk into the ground. Some markers are covered with dirt and are not visible.
- F2. Site visits revealed poorly maintained grounds, dry grass, unlevelled areas, sink holes, vermin tunnels and an abundance of weeds.
- F3. Some of the board minutes reflect complaints made by individuals regarding the poor condition of the cemetery.
- F4. The board meeting notices posted December 12, 2016, December 20, 2016 and January 17, 2017, at the district office, did not meet the requirements of the Brown Act as no agendas were included.
- F5. Public documents are not being provided upon request.
- F6. The cemetery district does not have a computer and/or internet service. The public is notified of board meetings by word of mouth and posting at the district's office.
- F7. Since there were no board meeting agendas for the public to review prior to and/or during the board of trustees meetings, it is impossible for the public to know what matters are to be discussed and/or acted upon by the board during open and closed session.
- F8. There is no record within any of the board minutes that makes reference to adopting a final budget on or before August 30, 2016.
- F9. The minutes of September 12, 2016, state under the caption, "New Business: It was moved and seconded to raise the price of the burials accordingly, voted, passed." There was no indication of the dollar amount of the raise, the current price of a burial, and/or any reason(s) justifying the increase.

- F10. The WPCD has a bank account outside of the county treasurer, but its revenues are less than \$500,000.
- F11. On April 13, 2015, the board approved to transfer an amount that exceeded accumulated earnings on those principal funds. Upon completion of the audit for that year, management was aware of the uncompliant excess withdrawal and understood the need to transfer it back to the separate account. As of June 30, 2016, there still remains excess funds that must be transferred back to the county treasury.
- F12. At the entrance of the handicap ramp there is a large mat that obstructs the passage of walkers and wheelchairs which is not in compliance with ADA.

RECOMMENDATIONS:

- R1. Provide Brown Act training to Woodlake Public Cemetery District Board of Trustees and the General Manager.
- R2. Follow the provisions of the Brown Act.
- R3. Follow the provisions of the California Health and Safety Code Sections 8890-9925.
- R4. Follow the California Code of Regulations Title 16 and Professional and Vocational Regulations Division 23, Cemetery and Funeral Bureau.
- R5. Comply with ADA requirements.

REQUIRED RESPONSES:

- 1. Woodlake Public Cemetery District Board of Trustees (F 1-12 and R1-5)

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Synopsis of Complaints Closed With No Report Written

Complaint 16/17 # 1

The Tulare County Grand Jury received a complaint on July 5, 2016, from an inmate housed in the Tulare County Jail concerning his medical diet. The Grand Jury conducted interviews and reviewed documentation and it was determined that no action was warranted. The Grand Jury closed the complaint on August 16, 2016.

Complaint 16/17 #2

The Tulare County Grand Jury received an anonymous complaint on July 7, 2016, alleging several teachers in a county school district were placed on the incorrect salary schedule. After conducting interviews and a thorough review of all documentation, it was discovered the issue had already been resolved. The complaint was closed on September 7, 2016.

Complaint 16/17 #3

The Tulare County Grand Jury received a complaint on July 5, 2016, from a private citizen. The complainant alleged that a non-profit business was being illegally operated. The Tulare County Grand Jury interviewed the complainant and determined it had no jurisdiction in this matter. The complaint was closed on August 12, 2016.

Complaint 16/17 #4

The Tulare County Grand Jury received a complaint from a private citizen on July 11, 2016, alleging widespread corruption within a county law enforcement agency. The committee reviewed all documentation and interviewed witnesses. The allegations could not be substantiated and the complaint was closed on October 24, 2016.

Complaint 16/17 #7

The Tulare County Grand Jury received a complaint from an inmate housed in the Tulare County Jail on July 12, 2016, alleging poor work ethics by a County Prosecutor. The Grand Jury reviewed the complaint and determined the subject matter was not within their jurisdiction. This complaint was closed on September 23, 2016.

Complaint 16/17 # 8

The Tulare County Grand Jury received a complaint from a private citizen on July 18, 2016, alleging they were being taken advantage of financially by a private entity. The Tulare County Grand Jury is prohibited from investigating the conduct of private entities or individuals; therefore, this complaint was closed on August 12, 2016.

Complaint 16/17 #9

The Tulare County Grand Jury received a complaint on July 20, 2016, from a private citizen complaining that deputies at the jail were rude to her. The Grand Jury interviewed the complainant and reviewed documentation. It was determined that no further action was warranted. The complaint was closed on September 23, 2016.

Complaint 16/17 #10

The Tulare County Grand Jury received a complaint on July 29, 2016, from an inmate housed in the Tulare County jail concerning meals served and missing or late mail. After conducting interviews, reviewing documentation and policies and procedures, it was determined no further action was warranted. The complaint was closed on November 4, 2016.

Complaint 16/17 #12

The Tulare County Grand Jury received a citizen's complaint on August 4, 2016, alleging a county agency was not following proper policy and procedures. The Grand Jury conducted interviews and reviewed documentation. The allegations could not be substantiated. The complaint was closed on October 14, 2016.

