



2011-2012 GRAND JURY MEMBERS

Seated: David Serpa, Gail Wilson, George Tsapanos, Chuck White, Gene Russ, Lindell Yoshimura.

Standing: Louise Whittle, Mario Torres, Janson Reeves, Sally Williams, Kema Paterson, Lino Moran, Edward Bergtholdt, Carol Clarke, David Whaley, Ross Clyborne, Alfred Rowland, Anna Rubio, Betty Bynum.

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LETTER FROM THE FOREMAN



Tulare County Grand Jury

5963 South Mooney Boulevard
Visalia, CA 93277

(559) 733-6465 • Fax (559) 733-6078

Honorable Judge Lloyd L. Hicks
Presiding Judge of the Superior Court
Supervising Judge of the Grand Jury
State of California
County of Tulare

Dear Judge Hicks,

Pursuant to California Penal Code §933, the 2011-2012 Tulare County Grand Jury presents this Final Report of the Grand Jury to the Court and to the citizens of Tulare County. This report completes the work of the members who served on the Grand Jury for the past year. These members have committed countless hours of hard work evaluating local government operations and making appropriate dispositions of citizen complaints.

The Jury was impaneled by the Court in July 2011 with the charge to serve the general public as “watchdogs” of county government agencies. They worked tirelessly to respond to citizens’ complaints, and to investigate numerous County departments with interviews of “relevant” witnesses, visitations to applicable meetings, and review of pertinent documents.

The purpose of the findings and recommendations, that are herein compiled, is to make the public aware of issues before these agencies and to require the agencies to examine their policies and procedures so as to best protect the interests of the public. While the Grand Jury does not have power or authority to mandate compliance by public agencies to its findings or recommendations, under the laws of the State of California, the Grand Jury may refer issues to appropriate local or state law enforcement or regulatory agencies for appropriate follow-up action.

On behalf of the Grand Jury, I want to convey our gratitude to you, Judge Hicks, for your sensible and judicial direction. This sincere expression of appreciation also extends to the many members of the office of County Counsel Kathleen Bales-Lange, and to our clerk Louise Whittle, for their generous support.

The Members of the 2011-2012 Grand Jury are honored to have had the privilege and opportunity to serve the citizens of Tulare County. It has been an instructive, challenging, and gratifying experience. This dedicated and skillful team has my most profound thanks for their conscientious service to this splendid cause. It has been with satisfaction and pleasure to have served as foreman of this dutiful group of citizens.

Respectfully,

A handwritten signature in blue ink that reads "Lino Moran".

Lino Moran, Foreman
2011-2012 Tulare County Grand Jury

LETTER FROM THE JUDGES

Superior Court of the State of California

LaRayne Cleck
Court Executive Officer/
Jury Commissioner

Deanna A. Jasso
Court Administrative Manager

Stephanie Cameron
Court Operations Manager

COUNTY OF TULARE

ADMINISTRATION

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



JUDGE'S COMMENTS


On behalf of the entire bench of the Tulare County Superior Court we want to sincerely thank the 2011-2012 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.

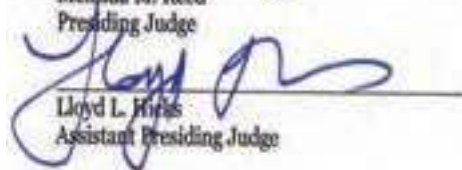
Much is misunderstood by the general public as to the functions and purpose of the Grand Jury. It is empowered by statutory authority to investigate local governmental agencies and process citizen complaints involving local government issues. No other agency or group has mandate to be a "watch-dog" to 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.





Melinda M. Reed
Presiding Judge



Lloyd L. Higgs
Assistant Presiding Judge

RESPONSES TO GRAND JURY REPORT 2010-2011 COMPLIANCE REVIEW

BACKGROUND

The Tulare County Grand 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. They may also look into complaints brought by citizens who are concerned about perceived governmental irregularities. As a fact finding body, the Grand Jury 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 the county's various entities to determine if more efficient and economical programs may be employed. The Grand Jury is also authorized to, and in some cases must:

- 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 or city funds;
- Inquire into the conditions of jails and detention centers; and
- Inquire into any charges of willful misconduct in office by county and/or local officials or employees.

The Grand Jury does not investigate private entities, school curriculum, state or federal agencies, courts, nonprofits not connected to the government, or other matters not connected with local governments.

The Grand Jury annually issues a final report containing several 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 nonprofit corporations. This ensures that their functions are performed in a lawful, economical, and efficient manner. Each report contains information such as background regarding subject matter; reasons for investigation; 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 given time period.

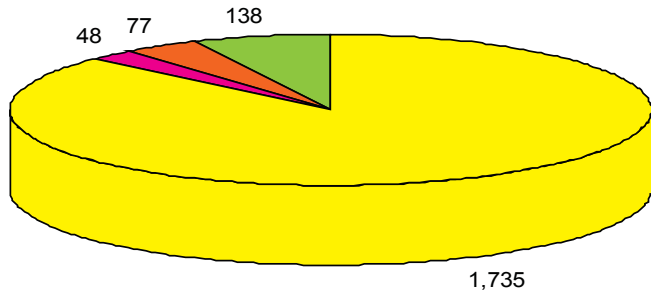
PROCEDURES FOLLOWED

1. Reviewed all returned responses to the 2010-2011 Grand Jury Report.
2. Reviewed relevant Penal and Government Codes.
3. Compiled statistics regarding the responses.

