

# Tulare County Grand Jury



## 2008-2009 Final Report

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## LETTER FROM THE FOREMAN



### Tulare County Grand Jury

5963 South Mooney Boulevard  
Visalia, CA 93277

(559) 624-7295 • Fax (559) 733.6078

The Honorable Gerald F. Sevier  
Presiding Judge of the Superior Court  
State of California  
County of Tulare

The Melinda M. Reed  
Supervising Judge of the Grand Jury  
State of California  
County of Tulare Grand Jury

Dear Judge Sevier and Judge Reed:

It is with pride and satisfaction that the 2008 - 2009 Tulare County Grand Jury presents its Final Report. This report represents countless hours of hard work and dedication by those of us who had the privilege to serve the citizens of this county as members of the Grand Jury.

We took the oath of confidentiality on July 1, 2008, as a very diverse group of nineteen persons, and were given the task of coming together to form a collegial body. We came from many different communities within the county, had varied background, education, lifestyles, and then had to get to know each other, what we were there to do and do it as a team.

Our experience as Grand Jurors has reinforced our belief in the grand jury system. It is imperative that the public is made aware and remains confident that its local government representatives are effectively and efficiently serving the citizens and taxpayers.

Our personal thanks go to Judge Sevier who continued advising the Grand Jury while assuming his new position as Presiding Judge. Midway thru the second half of our term Judge Reed was assigned to be the advisor to the Grand Jury and supervised the recruitment and interviewing process for the upcoming 2010 Jury. Thanks should also go to the Executive Secretaries of the Tulare County Superior Court, our own Grand Jury Clerk, County Counsel and to all the other department heads that were contacted and graciously took time to answer our questions and explain the areas of their responsibility.

Respectfully,

Gene Mooers, Foreman  
2008-2009 Tulare County Grand Jury

[grnd\\_jury@co.tulare.ca.us](mailto:grnd_jury@co.tulare.ca.us) • [www.co.tulare.ca.us](http://www.co.tulare.ca.us)

## LETTER FROM JUDGES

LaRayne Cleck  
Court Executive Officer/  
Jury Commissioner  
Clerk of the Court

Cynthia Logan  
Deputy Court  
Executive Officer

### Superior Court of the State of California

County of Tulare  
Administration, Room 303 ♦ 221 South Mooney Boulevard  
Visalia, California 93291  
(559) 733-6561 ♦ Fax (559) 737-4290



#### JUDGE'S COMMENTS

On behalf of the entire bench of the Tulare County Superior Court we want to sincerely thank the 2008-2009 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 x1110 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.



Gerald F. Sevier  
Presiding Judge

Melinda M. Reed  
Assistant Presiding Judge

## HISTORY OF GRAND JURIES

*"I know no safe depository of the ultimate powers of the society but the people themselves; and if we think them not enlightened enough to exercise their control with a wholesome discretion, the remedy is not to take it from them, but to inform (them)."*

THOMAS JEFFERSON.

The name Grand Jury is derived from the fact that it has a greater number of jurors than a trial (petit) Jury. The history of Grand Juries traces back to the founding of common law under the English system in the 11th and 12th centuries. King Henry II of England impaneled the first sixteen-man Grand Jury in 1164 to remove criminal indictments from the hands of the church. By the year 1290, we find that the accusing jury was given the authority to inquire into the maintenance of bridges and highways, the defects of jails, and whether the sheriff had kept in jail anyone who should have been brought before the Justices. The Massachusetts Bay Colony impaneled the first Grand Jury in the United States in 1635 to consider such crimes as murder, robbery and wife beating. The Constitution of the United States as first written in 1776 did not include a provision for Grand Juries. However the Fifth Amendment, ratified in 1791, added this protection: ...“no person shall be held to answer to a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except for cases arising in the land or naval forces, or in the Militia when in actual service in time of war or public danger.” By the end of the Colonial period the Grand Jury had become an indispensable adjunct of government. They proposed new laws, protested against abuses in government and wielded tremendous authority in their power to determine who should and should not face trial.

In today's world there are two types of Grand Juries, Criminal and Civil.

- Criminal Grand Juries review evidence presented by a prosecutor and determine whether there is probable cause to return an indictment.
- Civil Grand Juries are the “watchdogs” of county government. They ensure that the county, cities within the county and special district's are lawfully carrying out their duties.

In California Criminal and Civil Grand Juries are separate. California's Constitution mandates a Civil Grand Jury be chosen in each county every year.

## THE GRAND JURY IN TULARE COUNTY

A judicial body authorized by the Constitution of the State of California, the Tulare County Grand Jury is composed of 19 members elected by ballot from a pool of volunteers and nominees of the court. An attempt is made to impanel a Jury that represents a diversity of men and women from socioeconomic, ethnic, age, educational background and geographical areas of the county. The Jury monitors the performance of local government and makes recommendations that may improve services and save taxpayers' dollars. The court also appoints three alternate jurors who attend the Grand Jury training along with the 19 appointed jurors and are impaneled if necessary during the year to maintain a 19 member jury. The Grand Jury as a fact-finding body has the potential to make constructive changes and suggest meaningful 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 public officials or employees.



# ADMINISTRATION

# TULARE COUNTY BOARD OF SUPERVISORS' SALARIES

## BACKGROUND

The Tulare County Board of Supervisors' (BOS) salaries are determined by the Tulare County Ordinance Code Chapter 7, Article 3, Section 1-07-1060 (see Attachment). In early 2009 there was a public outcry concerning a 4.56 percent increase in BOS salaries.

## REASON FOR INVESTIGATION

A citizen complaint was filed concerning the amount of the BOS salaries and the process by which the salaries are determined.

## PROCEDURES FOLLOWED

1. Relevant documents were reviewed.
2. Relevant personnel were interviewed.

## FINDINGS

1. The Ordinance Code specifies the process for determining the BOS salaries. This Ordinance Code Section was adopted on September 22, 1998, at a regularly scheduled BOS meeting in public session, and it was posted in the Visalia Times-Delta as required.
2. On September 30, 2008, in accordance with the Ordinance Code, the salaries for the BOS were increased by 4.56 percent.