Complaint 16/17 #13

The Tulare County Grand Jury received a citizen's complaint on August 18, 2016. The complainant alleged that there were problems with the way the mail was being handled at the Tulare County Jail. The Grand Jury conducted interviews and reviewed documentation. The Grand Jury determined that no further action was warranted and closed the complaint on November 4, 2016.

Complaint 16/17 #14

The Tulare County Grand Jury received a complaint on September 9, 2016, from a private citizen regarding a multi-county health care district's reluctance or refusal to provide public records. Due to Tulare County's limited jurisdiction in this matter, this complaint was officially closed on October 7, 2016.

Complaint 16/17 #15

The Tulare County Grand Jury received a complaint on September 8, 2016, from an inmate alleging corruption within the county jail system. The Grand Jury conducted interviews, reviewed documentation, and determined no further action was warranted. The complaint was closed on November 4, 2016.

Complaint 16/17 #16

The Tulare County Grand Jury received a complaint from an inmate housed in the Tulare County Jail on September 8, 2016, alleging inappropriate behavior by staff. The Grand Jury interviewed the complainant and determined the complaint could not be substantiated. The complaint was closed October 28, 2016.

Complaint 16/17 # 17

The Tulare County Grand Jury received a citizen's complaint on September 12, 2016. The complaint alleged that a County agency gave preferential treatment to an employee. The Grand Jury reviewed documentation and determined that no action was warranted. The complaint was closed on October 28, 2016.

Complaint 16/17 #18

The Tulare County Grand Jury received a citizen's complaint on October 25, 2016, concerning city utility charges. The Grand Jury interviewed city staff, reviewed documentation and determined that no action was warranted. The complaint was closed on December 2, 2016.

Complaint 16/17 #19

The Tulare County Grand Jury received a complaint on September 23, 2016, from an inmate housed in the Tulare County jail alleging improper housing. The Grand Jury reviewed the complaint and determined that all policies and procedures had been followed. The complaint was closed on October 19, 2016.

Complaint 16/17 #20

The Tulare County Grand Jury received a complaint on September 23, 2016, from an inmate housed in the Tulare County jail alleging improper housing. The Grand Jury reviewed the complaint and determined that all policies and procedures had been followed. The complaint was closed on October 19, 2016.

Complaint 16/17 #21

The Tulare County Grand Jury received a complaint on September 30, 2016, from an inmate housed in the Tulare County Jail concerning medical treatment, medical diet and placement. The Grand Jury reviewed all documentation and determined the allegations could not be substantiated. The complaint was closed on December 9, 2016.

Complaint 16/17 #22

The Tulare County Grand Jury received a complaint on September 23, 2016, from an inmate housed in the Tulare County jail alleging improper housing. The Grand Jury reviewed the complaint and determined that all policies and procedures had been followed. The complaint was closed on October 19, 2016.

Complaint 16/17 #24

The Tulare County Grand Jury received a complaint on October 10, 2016, from an inmate housed in the Tulare County Jail complaining of poor legal representation. After reviewing documentation and conducting interviews it was determined the complaint was not within the jurisdiction of the Grand Jury. The complaint was closed on December 20, 2016.

Complaint 16/17 #25

The Tulare County Grand Jury received a complaint on October 14, 2016, from an inmate housed in the Tulare County Jail regarding security issues. The Grand Jury determined the complaint was not within their jurisdiction. The complaint was closed on November 4, 2016.

Complaint 16/17 #26

The Tulare County Grand Jury received a complaint on October 18, 2016, from an inmate housed in the Tulare County Jail. The complainant was allegedly denied the right to bond out. After interviewing the complainant and reviewing documentation, the Grand Jury determined that no action was warranted. The complaint was closed on December 23, 2016.

Complaint 16/17#27

The Tulare County Grand Jury received an anonymous complaint on October 28, 2016, regarding an individual who was running for a seat on a school board. The subject of the complaint is not within the jurisdiction of the Grand Jury, therefore the complaint was closed on December 9, 2016.

Complaint 16/17 #28

The Tulare County Grand Jury received a complaint from a private citizen on November 2, 2016, alleging that a warrant for his arrest was incorrectly issued by a local law enforcement agency. The Grand Jury interviewed the complainant and reviewed documentation. It was determined that no further action was required and the complaint was closed on December 23, 2016.

Complaint 16/17 #29

The Tulare County Grand Jury received a complaint on November 18, 2016, from an inmate housed in the Tulare County jail alleging his confidential medical rights had been violated. After reviewing documentation, the Grand Jury determined it was unable to substantiate the allegation. The complaint was closed on December 18, 2016.

Complaint 16/17 #31

The Tulare County Grand Jury received a complaint on November 21, 2016, from an inmate housed in the Tulare County Jail concerning sanitary conditions in the facility. The Grand Jury reviewed all documentation and inspected the facility. It was determined that the allegation could not be substantiated and the complaint was closed on December 20, 2016.

Complaint 16/17 # 32

The Tulare County Grand Jury received a citizen's complaint on November 18, 2016, alleging that a lien previously placed on a private business was still being listed on their credit report. The Grand Jury reviewed all documentation and determined the complaint was not within their jurisdiction and the complaint was closed on December 2, 2016.