FINDINGS

1. There was a total of 20 Grand Jury reports in the 2010-2011 final report, 16 of which required 78 responses from 70 entities.
2. There were 239 findings and 77 recommendations.
3. The following diagrams indicate the percentages of concurrence with, or disagreement to, the findings and implementation; or non-implementation of recommendations made to the responding entities.

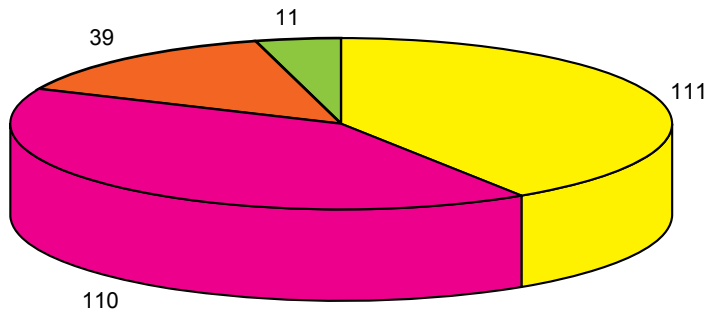
2010-2011 Findings:



Agree	86.8%
Disagree	2.5%
Partially Agree	8.8%
Not Applicable	7.9% ¹

Total: 1,998

2010-2011 Recommendations:



Implemented	41.0%
Not Implemented	40.6%
Requires Study	14.4%
Not Applicable	4.0% ¹

Total: 271

CONCLUSIONS

Instructions are provided to all entities from which responses are required. Not all entities responded by the response date, however, with subsequent requests to do so, all entities responded. A number of responses were not in proper form. Entities need to respond in a timely and proper manner.

REQUIRED RESPONSES

None

¹Not Applicable: This term applies to responses such as those that do not have information to be able to agree or disagree and those not in our purview.

PORTERVILLE MEASURE “H”

BACKGROUND

The City of Porterville held a general election on November 8, 2005. Measure “H” was on the ballot. This measure was to authorize a special sales tax of one-half cent to fund police, fire, and emergency response for public safety.

Included in Measure “H” was a requirement for a citizen’s oversight committee to be established that would provide independent annual performance and financial audits. The measure required a two-thirds majority of votes to pass.

The measure was approved by the voters and implemented by the City of Porterville.

REASON FOR INVESTIGATION

The 2011-2012 Grand Jury (Grand Jury) received a citizen’s complaint alleging that the City of Porterville spent Measure “H” funds on items not authorized in the ballot measure. The complainant cited several expenditures that were considered beyond those authorized by the measure.

PROCEDURES FOLLOWED

1. Complainant was interviewed.
2. Relevant witnesses were interviewed.
3. Relevant documents were reviewed.

FINDINGS

1. The measure did not provide for a “Sunset Clause” or a date for ending the tax.
2. The measure provides for up to 15 % of the funds to be used for “Literacy Programs.”
3. The measure provides that the Public Safety Expenditure plan may be amended by a majority vote of the City Council.
4. The measure provides that the Oversight Committee members be appointed by the City Council.
5. A new Fire Station was the only capital expense outlined in the ballot measure.
6. The City has reimbursed Measure “H” for items that were determined not to be in the scope of the expenditures authorized.
7. The City Council should have provided a better description of the goals of the measure to allow voters better understanding.

CONCLUSION

1. Based on these findings, the Grand Jury feels that the ballot measure did not provide the public with an accurate description of the provisions in Measure “H.”

RECOMMENDATIONS

1. “Literacy Programs” needs a more specific definition.
2. The “Public Safety Expenditure Plan” should be approved by the Oversight Committee.
3. Large expenditures should have prior review by the Oversight Committee.
4. The City Council justify the funding of a “Public Safety Station” instead of the Fire Station authorized by Measure “H.”
5. The City Council should provide a ballot measure description for future measures that accurately describes the intent especially regarding capital expense.

REQUIRED RESPONSES

Porterville City Council

Porterville City Manager

ALPAUGH UNIFIED SCHOOL DISTRICT

BACKGROUND

There are eight unified school districts in Tulare County. The Alpaugh Unified School District (AUSD) is located in the extreme southwest corner of the county. The western boundary is on the Tulare and Kings County line while the southern border of the district is on the Tulare and Kern County line.

The current campus was constructed in the 1950s. Alpaugh USD, serving 320 K-12 students, provides traditional classroom instruction, an independent study program, and a continuation high school. The elementary, middle school, and high school classes are all located on one campus. They also provide a Pre-School (Early Step) program. Tule Continuation High School is located one block north of the main campus.

The district is overseen by a five-member Board of Trustees which meets the second Thursday of the month at 6:00 P.M.

REASONS FOR INVESTIGATION

On its own initiative, members of the 2011-2012 Tulare County Grand Jury (Grand Jury) visited the AUSD Board of Trustee meetings to evaluate the Board's compliance with the Ralph M. Brown Act and to assess the quality of the school Superintendent's and Board members' district leadership.

The Grand Jury reviewed the 2009-2010 Grand Jury's final report on AUSD which found the buildings to be in extreme disrepair. It was recommended at that time, the district make all necessary repairs.