3. The Agenda Item adopted on September 30, 2008 was in accordance with the Code. The Agenda item stated, "Approve changes for employees in Units 9, 10, 11, 19, 20 and 21".
4. Fresno, Merced and Madera Counties BOS salaries are tied to Judges' salaries. Kern and San Joaquin Counties BOS salaries are tied to employee groups. However, Tulare County is tied to County elected officials. [see Attachment Section (d) at the end of this report.]
5. The current Tulare County BOS salaries rank fourth out of the eight local counties. As a percentage of total County budget, Tulare County BOS salaries rank seventh out of the eight local counties. (see Figure 1)
6. On February 10, 2009, the BOS passed an Agenda item deferring/refusing the salary increases that were allowed under the Ordinance Code.

## CONCLUSIONS

With the recent economic downturn, it is understandable how the BOS salaries became a controversial issue. The local publicity and accusations that the BOS increases were not made public is not supported by the evidence. All applicable County rules and procedures were followed. The Tulare County BOS salaries do not appear to be out of line in comparison with other local counties. (see Figure 1 below)

## RECOMMENDATIONS

Include in any future Agenda Items concerning BOS salary adjustments, a statement that the item specifically concerns BOS salary adjustments.

## RESPONSES

Tulare County Board of Supervisors

FIGURE 1

COUNTIES	POPULATION	08/09 ANNUAL COMPENSATION	BOS % OF TOTAL BUDGET	NUMBER OF STAFF	
				FULL TIME	PART TIME
Fresno	931,098	\$107,273	0.14%	10	0
Kern	817,517	\$101,648	0.17%	21	1
Merced	255,250	\$96,904	0.92%	0	2
Tulare	435,254	\$90,376	0.13%	2	0
San Joaquin	685,660	\$85,696	0.19%	5	0
Stanislaus	535,903	\$72,592	0.11%	5	0
Madera	150,887	\$71,516	0.78%	5	0
Kings	154,434	\$58,716	0.29%	0	0

(Information provided by Tulare County Administrative Office on February 10, 2009)

ATTACHMENT

TULARE COUNTY ORDINANCE CODE  
CHAPTER 7  
ARTICLE 3. COMPENSATION PROVISIONS

**SECTION 1-07-1060. COMPENSATION OF SUPERVISORS.**

- (a) Effective sixty (60) days after the adoption of this Ordinance, for the purpose of making salary payments, each member of the Board of Supervisors shall receive two thousand four hundred seventeen dollars and forty-eight cents (\$2,417.48) per pay period for all services. This amount is intended to be and is full salary for the member's service as a member of the Board of Supervisors, for the fees provided for Road Commissioner services as set forth by law, as a member of the Flood Control District. For members serving in office at the time that this section as amended is enacted, this amount is further intended to be comparable to and replace any retirement contribution or equivalent payment which was made on behalf of or to the member pursuant to form Section 1-07-1065 of this Code, and further to be comparable to and intended to replace any monies due pursuant to Resolution 84-58 and its successor resolutions, and further to be comparable to and intended to replace any monies due pursuant to former Ordinance Code Section 1-07-1080.
- (b) In addition to the salary set forth in subdivision (a) of this section, the Chairman of the Board of Supervisors shall receive an additional amount of eight per cent of base salary for all services performed as Chairman.
- (c) In addition to the salary set forth in subdivision (a) of this section, the Vice-Chairman of the Board of Supervisors shall receive an additional amount of four percent of base salary for all services performed as Vice-Chairman.
- (d) If the other County elected officers receive cost of living salary adjustments, or any salary adjustment other than an adjustment based upon merit or performance, during any calendar year, then effective on the date of the first pay period after January 1<sup>st</sup> of the next year the members of the Board of Supervisors shall receive the average adjustment of these other elected officers. Said adjustment shall be effective sixty (60) days after the date of the adjustment.
- (e) Sixty (60) days before any increase as specified in subparagraphs (a) or (d) of this section are to become effective, the County Administrative Officer shall post at the County Administrative Building a notice of said increases and the effective dates, and shall cause notice of same to be published.

## TULARE COUNTY REGISTRAR OF VOTERS ELECTIONS DIVISION

### BACKGROUND

The Registrar of Voters is charged with conducting fair and impartial Federal, State, local (includes school) elections as mandated by the State of California Elections Code, Government Code, Education Code, Health and Safety Code, Water Code and the Constitution of the United States.

The Tulare County Elections Division office is located at 5951 South Mooney Boulevard, Visalia in the County Government Plaza and the Registrar of Voters<sup>1</sup> office is in the Tulare County Civic Center at 221 South Mooney Boulevard, Visalia.

### REASON FOR INVESTIGATION

2008 was a challenging year for the Elections Division. Three major elections occurred during 2008: the February Presidential Primary Election, the June Statewide Direct Primary Election and the November Presidential General Election. In view of this extraordinary workload, the 2008-2009 Tulare County Grand Jury chose to investigate the Elections Division.

### PROCEDURES FOLLOWED

1. Information generated by the Registrar of Voters and the Elections Division was reviewed.

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<sup>1</sup> In Tulare County the Registrar of Voters is also the Auditor-Controller/Treasurer-Tax Collector.

2. The Elections Division office and several polling places were observed during elections.
3. Relevant witnesses were interviewed.

### FINDINGS

1. The Registrar of Voters is considering consolidating the two current offices.
2. The Elections Division Manager has day-to-day responsibilities for the Elections Division.
3. At the present time full time employees include:
  - a. One Elections Division Manager
  - b. Two Deputy Elections Supervisors
  - c. One Elections Clerk I
  - d. One Elections Clerk II
  - e. One Elections Clerk III
  - f. One Elections Technician
  - g. One County Financial Technician
4. From 2003 through 2008 for the three entry-level clerk positions there have been 11 different people. The supervisors are continually training new clerks.
5. Prior to any election, the Elections Division employs approximately six to eight temporary workers.