Complaint 16/17 #34

The Tulare County Grand Jury received a citizen's complaint on November 30, 2016. The complainant alleged that he was not advised of owing overdue taxes and was unfairly fined. After reviewing documentation, the Grand Jury determined that no action was warranted and closed the complaint on December 23, 2016.

Complaint 16/17 #35

The Tulare County Grand Jury received a citizen's complaint on December 6, 2016, alleging a municipality had awarded an illegal contract. The Grand Jury investigated the complaint and could not substantiate the allegation. The complaint was closed on January 20, 2017.

Complaint 16/17 #36

The Tulare County Grand Jury received a complaint on January 13, 2017, alleging inappropriate board appointments and mismanagement of funds by a special district. After interviews were conducted and documents were reviewed, the grand jury determined that no action was warranted. The complaint was closed on March 24, 2017.

Complaint 16/17 #37

The Grand Jury received a complaint on January 20, 2017, alleging operational irregularities within a special district. This was combined with a similar complaint for which a report will be issued. The complaint was closed on February 3, 2017.

Complaint 16/17 #38

The Tulare County Grand Jury received a citizen's complaint on January 26, 2017, alleging a local law enforcement agency did not properly handle an investigation. The complaint was reviewed and the grand jury determined it was not within its jurisdiction. The complaint was closed on February 24, 2017.

Complaint 16/17 #39

The Tulare County Grand Jury received a complaint from a private citizen on February 3, 2017, alleging mismanagement by a special district board. After attending board meetings, conducting interviews and reviewing documentation, the grand jury determined there was not sufficient time to thoroughly investigate the complex issues. The complaint was closed on April 14, 2017.

Complaint 16/17 #40

The Tulare County Grand Jury received a complaint on February 10, 2017, from a private citizen alleging inappropriate behavior by staff at a local school district. All documentation was reviewed and the allegation could not be substantiated. The complaint was closed on February 24, 2017.

Complaint 16/17 #41

The Tulare County Grand Jury received a complaint on March 10, 2017, from an inmate housed in the Tulare County Jail alleging a lack of medical treatment. After reviewing documentation and conducting interviews, the allegation could not be substantiated and the complaint was closed on May 5, 2017

Complaint 16/17 # 42

The Tulare County Grand Jury received a citizen's complaint on March 10, 2017, alleging they were being required to hook up to city water. The grand jury conducted interviews and reviewed documentation and determined that it was not within their jurisdiction. The complaint was closed on March 31, 2017.

Complaint 16/17 #43

The Tulare County Grand Jury received a citizen's complaint on March 10, 2017, concerning the poor condition of county roads. Due to insufficient time left in the current grand jury's term to investigate the matter, the complaint was closed on March 17, 2017.

Complaint 16/17 #44

The Tulare County Grand Jury received a complaint on March 13, 2017, from an inmate housed in the Tulare County Jail alleging poor medical treatment. After reviewing documentation and interviewing the inmate, the grand jury determined there was no evidence to substantiate an investigation. The complaint was closed on April 18, 2017.

Complaint 16/17 #45

The Tulare County Grand Jury received a complaint on March 17, 2017, from an inmate housed in the Tulare County Jail alleging a lack of medical treatment. After reviewing all documentation, the allegation could not be substantiated and the complaint was closed on May 5, 2017.

Complaint 16/17 #46

The Tulare County Grand Jury received a complaint on March 16, 2017, from an inmate housed in the Tulare County Jail alleging an improper bunking issue. After reviewing documentation, the grand jury determined the allegation could not be substantiated. The complaint was closed on April 7, 2017.

Complaint 16/17 # 47

The Tulare County Grand Jury received a complaint on March 24, 2017, alleging an improper property search. The grand jury reviewed the complaint and all documentation and determined that it was not within their jurisdiction. The complaint was closed on March 31, 2017.

Complaint 16/17 #48

The Tulare County Grand Jury received a complaint on March 24, 2017, from an inmate housed in the Tulare County Jail alleging a lack of medical treatment. After reviewing all documentation, the allegation could not be substantiated and the complaint was closed on May 5, 2017.

Complaint 16/17 #49

Tulare County Grand Jury received a complaint from a private citizen on March 24, 2017, alleging billing irregularities from their local water district. The grand jury reviewed documentation and interviewed the complainant. It was determined the complaint was not within the grand jury's jurisdiction. The complaint was closed on May 5, 2017.

Complaint 16/17 #50

The Tulare County Grand Jury received a complaint on March 29, 2017, from a private citizen alleging improper arrest by a local law enforcement agency. The grand jury reviewed all documentation and determined the allegation could not be substantiated. The complaint was closed on April 4, 2017.



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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 2016-2017

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)



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/*

2018 – 2019

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? |

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 **2018-2019** and I understand the time commitment required.
- () I am unable to serve on the Grand Jury in **2018-2019**.
- () I am unavailable at this time, but would like to be considered for term **2019~2020**.

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) _____



TULARE COUNTY GRAND JURY REPORT 2016-2017



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 2016-2017



- 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 19, 2019



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