PROCEDURES FOLLOWED

1. Attended school board meetings.
2. Toured the school campus.
3. Interviewed relevant witnesses.
4. Reviewed relevant documents.

FINDINGS

1. The AUSD Board of Trustee meetings adhere to all provisions of the Ralph M. Brown Act.
2. The Board authorized the retaining of an architectural firm and submitted school plans for a new campus. The plans must now go to the state architect for final approval.
3. The Board authorized the location of the new buildings adjacent to the current school. This allows students to remain in their current classrooms until construction is completed.

4. The Board will be required to reapply if State funds are not encumbered by May 15, 2012.
5. During a public meeting, the Board approved keeping the existing multipurpose room, which contains the cafeteria and kitchen. However, a new multipurpose room will be constructed. The Board also approved the final design plan showing a two story building which will house all K-12 students and administrative offices. Grades K-6 will be located on the first floor while grades 7-12 will be housed on the second floor. An elevator for handicapped individuals and janitorial use will be included.
6. Following State Law, the Board approved the testing by the Department of Toxic Substance Control which has determined that the soil below the school site is not contaminated, with the exception of a small 18 inches deep, 5 feet wide section which must be removed before the Board allows construction to begin.

CONCLUSIONS

The Alpaugh Unified School Board meetings are very well-run and organized. The board meeting agenda and board packet are presented in a well-done spiral-bound binder for all in attendance. This increases the ability of the audience to easily follow items as presented.

The Trustees are highly informed and well-prepared, with discussion and voting on items as needed. The board members may disagree at times, but they work well together in a very professional manner.

The Superintendent provides detailed explanation whenever it is required and performs his board duties at the highest level of competence. He demonstrates a professional as well as collegial relationship with the board. He also translates minutes and talks to Spanish-speaking parents and public as needed.

The Board of Trustees and the Superintendent conduct exemplary School Board meetings.

RECOMMENDATIONS

None

REQUIRED RESPONSES

None

RURAL AND SMALL SCHOOLS

BACKGROUND

The Tulare County Grand Jury (TCGJ) is tasked with oversight of public agencies such as schools. This oversight includes monitoring compliance with laws such as California's Ralph M. Brown Act, Government Code §54950 et seq. (Brown Act), which requires meetings and actions of governing bodies of local government agencies and subsidiary bodies created to be open and public. It was intended that the Brown Act implement a strong public policy. This policy ensures the public's right to attend and participate in the meetings of local government agencies.

In addition to compliance with laws, TCGJ monitors the efficiency and appropriate management of public entities which include the manner in which they respond to their client base and the fiscal decisions enacted by elected bodies. This report is not intended to represent an in-depth analysis of these school districts but a review of the manner in which these boards are functioning.

REASON FOR INVESTIGATION

The 2011-2012 Grand Jury decided to follow up on the investigation and report on actual District School Board meetings, meeting practices, and public participation, started by the 2010-2011 Grand Jury. This was done by looking primarily at other boards that were not visited by the 2010-2011 Grand Jury, specifically rural and small schools having one or two campuses only.

PROCEDURES FOLLOWED

1. Attended meetings.
2. Reviewed relevant documents.

FINDINGS

1. School boards generally had a full complement of members with good attendance.
2. With the exception of a select few, school board meetings appeared to be well run by well-informed Board members.
3. Most of the Board meetings did not have microphones available. But as these boards and the public attendance at them were small, it was rarely difficult to hear what was said during the meetings.
4. Agenda were posted.
5. Agenda packages were available to the public.
6. The Americans with Disabilities Act (ADA) was provided for on the agenda or addressed verbally by the Board president.

7. Demeanor of the Boards was professional and business-like, though owing to the personal nature of rural communities, there was more than the usual friendly give and take.
8. Public comment time was either verbally encouraged or noted on the agenda, though few boards had much of a community presence.
9. There did not seem to be obvious or formal bilingual services available to those community members in attendance who might require them.
10. In general, School Board members seemed to be aware of their responsibilities under the Brown Act which reflects appropriate training and attention to the necessities of their positions.

CONCLUSIONS

Rural and small school districts face unique challenges. Often the area the district covers is large, and transportation of students is an expensive challenge with which school boards must struggle. The communities these school districts serve are, for the most part, composed of socially and economically disadvantaged populations with a high proportion of second language learners. Community members, from whom trustees are recruited, may or may not be conversant in the English language.

All Boards visited are proud of their schools and value their independence. Many members of the Boards are also former students and wish to make their communities better. They are dealing the best they can with the dwindling monetary support the districts are receiving from federal and state sources. They are researching the possibilities of moving to trustee districts or staying with at-large elections. Generally, the Boards appeared glad to see the attendance of the 2011-2012 Grand Jury and had friendly interactions with them.

In spite of the above challenges, it generally appears that the rural and small school districts are appropriately meeting, mastering legal requirements such as the Brown Act, and serving their communities efficiently.

RECOMMENDATIONS

1. School District superintendents should continue to provide or obtain the training necessary for their Board members to comply with the Brown Act.
2. Bilingual services should be readily available in both verbal discussions during Board meetings and in the agenda which are available to any community members who may attend.

REQUIRED RESPONSES

None

COMMENDATIONS

The following section includes personal observations by the 2011-2012 Grand Jury members of the School Boards which they were assigned to observe and fell outside of the parameter of the intended report but were worthy of note.