6. There are 74 polling sites in Tulare County, including the Elections Division office.
7. Approximately 99 percent of voters use a paper ballot. There is at least one ballot box machine at each polling place which reads the paper ballots.
8. There is one touch screen machine at each polling place for any voter to use, particularly the disabled. A technician is available to assist with the proper use of this machine.
9. Poll workers are hired on a temporary basis before each election.
  - a. Workers at each precinct/polling place are as follows:
    - i. One Field Inspector (covers several polling places)
    - ii. One Chief Polling Officer (covers all precincts within one polling place)
    - iii. One Touch Screen Clerk (covers all precincts within one polling place)
    - iv. One Provisional Clerk (covers all precincts within one polling place)
    - v. One Inspector for each precinct
    - vi. Three to four Clerks for each precinct
  - b. There are more than enough volunteers; however, some smaller precincts such as Ivanhoe are difficult to staff.
  - c. There is no screening process for volunteers.
  - d. Training classes are held for all poll workers.
    - i. Classes are held days and evenings and there are makeup classes.
    - ii. 80 to 85 percent of the workers attend a class.
  - e. Volunteers are paid a stipend.
10. Five field inspectors are strategically placed throughout the county to repair equipment or replace the nonfunctioning equipment with machines they carry with them.
11. The Chief Polling Officer at each polling place has a cell phone to call for immediate help when necessary.
12. The Registrar of Voters makes registration forms available; however other groups (e.g. the League of Women Voters, political parties, etc.) actually conduct registration drives.
13. The following is the breakdown of registration in Tulare County <sup>2</sup> as of November 2008:
  - a. Registered voters: 146,415;
  - b. Voters who permanently vote by mail: 58,739;
    - i. Voters who choose to vote by mail: 48,748;
    - ii. Voters who are required to vote by mail because there are 250 or fewer voters in the precinct: 9,991;
  - c. New registrations: 4,390;
  - d. Updated registrations: 10,561;
  - e. Deleted registrations: 5,600.
14. The Registrar of Voters is required by Federal law to produce English and Spanish ballots: 3,500 are produced in Spanish.
15. The State of California verifies voter registration. A voter roll is provided by the state to notify the County of eligible voters.

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<sup>2</sup> Information concerning voting is online at [www.co.tulare.ca.us](http://www.co.tulare.ca.us).

16. Prior to an election, the Elections Division is required to invite a member from various groups to be present when the mechanical ballot procedures are tested and verified for accuracy. These groups include:
  - a. The County Grand Jury
  - b. The Democratic Party County Central Committee
  - c. The Republican Party County Central Committee
  - d. Any other political party with a candidate on the ballot
  - e. Any other interested organization
17. The signatures on all mailed ballots are verified individually – a time-consuming process.
18. By California law the first voter in each precinct verifies the emptiness of the ballot box. This voter's eligibility to cast a ballot is confirmed before performing the "First Voter" activities. After the "First Voter" has verbally confirmed the ballot box is empty, and the touch screen machines all read zero the ballot box is closed and secured (by lock or seal) in his or her presence. At this time the "First Voter" is issued his or her ballot.
19. All machines are returned to the Elections Division office when the polls officially close. Votes from the machines are counted first, then absentee ballots and finally provisional ballots.<sup>3</sup>
20. A few days after the election a 100 percent of touch screen ballots and a random one percent of all other ballots is conducted and each signature is checked for fraud. Personnel must balance accuracy and timeliness.
21. The Elections Division Manager noted the following issues after the November 2008 presidential election:
  - a. November 4, 2008 sample ballots were mailed without the names of those who wrote arguments for and against Measures I, J and K.
  - b. In the Earlimart School District Election:
    - i. Because of a tie, a run-off election<sup>4</sup> was held on January 27, 2009.
    - ii. 280 voters participated in the run-off election and the cost is expected to be between \$5,000 to \$7,000.
    - iii. After a telephone complaint, the Elections Division terminated a poll worker who was a candidate, without compensation.
  - c. Some machines malfunctioned; however, they were either fixed on site or replaced.
  - d. Extra ballots were sent to the precincts due to the anticipated large number of voters.
  - e. The California Secretary of State requires that all voters be issued a "secrecy sleeve"<sup>5</sup> with their ballot.
    - i. Voters had the option to use the sleeve.
    - ii. The sleeve was shorter than the 18-inch ballot. When this was discovered to be a problem, poll workers instructed voters to turn their ballot around so only the top was exposed.
  - f. One volunteer was terminated for drinking alcohol during polling hours.

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<sup>3</sup> Provisional ballots include those of persons who have not reregistered after they have moved, etc. and each is checked individually to make sure they did not vote elsewhere and that they voted on the correct ballot.

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<sup>4</sup> Election Code § 15651 and Education Code § 5016 (a), (b) and (d).

<sup>5</sup> For voter privacy the ballot is inserted into the "secrecy sleeve" before leaving the polling booth.

- g. Some polling sites were not ready to open at 7:00 a.m.
- h. Two polling sites received the wrong machines and ballots.

22. The Tulare County Elections Division certified the results of the Presidential General Election on Wednesday, November 26, 2008. The last legal day to report the results was Tuesday, December 2, 2008.

## CONCLUSIONS

During the three elections in 2008, the Tulare County Elections Division admirably performed its duty under difficult circumstances. The office appears to run efficiently with eight dedicated employees. Intense preparation begins five months before and continues for one month after an election. It appears that the Elections Division is following all policies and procedures set forth by Federal and State elections codes.