Buena Vista – Seventy percent of the student population is from outside of the school district. This may indicate that parents and/or students recognize a different and/or higher quality of opportunities that Buena Vista can offer to them.

Pleasant View – The Board is proud of their Superintendent/Principal. He will be sharing his knowledge of the Instructional Rounds program with other school districts. This program was developed at Harvard University, focusing on observing students in order to address systemic-education and student-learning issues.

Traver – The Board is interested in giving their students activities to enhance their school experience. They discussed ways to keep their community Girl Scout troop, which meets at the school, operating. The Board is also proud of the 70% of the student population participating in band programs.

SMALL DISTRICTS TRUSTEE BOARD MEETING

Date of Meeting	Agendas Posted	Brown Act Compliance	ADA Compliance	# of Board Members	# Board Members in Attendance	Demeanor of Board	Used Microphones	Followed Agenda	Board Members Knowledgeable	Public Comment Time	Agenda Packets Available
Atla Vista	4/11/2012	Yes	On Agenda	5	5	Friendly	No	No	Yes	Provided	Yes
Buena Vista	1/11/2012	Yes	On Agenda	3	2	Friendly	No	No	Yes	Provided	Yes
Hope	2/8/2012	Yes	Yes	3	3	Friendly	1	No	Mostly	Provided	Yes
Liberty	1/10/2012	Yes	Yes	5	5	Friendly	No	Mostly	Mostly	Provided	Yes
Oak Valley	1/17/2012	Yes	Yes	5	5	Friendly	No	Yes	Mostly	Provided	Yes
Outside Creek	4/12/2012	Yes	Yes	5	4	Friendly	No	Yes	Yes	Provided	Yes
Palo Verde	4/11/2012	Mostly	On Agenda	5	4	Pro,Bus	No	Yes	Yes	No	Yes
Pleasant View	2/7/2012	Yes	On Agenda	5	3	Pro,Bus	No	Yes	Yes	Provided	Yes
Pixley	1/10/2012	Yes	No	5	5	Pro,Bus	No	Yes	Yes	Provided	Yes
Rockford	Canceled two attempts			3							
Saucelito	2/21/2012	Yes	Yes	3	3	Pro,Bus	No	Mostly	Yes	Provided	Yes
Sequoia Union	1/19/2012	On Agenda	Yes	5	5	Not Bus	No	Mostly	No	Provided	Yes
Sundale	4/10/2012	Yes	Yes	5	5	Friendly	No	Yes	Yes	Provided	Yes
Sunnyside	1/9/2012	Yes	On Agenda	5	5	Pro,Bus	No	Yes	Yes	Provided	Yes
Three Rivers	1/11/2012	Mostly	No	5	5	Friendly	No	Yes	Mostly	Provided	Yes
Tipton	1/7/2012	Yes	Yes	5	5	Pro,Bus	No	Yes	Yes	Provided	Yes
Traver	2/14/2012	Mostly	No	3	3	Friendly	No	Yes	Yes	Provided	Yes

Pro,Bus = Professional and Business-like

WOODVILLE UNION SCHOOL DISTRICT (WUSD)

BACKGROUND

Woodville Union School District is located west of Porterville and is a single school district. The school has an average daily attendance of 475 students in grades K through 8. The largest ethnic group of students (over 90%) is Hispanic with over 14 % of the student body being children of migrant workers. The Woodville School Board (Board) of Trustees consists of five Board Members and is one of the 46 School Districts under the supervision of the Tulare County Office of Education (TCOE).

REASONS FOR INVESTIGATION

The 2009-2010 and the 2010-2011 Tulare County Grand Juries reported on complaints and general concerns relating to the Woodville Union School District (WUSD). The 2011-2012 Tulare County Grand Jury received further complaints regarding violations of the Brown Act and actions of the superintendent and the Board of Trustees of WUSD that violate Board Bylaws and Government and Education Code procedures.

These complaints pertain to the conflict of interest law (Government Code §1090). This law provides that board members are expected to exercise absolute loyalty and undivided allegiance to the best interest of the school district and public. Even the appearance of the lack of proper procedure is prohibited. These prohibitions have nothing to do with the integrity of the person concerned or his/her individual capacity to be impartial. These prohibitions prevent the individual from being confronted with the need to make a choice between the public good and his or her own personal interests.

The law specifically prohibits public officers and employees from being “financially interested” in any contract made by them in their official capacity, even if the proposed contract is apparently beneficial to the school district because of discounts or special terms offered (Government Code §1090). Moreover, the law prohibits the board itself from entering into any contract in which one of the board members is “financially interested.” Such a conflict cannot be avoided by the abstention of the interested board member, except for narrow exceptions. (Government Code §1091 and §1091.5)

PROCEDURES FOLLOWED

1. Interviewed relevant witnesses.
2. Reviewed relevant documents.
3. Attended Board meetings.
4. Reviewed internet sites and news articles regarding the functioning of WUSD.

FINDINGS

1. On July, 20, 2011, a WUSD Board member applied for a teaching position with the district.
2. On July, 29, 2011 (a Friday), this same Board member interviewed with a hiring panel which included two administrators, another teacher, and a parent. This Board member was one of eight candidates who appeared before the hiring panel.