## RECOMMENDATIONS

1. Conduct a study to determine whether the Elections Division Clerks need to be reclassified to reflect their job responsibilities.
2. Increase voter participation in the election process by encouraging more people to vote by mail.
3. Train volunteers during slower work periods:
  - a. Impose mandatory training for all poll workers.
  - b. Require all new poll workers attend a position specific training class.

4. Make one-page informational sheets for each position so on Election Day workers can quickly refer to their duties.

## RESPONSES REQUIRED

Tulare County Registrar of Voters  
Tulare County Board of Supervisors



## HOUSING AUTHORITY OF THE COUNTY OF TULARE

### BACKGROUND

The Housing Authority was created under the 1937 Housing Act and operates under the 1986 Tax Credits Program Projects as an ownership entity and management company. Along with Kaweah Management Company, a 501 c (3) non-profit corporation, the Housing Authority of the County of Tulare (HATC) has succeeded in developing over 400 units for low-income families.

A seven-member independent Board of Commissioners who are appointed by the Tulare County Board of Supervisors governs the HATC. There is an office in Dinuba, Linnel Camp, Porterville, Tulare, Woodville and two offices in Visalia.

### REASON FOR INVESTIGATION

After receiving a citizen complaint, the 2008 - 2009 Tulare County Grand Jury conducted an investigation into the HATC and its contracts for housing with Tulare County's Voucher Program (formerly referred to as Section 8).

### FINDINGS

1. The HATC has 81 at-will employees.
2. The HATC has 2,836 authorized Voucher Program contracts with private homeowners to subsidize the rents; contracts are for one year.
3. There are 710 public housing units owned by HATC, which it rents to qualified low-income families at fixed levels. In most cases, fixed rents are 50 percent below the area fair market rate.
4. Legal residents of Tulare County qualify for the Voucher Program based on their income.
5. There are approximately 10,000 people on a waiting list seeking Voucher Program assistance. Every six months a letter is sent to applicants, and if they do not respond, their name is removed from the list.
6. The HATC has a Moving to Work Demonstration Program, which offers housing for five years at a flat rate instead of income-based. The HATC determines the payment standard and operational costs. Successful applicants are encouraged to seek higher paying employment and/or further their education. An increase in family income does not increase the monthly rent. At the end of the five-year period, the contract cannot be renewed.
7. The HATC works jointly with:
  - a. Self-Help Enterprises
  - b. Proteus Inc.
  - c. Resource Management Agency of Tulare County for code compliance

d. Health & Human Services Agency of Tulare County, which rents from the HATC.

8. The HATC receives no funding from the County of Tulare.

9. The HATC has an annual financial audit done by an independent auditor.

**CONCLUSION**

It appears that the Tulare County Housing Authority is following the policies and procedures set forth by its Board of Commissioners as well as Federal and State guidelines.

The number of available housing units through HATC and the number of people on their waiting list indicates that there is a great need in Tulare County that continues to be unmet.

**RECOMMENDATION**

None

**RESPONSE**

None



## TULARE COUNTY LIBRARY SYSTEM

### BACKGROUND

The fourth County Library in California was established by the Tulare County Board of Supervisors (BOS) on June 10, 1910. The Tulare County Library System (TCLS) operates 15 branch libraries (see Figure 1). The TCLS is a member of the San Joaquin Valley Library System, which is a cooperative network of ten public library jurisdictions in seven counties of California's Central Valley, including: Coalinga-Huron, Fresno County, Kern County, Kings County, Madera County, Mariposa County, Merced County, Porterville Public, Tulare County and Tulare Public. The TCLS is also a member of the Heartland Regional Library Network, which is composed of public, academic, school and special libraries in Mariposa, Madera, Fresno, Tulare, Kings and Kern Counties.

### REASON FOR INVESTIGATION

On its own initiative, the 2008-2009 Tulare County Grand Jury investigated the Tulare County Public Library System services.

### PROCEDURES FOLLOWED

1. Multiple library branches were visited.
2. Relevant witnesses were interviewed.
3. Relevant documents were examined.

### FINDINGS

1. During the fiscal year 2002-2003, of 177 reporting California Public Libraries, the TCLS spent \$8.55 per capita.<sup>1</sup> This figure was the eighth lowest in the state. The statewide mean (middle point between extremes) is \$26.34.
2. For the same time period and reporting entities, the TCLS provided 1.18 books per capita. This was the 17<sup>th</sup> lowest of the 177 reporting California Public Libraries. The statewide mean was 2.16. The library's collection of more than 300,000 volumes includes books, magazines, newspapers, videos and audio books.
3. The materials budget including books, microfilms, periodicals, DVDs, CDs and audio books for FY 2008-2009 is \$1,124,854.
4. The 2008-2009 operating budget for the TCLS is \$4,775,689. This budget supports 36.6 positions.
5. The Library provides multiple literacy programs customized for adults, children, English speakers of other languages and County jail inmates.

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<sup>1</sup> These figures are the most recent that were provided by the Tulare County Librarian who indicates that "there has been no significant movement in the rankings, either way."

6. Individual library hours of operation (see Attachment A) vary widely; the weekly hours are:

<u>BRANCH</u>	<u>HOURS PER WEEK</u>
Alpaugh	14
Dinuba	35
Earlimart	28
Exeter	35
Ivanhoe	14
Lindsay	34
Orosi	21
Pixley	40.5
Springville	21
Strathmore	14
Terra Bella	22 (25 during the summer)
Three Rivers	20
Tipton	14
Visalia	47
Woodlake	20

7. Only the Pixley and Visalia branches are open on Saturdays.
8. The Grand Jury found that the posted hours of operation are not always observed.
9. Some of the County Public Libraries are jointly run by the County and the local school districts, specifically Pixley and Terra Bella. In these cases, the school district pays the Librarian's salary. The Pixley Unified School District is currently separating themselves from the Joint Library Services System. The Woodlake School District owns the building in which the Woodlake Branch resides.