3. On July 31, 2011 (a Sunday), the Superintendent offered the open teaching position to the school board member.
4. Employee time sheets authorized for payment by the Superintendent for 2011 appear unreliable. Hourly employees submit for reimbursement, time sheets that reflect double payment and payment for days on holidays and weekends.
5. On January 11, 2012, the Superintendent changed the date and location of the Board of Trustees meeting without the consent or notification of a majority of the Board members.
6. Some Board Members have not attended school board training which includes provisions of The Brown Act.

CONCLUSION

Small and rural school districts face challenges that urban schools do not. These challenges include obtaining school board member participation from a broad range of the community which they serve. In addition, obtaining the training necessary for those who do volunteer to serve so that they are fully aware and compliant with the Brown Act and other relevant laws is difficult. While difficult, this training is necessary since they and the administrators they hire are responsible for following the law.

Though the Grand Jury received complaints of potential conflicts of interest violations, a careful review of the relevant facts revealed no such violation occurred. It is clear that this school district is working to do the best that it can. Violations of the Brown Act can be easily rectified but the manner in which payroll practices impact the fiscal resources of this district must be firmly addressed.

RECOMMENDATIONS

1. The Superintendent of WUSD adheres to all components of the Brown Act.
2. Board members read and adhere to the board by-laws and operating procedures.
3. Each and every board member attends training available for school board members as soon as possible after election and every two years thereafter.
4. Board members and school administrators should receive additional training on Government Code §1090 regarding conflict of interest.
5. A more consistent manner of reimbursement for hourly employees be enacted and hourly time sheets be more closely monitored for errors in requests for payments.

RESPONSES

Tulare County Office of Education

WUSD Board of Trustees

WUSD Superintendent

WASTE WATER TREATMENT A SOLUTION TO OUR WATER WOES

BACKGROUND

As a result of drought years, water cut backs in Federal and State water allocations, and contamination of ground water throughout the valley from natural and other sources, Tulare County water tables are being depleted.

REASON FOR INVESTIGATION

In 2011 a United Nations (U.N.) representative visited the community of Seville. The report from the U.N. of contaminated water in the community of Seville prompted the 2011-2012 Tulare County Grand Jury (TCGJ) to look into other areas of providing water in Tulare County.

PROCEDURES FOLLOWED

1. Toured Waste Water Treatment (WWT) Sites:
 - a. Visalia City - Residential & Business
 - b. Tulare City - Residential, Business, & Industrial (Dairy)
 - c. Cutler-Orosi Joint Powers Authority - Residential, Business, & Pumping
 - d. Delft Colony (County Operated) - Residential
2. Toured Waste Lift Station and Fresh Water Facilities/Services:
 - a. Seville (County Administered) - Residential & Business
3. Obtained information from additional sites:
 - a. Terra Bella
 - b. Tooleville
 - c. Traver
 - d. Exeter
 - e. Porterville
 - f. Dinuba
 - g. Woodlake
 - h. Tule Indian Reservation
4. Obtained information from Tulare County Resource Management Agency

FINDINGS

1. The cities of Visalia and Tulare waste water treatment plants are treating and making available reclaimed water for other uses.

2. These facilities are capable of handling more than the current flow for the following communities:
 - a. Visalia - 22 million gallons/day (mgd), capacity of 35 mgd
 - b. Tulare domestic/industrial - 18 mgd, capacity of 24 mgd
 - c. Cutler-Orosi - 1.4 mgd, capacity of 2.5 mgd
3. Visalia allows free dumping of recreational vehicle waste at the treatment plant.
4. Tulare, Cutler-Orosi, and Visalia are treating waste water with ultra violet light (UVL) and chlorine.
5. Visalia provides the UVL treated waste water for use on agricultural lands.
6. Tulare also has an industrial waste water treatment plant and primarily treats waste from six large milk processing facilities.
7. The Tulare industrial site has a problem with waste gases such as methane and carbon dioxide.
8. At the Tulare industrial site, all of the waste gases are being captured. Some of them are utilized by generators and/or energy stored into batteries, and the remainders are burned off.
9. Tulare and Visalia owned facilities have solar power to reduce costs of operations.
10. Tulare, Visalia, and Cutler-Orosi facilities have UVL water treatment capabilities.
11. Seville has an antiquated water system that continues to have issues.
12. Future plans for water conservation/use:
 - a. In 2013, Visalia will use a capillary cleaning system (membrane bioreactor) to reduce the cost by eliminating chlorine and minimizing the use of UVL.
 - b. Utilize waste water on City property.
 1. Plaza Park
 2. Golf Course
 - c. Visalia will send surplus treated water to be used by Tulare for agricultural use. In return, Visalia would receive potable ground water at a 2 to 1 ratio.
 - d. Visalia will earn savings by not having to test the waste water sent into the local waterways.
 - e. The City of Tulare and a private individual have applied for grants to showcase the technology for capturing waste water gases to generate and store energy to be a model for international communities.

CONCLUSIONS

Due to the depletion of above ground water sources and contamination of underground water, one of the avenues available is water reclamation.

Waste water treatment plants in Tulare County have adequate capacity for the near future.

Use of new technologies for waste water treatment will provide more potable and agricultural water for Tulare County.

The City of Tulare technology for industrial and residential waste water treatment plants now, and in the future, will benefit the people and environment of Tulare County.

RECOMMENDATIONS

None

REQUIRED RESPONSES

None

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TULARE COUNTY ADULT DETENTION FACILITIES

BACKGROUND

The Tulare County Sheriff's Department (TCSD) operates four detention facilities for the confinement of individuals awaiting trial, being held for another agency, or serving a term of confinement following conviction of a criminal offense.

REASON FOR INVESTIGATION

The California Penal Code §919 (b) states, "The Grand Jury shall inquire into the condition and management of the public prisons within the county." In addition to this responsibility, complaints have been received from inmates regarding conditions in the detention facilities.

PROCEDURES FOLLOWED

1. Interviewed witnesses.
2. Investigated detention facility inmate complaints.
3. Toured the four adult detention facilities of Tulare County and the holding facility at the Porterville substation.
4. Reviewed relevant documents.

FINDINGS

1. The Main Jail (MJ), located in central Visalia, was built in 1962. Most of the males arrested in Tulare County are booked at the MJ. It has the capacity to house 264 individuals. This is composed of the general population including gang members. As an older facility, it has a linear layout in which the cells are organized along corridors. The floor plan precludes direct supervision, which requires the staff to regularly patrol the corridors. In addition to single and double cells, it has cells that hold up to 16 inmates. It has direct underground access to the courtrooms in the adjacent Tulare County Courthouse.
2. Bob Wiley Detention Facility (BWDF) is located north of Visalia and was built in 1987. It has the capacity to house 690 individuals. There are four units with a total of eight modules. This includes three modules reserved for females, and modules containing general population inmates, gang members, protective custody inmates and administrative segregation inmates. The layout of this newer facility permits direct supervision of the inmates. All female detainees are transported directly to and booked at the BWDF. This facility contains the kitchen and laundry that provide services for all detention facilities.
3. Adult Pre-Trial Facility (APTF) is located north of Visalia and was built in 2001. Like the Bob Wiley Detention Facility, its layout permits direct supervision of the inmates. It is made up of eight modules. Two modules were not occupied at the time of inspection. It is designed to be the primary booking facility and includes its own courtroom which is used for pretrial proceedings. This facility has the capacity to house 384 individuals. This includes general population and protective custody inmates. One module is populated with female inmates. The APTF includes an infirmary, which is used for all of the detention facilities.

4. Men's Correctional Facility (MCF) is located north of Visalia. Using converted World War II barracks, this facility began operating as a detention facility in 2001. It was formerly used by the Probation Department as a boot camp. Inmates can use one of several programs available, one of which is a substance abuse program. Inmate workers who are allowed to work outside of the facility are also housed here. It has a capacity of 302 individuals.
5. The Sheriff provides two work programs designed to relieve overcrowding of the facilities. The Sheriff's Work Alternative Program (SWAP) permits low level offenders to continue with their daily lives while serving their time and paying any restitution. They work at various sites in the county getting credit for one day of jail time for every eight hours of work. Each offender pays a \$75 administration fee and a \$7 daily fee. Other low level offenders participate in the Day Reporting Center (DRC) program. This program has no fee. Each participant lives at home. Participants work under direct supervision of county personnel for forty hours each week receiving credit for one day of jail time for every eight hours of work.
6. The Porterville Substation has a temporary holding facility with 13 beds. Individuals can be held there for up to 24 hours; however, a welfare kit must be provided after 12 hours for housing purposes. Fresh arrests are not routinely held at the substation for more than six hours. Court holding capacity is 24. Due to classification issues, fresh arrests cannot be held in the same cell as inmates transported from another facility for a court appearance.
7. The TCSD operates a farm with the use of DRC participants. Cattle, hogs, and produce raised on the farm are used to feed the inmates.
8. Offenders are now booked at the MJ, BWDF, and Porterville Substation. It is anticipated that by the end of June 2012, all offenders will be booked at the APTF or the Porterville Substation.
9. On October 1, 2011, under Assembly Bill 109 (AB 109, commonly referred to as Realignment), the State of California began diverting non-serious, non-violent, or non-sex offenders (a.k.a. Non-Non-Non) to county detention facilities. In addition, when these offenders violate parole they are sent to county detention facilities. As of December 20, 2011, seventy-five of these offenders have been placed in the county's detention facilities with five of them released for time served. In addition, one hundred forty-three parole violators have been placed in the county's detention facilities with forty-six of them released for time served. As of December 20, 2011, there were one hundred sixty-seven of these low level offenders in the detention facilities. As of that date the TCSD had hired seven Correctional Deputies, nine Detention Service Officers, one Accounts Clerk, and one Cook. It is anticipated in the near future the TCSD will hire one Deputy 1, one Correctional Sergeant, twenty-three Correctional Deputies, fifty Detention Service Officers, two Office Assistants, and two Food and Laundry Technicians. On October 1, 2011, there were 234 beds at the APTF that were not occupied. In the first two months 134 of these beds were opened. It is anticipated that the additional 100 beds will be opened in the near term. At that time the TCSD will evaluate alternatives to housing.
10. On December 13, 2011, the Tulare County Board of Supervisors authorized the TCSD to seek \$60,000,000 from the CSA for the construction of a detention facility in the South County. This program, created by Assembly Bill 900 (AB 900) Phase II, requires the county to provide 10% in matching funds. The funds would be used for the construction of a detention facility with up to 500 beds near Porterville where the South Valley Justice Center is being built. This will reduce the cost of transporting inmates between the existing detention facilities in and around Visalia and the South County. If approved, it is anticipated that the facility would open by 2016. This would provide additional capacity for the anticipated increase of inmates from Realignment.