10. As of February 28, 2009, the TCLS has a fund balance of \$2,066,022. These funds have been accumulated by the County Librarian over time and cannot be converted to the General Fund of the County. According to the County Librarian, "There are no current plans to spend this money. The purpose of the balance is to keep the Library from having to borrow money, to earn interest for the operational fund and to weather moderately bad budget scenarios for multiple years without having to cut back on established services."
11. The TCLS currently owns one bookmobile and one Techno-mobile<sup>2</sup> that are NOT in service and are stored at the Road Yard on Lovers Lane at Road 256. The plan is to restart these services this fiscal year; however, this decision will be made by May 2009.

## CONCLUSIONS

The amount spent per capita and books owned per capita in Tulare County falls significantly below the statewide mean. The TCLS consistently maintains a fund balance that appears to greatly exceed the stated needs. The hours of operation in the various branches appear to be inadequate. Many of the smaller communities in the County rely on the bookmobile and Techno-mobile and they are not being served.

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<sup>2</sup> A bookmobile is a bus-type traveling library that services those communities that do NOT have a permanent library building. A techno-mobile is a bus-type vehicle that is filled with computers and services those communities which do NOT have a permanent library building.

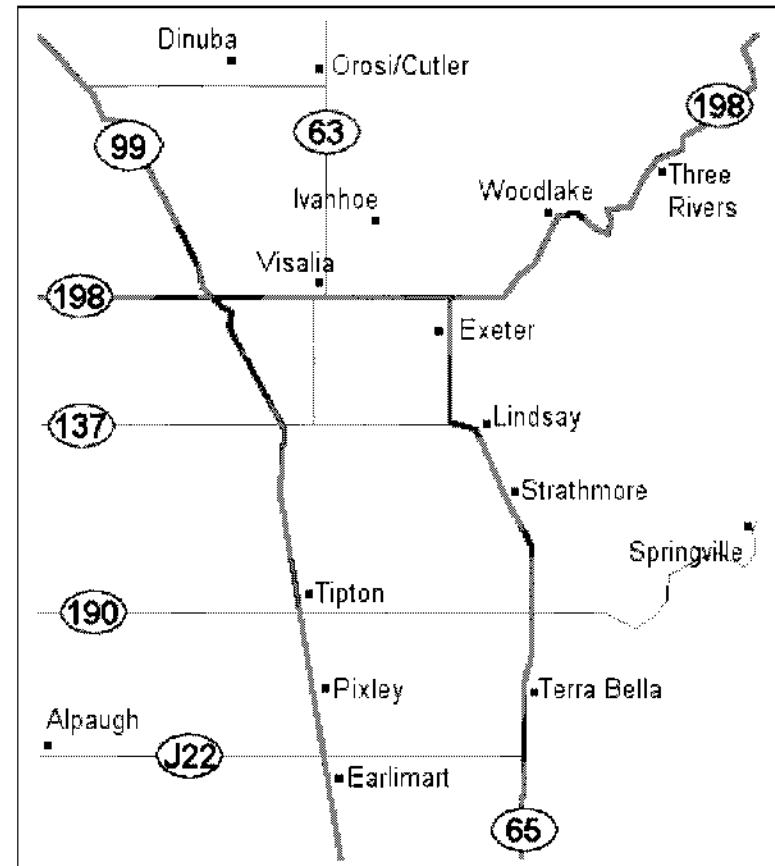
## RECOMMENDATIONS

1. The Librarian should submit a yearly report to the BOS detailing his plan to reduce the Library's **EXCESSIVE** fund balance.
2. Increase the annual materials budget.
3. Increase the hours of operation in the various branches to include some weekend hours.
4. Immediately return the bookmobile and Techno-mobile to full operation.
5. Adhere to posted hours of operation.

## RESPONSES REQUIRED

Tulare County Board of Supervisors  
Tulare County Librarian

Figure 1



**Attachment A**

<b>BRANCH</b>	<b>HOURS</b>
Alpaugh 3816 Avenue 54 559 949-8355	Tues. 10 am–1 pm, 2 pm–6 pm Thurs. 10 am–1 pm, 2 pm–6 pm
Dinuba 150 South "I" St. 559 591-5829	Mon. 10 am–1 pm, 2 pm–6 pm Tues. 12 pm–5 pm, 6 pm–8 pm Wed. 10 am–1 pm, 2 pm–6 pm Thurs. 12 pm–5 pm, 6 pm–8 pm Fri. 10 am–1 pm, 2 pm–6 pm
Earlimart 780 E. Washington 661 849-2525	Mon. 10 am–1 pm, 2 pm–6 pm Tues. 10 am–1 pm, 2 pm–6 pm Wed. 10 am–1 pm, 2 pm–6 pm Thurs. 10 am–1 pm, 2 pm–6 pm
Exeter 230 E. Chestnut 559 592-5361	Mon. 12 pm–5 pm, 6 pm–8 pm Tues. 10 am–1 pm, 2 pm–6 pm Wed. 12 pm–5 pm, 6 pm–8 pm Thurs. 10 am–1 pm, 2 pm–6 pm Fri. 10 am–1 pm, 2 pm–5 pm
Ivanhoe 15964 Heather 559 798-1264	Tues. 10 am–1 pm, 2 pm–6 pm Thurs. 10 am–1 pm, 2 pm–6 pm
Lindsay 157 N. Mirage St 559 562-3021	Mon. 10 am–1 pm, 2 pm–6 pm Tues. 12 pm–5 pm, 6 pm–8 pm Wed. 10 am–1 pm, 2 pm–6 pm Thurs. 12 pm–5 pm, 6 pm–8 pm Fri. 10 am–1 pm, 2 pm–5 pm
Orosi 12646 Avenue 416 559 591-5830	Mon. 10 am–1 pm, 2 pm–6 pm Wed. 10 am–1 pm, 2 pm–6 pm Fri. 10 am–1 pm, 2 pm–5 pm
Pixley Pixley Union Elementary School 300 North School 559 757-3880	Mon. 8 am–12 pm, 1 pm–5 pm Tues. 11 am–3 pm, 4 pm–8 pm Wed. 8 am–12 pm, 1 pm–5 pm Thurs. 11 am–3 pm, 4 pm–8 pm Fri. 11 am–3 pm Sat. 2 pm–6 pm