11. At the June 2011 biennial inspection of BWDF by the CSA, two issues of non-compliance were cited. They have now been corrected.
12. On June 1, 2011, the Tulare County Environmental Health Services Division inspected the kitchen facilities at BWDF. No infractions were observed.
13. On May 31, 2011, Tulare County Fire Department inspected the detention facilities. Only minor deficiencies were noted. All but one of these issues has been corrected; this deficiency is the ceiling area of the security garage at BWDF which must be reinsulated. Repairs have commenced, and it is anticipated that they will be completed within this fiscal year.

CONCLUSION

1. The detention facilities are in good condition and are being properly operated. The TCSD has addressed the anticipated problems with the AB 109 Realignment and is addressing the need for increased detention facility capacity.

RECOMMENDATIONS

None

RESPONSES

None

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LACK OF OVERSIGHT OF TULARE COUNTY SPECIAL DISTRICTS

BACKGROUND

Successive grand juries have reported on problems in the operation and governance of special districts in Tulare County. These problems often persist.

REASON FOR INVESTIGATION

The 2011-2012 Grand Jury (GJ) became concerned about a lack of oversight of special districts and decided to learn what agencies maintain oversight of special districts and the extent of such oversight.

PROCEDURES FOLLOWED

1. Interviewed relevant witnesses
2. Members of the Grand Jury attended special district board meetings.
3. Members of the Grand jury attended training provided by the office of the County Counsel for directors of special districts.
4. Reviewed relevant documents.

FINDINGS

1. The directors of some special districts are elected by voters within the district (e.g. memorial districts).
2. The directors of other special districts are elected by land owners within the district (e.g. irrigation districts).
3. The Board of Supervisors appoints the directors of certain special districts (e.g. water works districts and cemetery districts). Also, the Board of Supervisors appoints directors to special districts when the number of elected directors remaining on the board constitutes less than a quorum, but it cannot appoint more than the number necessary to make a quorum.
4. The Maddy Act (§§54970 – 54974) provides for the creation of a Local Appointments List by the Board of Supervisors. It does not provide a procedure for the recruitment of individuals to be considered for appointment as directors of special districts.
5. Government Code §56375 gives Local Agency Formation Commission (LAFCO) the authority to initiate proposals for the consolidation, dissolution, merger, or reorganization that includes any of these changes of organization.

6. Staffed with one half time executive officer, LAFCO also has one full time staff analyst, and other part time employees including a clerk who performs LAFCO duties 10% of the time.
7. There are 115 special districts in Tulare County. Of these, 92 are considered principal districts for which LAFCO is responsible. The remaining 23 are primarily located in adjoining counties and those counties are responsible for these districts.
8. Government Code §26909 requires each special district in the county to undergo an annual or biannual audit of its accounts and records for the County Auditor.
9. In 2011, 29 special districts experienced an operation loss or decrease in assets. In addition 11 special districts failed to perform any audits for one or more years. This shows a disturbing shortcoming in the operation of a significant number of the special districts in Tulare County.
10. Since July 8, 2011, the Grand Jury has received seven complaints from citizens regarding special districts, each of which raised significant issues regarding their governance and operation.
11. Special districts in the community of Alpaugh include the Tulare County Waterworks No.1, the Alpaugh Irrigation District, the Alpaugh Joint Powers Authority, and the South Tulare County Memorial District. Significant problems with their operation and governance exist.
12. Government Code §8546.10 became effective January 1, 2012 giving the State Auditor the authority to establish a high-risk local government agency audit program. It is too early to know if this program will be used to evaluate whether criminal charges should be filed against any special district.
13. The California Special Districts Association provides its members with extensive education materials including workshops, course modules and webinars on various aspects of the governance and operation of special districts.

CONCLUSIONS

1. The Board of Supervisors has very limited oversight of special districts. It does have the responsibility to appoint directors to the boards of special districts under certain circumstances. It does not have a procedure for the solicitation of individuals who would be willing to be appointed as a director of a special district which would provide the residents of special districts with more input in the selection of the directors of their special district.
2. The Board of Supervisors receives a report each year from the Auditor-Controller/Treasurer-Tax Collector regarding the shortcomings of special district audits, but the 2011-2012 Grand Jury was unable to determine if any action was taken regarding this important report. The Board of Supervisors can bring this important issue to the attention of the public by putting the issue of these shortcomings on its agenda.

3. Government Code §56375 gives Local Agency Formation Commission (LAFCO) the authority to initiate proposals for the consolidation, dissolution, merger, or reorganization. With the statutory authority to make changes, LAFCO can correct the shortcomings of special districts. Unfortunately, it lacks the staff to use this authority.
4. The Auditor-Controller/Treasurer-Tax Collector collects information demonstrating the shortcomings of the finances of special districts but has no authority except to monitor the audits of special districts.
5. Because of the number and complexity of the problems in special districts, grand juries have neither the time (one year term) nor experience to fully look into these problems.

RECOMMENDATIONS

1. The Board of Supervisors should:
 - a) place the matter of the shortcomings in the audits of special districts on its agenda for discussion upon being advised of these issues by the Auditor-Controller/Treasurer-Tax Collector.
 - b) increase the budget of the grand jury enabling it to hire investigative and forensic auditing services. This would provide the grand jury with resources to more thoroughly investigate the shortcomings in the operation and governance of special districts in Tulare County.
 - c) recommend LAFCO adopt an annual budget permitting it to hire additional full time personnel. This would enable LAFCO to monitor the operation and governance of special districts. Then LAFCO could act to encourage the boards to make changes that would permit the special districts to operate more effectively. Where boards fail or are unable to operate the districts effectively, LAFCO could act to dissolve or reorganize the district.
 - d) develop a procedure for recruiting individuals for appointment to the boards of special districts in addition to the requirements of the Maddy Act (§§54970 – 54974).

REQUIRED RESPONSES

Tulare County Board of Supervisors

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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.

Citizen Complaint Form

Tulare County Grand Jury

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

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 **

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

Civil Grand Jurors serve a one (1) year term from July 1st through June 30th. The jury panel consists of nineteen (19) persons who are assigned to various committees plus three (3) alternates. It is understood that Civil Grand Jurors may be absent for reasonable periods for vacations. During your term as a Civil Grand Juror you would be excused from trial jury service in the State Courts.

The Civil Grand Jury is a time-honored component of our Anglo-American legal system. Civil Grand Jurors are selected citizens of the county who are expected to exercise sound judgment in reviewing and commenting upon the actions of governmental agencies.

Essentially, the Civil Grand Jury operates as an investigative agency performing a two-fold function. First, the Civil Grand Jury has powers and duties with respect to the oversight of public offices, officers, and transactions. Designated State and all County and special District agencies that serve Tulare County are routinely reviewed and critiqued by the Civil Grand Jury in its annual and interim reports.

Secondly, the Civil Grand Jury has powers and duties with respect to inquiry into possible public offenses, misconduct in office by public officers and determining whether to return indictments charging the commission of felonies.

The 2012-2013 Tulare County Civil Grand Jury selection process will be conducted May - June 2012. The process involves completing this questionnaire and being interviewed by the designee of the Presiding Judge of the Tulare County Superior Courts. After selection, the designee of the Presiding Judge will further instruct jurors of their duties. Throughout its term, the Civil Grand Jury may request advice on legal matters from the District Attorney and County Counsel.

TULARE COUNTY GRAND JURY MEMBERS 2011-2012

<i>Edward Bergtholdt</i>	<i>Springville</i>	<i>George Tsapanos</i>	<i>Visalia</i>
<i>Betty Bynum</i>	<i>Visalia</i>	<i>David Whaley</i>	<i>Visalia</i>
<i>Carol Clarke</i>	<i>Visalia</i>	<i>Chuck White</i>	<i>Visalia</i>
<i>Ross Clyborne</i>	<i>Visalia</i>	<i>Sally Williams</i>	<i>Visalia</i>
<i>Lino Moran</i>	<i>Woodlake</i>	<i>Gail Wilson</i>	<i>Visalia</i>
<i>Kema Patterson</i>	<i>Tulare</i>	<i>Lindell Yoshimura</i>	<i>Visalia</i>
<i>Jansen Reeves,</i>	<i>Visalia</i>		
<i>Alfred Rowland,</i>	<i>Porterville</i>	<u>Also serving:</u>	
<i>Anna Rubio</i>	<i>Exeter</i>	<i>Jesus Romero</i>	<i>Visalia</i>
<i>Gene Russ</i>	<i>Visalia</i>	<i>Kay J. Dishman</i>	<i>Visalia</i>
<i>David Serpa</i>	<i>Dinuba</i>	<i>Tera Fruth</i>	<i>Visalia</i>
<i>Mario Torres</i>	<i>Visalia</i>	<i>Bette Standerfer</i>	<i>Visalia</i>

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2012 – 2013

TULARE COUNTY CIVIL GRAND JURY QUESTIONNAIRE

Pursuant to California Penal Code section 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 been a resident of Tulare County for at least one year prior to the date of this application?
- No Yes Are you in possession of your natural faculties? Are you of ordinary intelligence and of sound judgment and fair character?
- No Yes Do you possess a sufficient knowledge of the English language?

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

- No Yes Are you serving as a trial juror in any court of this State? If Yes, County_____
 - No Yes Have you been discharged as a grand juror in any court of this State within one year prior to the date of this application? If Yes, County_____
 - No Yes Have you ever been convicted of malfeasance in office or any felony or other high crime?
 - No Yes Are you currently serving as an elected public official?
- Check one: () I am interested in serving on the Tulare County Civil Grand Jury for the fiscal year **2012-2013** and I understand the time commitment required
- () I am unable to serve on the Grand Jury in **2012-2013**
- () I am unavailable at this time, but would like to be considered for term **2013~2014**

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

TULARE COUNTY GRAND JURY REPORT 2011-2012

IF QUALIFIED, please continue and complete the questionnaire, returning it in the pre-paid envelope provided.

CALIFORNIA RULES OF COURT, Rule 10.625, regarding certain demographic data relating to regular grand jurors.

{Please check the appropriate box to the following}

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

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

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

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

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: _____

TULARE COUNTY GRAND JURY REPORT 2011-2012

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? _____

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.) _____

TULARE COUNTY GRAND JURY REPORT 2011-2012

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 the envelope provided or deliver 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 May 1st, 2012

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