<b>BRANCH</b>	<b>HOURS</b>
Springville 35800 Highway 190 559 539-2624	Mon. 10 am–12 pm, 1 pm–6 pm Wed. 12 pm-- 5 pm, 6 pm--8 pm Fri. 10 am--12 pm, 1 pm–5 pm
Strathmore 19646 Road 230 559 568-1087	Tues. 10 am–1 pm, 2 pm–6 pm Thurs. 10 am–1 pm, 2 pm–6 pm
Terra Bella 23825 Avenue 92 559 535-5583	Mon. 8:30 am–11:30 am, 12 pm–2:30 pm Tues. 8:30 am–11:30 am, 12 pm–2:30 pm Wed. 8:30 am–11:30 am, 12 pm–2:30 pm Thurs. 8:30 am–11:30 am, 12 pm–2:30 pm
Summer hours	Mon. – Fri. 8:30 am–2:30 pm
Three Rivers 42052 Eggers Dr 559 561-4564	Tues. 12 pm–5 pm, 6 pm–8 pm Thurs. 10 am–1 pm, 2 pm–6 pm Fri. 10 am–1 pm, 2 pm–5 pm
Tipton 301 E. Woods Ave. 559 752-4236	Tues. 10 am–1 pm, 2 pm–6 pm Thurs. 10 am–1 pm, 2 pm–6 pm
Visalia 200 W. Oak Ave. 559 713-2700	Mon. thru Thurs. 10 am–8 pm Sat. 10 am–5 pm
History Room	Mon. thru Thurs. 1 pm – 5 pm
Woodlake 400 W. Whitney 559 564-8424	Mon. 10 am–1 pm, 2 pm–6 pm Wed. 10 am–1 pm, 2 pm–6 pm Fri. 10 am–1 pm, 2 pm–5 pm

The information in this Figure was taken from the  
Tulare County Library website,  
[www.tularecountylibrary.org](http://www.tularecountylibrary.org)

## TULARE COUNTY'S PROPOSED NEW MOTOR POOL

### BACKGROUND

The Tulare County Motor Pool (Motor Pool) houses and maintains County vehicles (Fleet Service) assigned to specific departments, which are used for business conducted both in and outside Tulare County and is presently located at the Tulare County Civic Center. Construction of a new Motor Pool facility supports the County of Tulare's Strategic Business Plan Initiative No. 4, by combining all Fleet Services onto one site, thereby creating opportunities to maximize efficiencies and reduce redundancies. The Tulare County Road Yard, located on the southeast corner of Lovers Lane and Avenue 256, south of Visalia, was chosen for the proposed new Motor Pool facility.

### REASON FOR INVESTIGATION

Under California Penal Code Section 925a, the 2008-2009 Tulare County Grand Jury decided to investigate the proposed new Motor Pool facility for Tulare County.

### PROCEDURES FOLLOWED

1. Relevant witnesses were interviewed.
2. Relevant documents were examined.
3. The proposed new Motor Pool site was visited.

### FINDINGS

1. The Tulare County Resource Management Agency's (RMA) Support Services Division is in charge of the proposed new Motor Pool development.
2. Bids for the Motor Pool will be solicited and construction completed in two separate phases.
3. The entire Motor Pool project will consist of the following:
  - a. A modular steel building, approximately 10,080 square feet, will contain six service bays, one bulk storage bay, and approximately 1,680 square feet for parts storage and administrative space including restroom facilities
  - b. Approximately 20,000 square feet of new asphalt pavement for outdoors car storage, parking areas, circulation, and access driveways
4. This project is included in the proposed Capital Projects budget.
5. The Tulare County RMA engineer's estimate of the total cost of Phase I was \$529,000.
6. Funded through the Road Budget, trenching and incidental site preparation is included in Phase I and will cost \$23,000.
7. The engineer's estimate of the total cost of Phase II was \$722,832.

8. The engineer's estimate for the total cost of the Motor Pool was \$1,240,682.
9. Phase I includes:
  - a. Pouring the foundation
  - b. Erecting a pre-engineered metal building
  - c. Installing bay doors
  - d. Stubbing in all utilities
  - e. Framing for the offices that will house staff
  - f. Fire protection system
10. Phase II includes:
  - a. Installation of previously purchased maintenance equipment
  - b. Completion of the interior to include insulation, finishing of the parts storage and administrative spaces, interior utilities and environmental systems
  - c. Remodel existing car wash facility using a Job Order Contract
11. The contents of two maintenance garages located at the Tulare County Civic Center will be relocated to the new Motor Pool Facility.
12. On October 30, 2008, five independent contractors submitted bids to the Clerk of the Tulare County Board of Supervisors (BOS). On December 9, 2008, the lowest responsible bid, \$517,850, was delivered to the BOS.
13. On January 15, 2009, a contract for phase I was executed.
14. The contract stipulates that prevailing wages are to be paid as established through the Director of Industrial Relations and mandated by California Labor Code Section 1773 for contracted public works projects.
15. On December 9, 2008 the BOS authorized its Chairman to sign the construction agreement upon receipt of certificates of insurance, bonds, license verification and contract after review and approval as to form by County Counsel.
16. The contract, work will begin within 10 calendar days after the date the Notice to Proceed (NP) is received by the contractor and subject to authorized adjustments.
17. The contract stipulates that substantial completion of the work shall be achieved not later than 150 days after the contractor receives the NP.
18. The contractor is liable for damages in the amount of \$100 per calendar day beyond the completion date.
19. An approved set of stamped architectural plans needs to be submitted to the Tulare County Building Department before permits can be issued.
20. Inspection will be done as work is completed.
21. Currently, there are three manual hand-wand car wash systems, two at the County Yard and one at the Men's Correctional Facility.
22. The County has a contract with two full car wash services—Kwik N Kleen in Tulare and Town & Country in Visalia.
23. Acapulco Car Wash is used in Porterville, however a credit account is used instead of a contract.

24. As of March 10, 2009, a total of \$18,564 for 3,307 car washes had been expended for the 2008-2009 FY as follows:

- a. The Visalia car wash was paid \$15,996 for 3,100 washes.
- b. The Tulare car wash was paid \$1,982 for 158 washes.
- c. The Porterville car wash was paid \$586 for 49 washes.

25. As of March 31, 2009, construction of Phase I had not yet begun as all the required permits have not yet been issued. However, the County is currently undertaking trenching and site preparation.

26. Funds for Phase II are available. However, the bidding process is not expected to begin until the 2009-2010 FY.

## CONCLUSION

Completion of this project may relieve, to some extent, the limited public parking at the Tulare County Civic Center. Employees, jurors, and the handicapped occupy most of the available Civic Center parking spaces; leaving approximately 100 parking spaces for public use.

## RECOMMENDATIONS

1. With the exception of Porterville, all County vehicles use the car wash available at the County Yard.
2. Move all County motor pool vehicles parked at the Civic Center to the new Motor Pool facility, which will allow additional public parking spaces.

3. DO NOT renew the car wash contracts; saving the County approximately \$25,000 per year.

## RESPONSES REQUIRED

Tulare County Board of Supervisors  
Tulare County Resource Management Agency



EDUCATION

# STATUS OF HARASSMENT POLICIES IN TULARE COUNTY HIGH SCHOOLS

## BACKGROUND

On September 11, 2007, Governor Arnold Schwarzenegger signed The Safe Place to Learn Act Assembly Bill 394 (AB 394). This bill reinforces the California Student Safety and Violence Prevention Act of 2000 (AB 537), which is the current law. AB 537 amends the California Education Code Section 35294, which prohibits discrimination against and harassment of students and staff based on sex, ethnic group identification, race, national origin, religion, color and mental or physical disability. Bills AB 394 and Senate Bill 777 (SB 777)<sup>1</sup> became law on January 1, 2008. AB 394 provides California school districts with required resources to update their anti-discrimination materials and training processes. School districts are now required to adopt anti-harassment policies, train teachers, and keep records of reported incidents and how they were resolved.

The Safe Schools Coalition stated that schools with anti-harassment programs, involving parents, non-teaching staff, teachers and student leaders have been shown to help reduce harassment and to promote civility and stability within our high schools.

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<sup>1</sup> SB 777 The California Student Civil Rights Act simplifies and clarifies existing civil rights protections for California students by providing an explicit and clear list of all the prohibited bases of discrimination in publicly funded kindergarten through grade twelve schools (California School Board Association-SB 777 *Questions and Answers*).

For centuries, students across America have been targeted for harassment.<sup>2</sup> Tulare County high schools are no stranger to harassment.<sup>3</sup> Consequences of harassment can be severe, affecting the mental and physical well-being of targeted students, staff members and innocent bystanders.

## REASON FOR INVESTIGATION

In compliance with Penal Code Section 925a, the 2008-2009 Tulare County Grand Jury was concerned about harassment in schools and decided to investigate how the County high schools handled harassment issues.

## PROCEDURES FOLLOWED

1. A questionnaire was sent to 18 high schools in the County: Alpaugh, Dinuba, El Diamante, Exeter, Farmersville, Golden West, Granite Hills, Lindsay, Mission Oaks, Monache, Mt. Whitney, Orosi, Porterville, Redwood, Strathmore, Tulare Union, Tulare Western and Woodlake.
2. Relevant documents were reviewed.
3. Relevant personnel were interviewed.

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<sup>2</sup> "Harassment is a repeated negative behavior that takes advantage of a less powerful person. The negative behavior may involve physical violence, name-calling, shunning, shaming, threatening, and cyber-bullying."  
[www.waparentslearn.org](http://www.waparentslearn.org)

<sup>3</sup> Loomis vs. Visalia Unified School District 262 F. Supp. 2d 1088

## FINDINGS

1. The questionnaire is for the 2008-2009 school year and consists of the following:

Question 1: **Do you have programs in your high school to deal with harassment at school?**

- a. Fifteen schools reported that they have some type of harassment program.
- b. Three schools — Alpaugh, Tulare Western and Woodlake — do not have any type of program in place. Although these schools state they do not have a harassment program they follow their district Policy and Procedures. (Tulare Western is in the process of creating a program.)

Question 2: **Are students aware of your programs?**

- a. Fifteen schools reported “Yes.”
- b. Three schools — Alpaugh, Orosi and Woodlake — reported “No.”

Question 3: **Do students have an assigned person they can go to if they are being harassed?**

All schools reported that their students know where to go if they need help.

Question 4: **Do you notify the victim’s and the perpetrator’s parents when an incident is reported?**

All schools notify the parents/guardians of a student involved with a harassment incident at school.

Question 5: **Do you keep track of the victims and perpetrators of harassment in your high school?**

All schools have a tracking system in place.

Question 6: **Do you have programs for teachers if they are a victim of harassment from students at your high school?**

- a. Thirteen schools reported “Yes.”
- b. Five schools — Farmersville, Strathmore, Tulare Union, Tulare Western and Woodlake — reported “No.”

Question 7: **Do the teachers in your high school have any training on your harassment programs before school begins each year?**

- a. Fifteen schools reported “Yes.”
- b. Three schools — Orosi, Strathmore and Tulare Union— reported “No”.

Question 8: **Does your school have law enforcement available on school campus?**

- a. Sixteen schools reported “Yes”.
- b. Two schools — Lindsay and Strathmore — reported “No.”

Question 9: **How many incidents dealing with harassment were reported from your high school in the 2007-2008 school year?**

A total of 178 incidents were reported from the following high schools:

- |                |    |
|----------------|----|
| a. Alpaugh     | 4  |
| b. Dinuba      | 3  |
| c. El Diamante | 30 |

- d. Exeter 3
- e. Farmersville 8
- f. Granite Hills 6
- g. Golden West 19
- h. Lindsay 33
- i. Mission Oak 0
- j. Monache 6
- k. Mt. Whitney 17
- l. Orosi 4
- m. Porterville 5
- n. Redwood 11
- o. Strathmore 2
- p. Tulare Union 7
- q. Tulare Western 15
- r. Woodlake 5

**Question 10: How many expulsions did your high school have for the school year 2007-2008 dealing with harassment?**

A total of eleven students were expelled from the following high schools:

- a. El Diamante 2
- b. Farmersville 1
- c. Golden West 1
- d. Mt. Whitney 2
- e. Orosi 4
- f. Tulare Western 1

2. Some schools are more diligent in following through with their policies and reporting their incidents.

- 3. Several high schools use the *Breaking Down the Walls* Program:<sup>4</sup> Dinuba, El Diamante, Farmersville, Golden West and Redwood.
- 4. Tulare Union High School has implemented the *Crossing the Line* program.<sup>5</sup>
- 5. All schools are required to follow the California Education Code Section 200-201 (printed at the end of this report).

**CONCLUSIONS**

Not all high schools in our County have harassment programs. Schools without harassment programs are clearly in violation of AB 394, which places students’ and staff members’ health, safety and welfare at risk.

**RECOMMENDATIONS**

- 1. Comply with AB 394 and SB 777.

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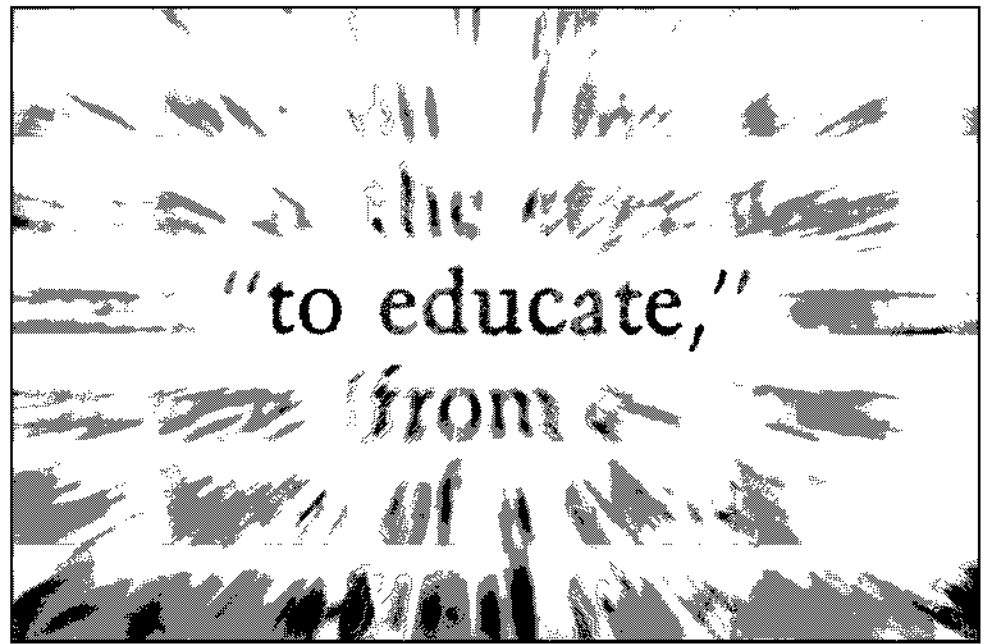
<sup>4</sup> *Breaking Down the Walls* is a program designed to tear down the boundaries that may exist among students and teachers within their school. The program tries to get students to talk to their peers they would normally never talk to. One of the goals is to help students realize that while they may come from very different backgrounds, they may also have very much in common; they may have many of the same problems.

<sup>5</sup> *Crossing the Line* is a program designed to explore student diversity so they can learn to address their differences. Students gather on one side of the room facing the center and then specific categories/labels/descriptions are called out. For example, a student feels embarrassed about the economic situation of his/her family; he/she walks to the other side of the room and turns around, thus *Crossing the Line*. Students see that they have more in common than they realize.

2. Provide written documents to all students, staff members, parents and guardians with the school's policy on harassment.
3. Educate parents and guardians about school harassment programs.
4. Encourage students to report incidents of harassment.
5. Implement uniform harassment policies in all schools.
6. Require all school personnel to undergo training/retraining on harassment programs prior to the beginning of each school year.

#### RESPONSES REQUIRED

Alpaugh High School  
Dinuba High School  
El Diamante High School  
Farmersville High School  
Golden West High School  
Granite Hills High School  
Lindsay High School  
Mission Oaks High School  
Monache High School  
Mt. Whitney High School  
Orosi High School  
Porterville High School  
Strathmore High School  
Tulare Union High School  
Tulare Western High School  
Woodlake High School



## CALIFORNIA EDUCATION CODE SECTION 200-201

Section 200. It is the policy of the State of California to afford all persons in public schools, regardless of their disability, gender, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code, equal rights and opportunities in the educational institutions of the state. The purpose of this chapter is to prohibit acts that are contrary to that policy and to provide remedies therefore.

Section 201. (a) All pupils have the right to participate fully in the educational process, free from discrimination and harassment.

- (b) California's public schools have an affirmative obligation to combat racism, sexism, and other forms of bias, and a responsibility to provide equal educational opportunity.
- (c) Harassment on school grounds directed at an individual on the basis of personal characteristics or status creates a hostile environment and jeopardizes equal educational opportunity as guaranteed by the California Constitution and the United States Constitution.
- (d) There is an urgent need to prevent and respond to acts of hate violence and bias-related incidents that are occurring at an increasing rate in California's public schools.
- (e) There is an urgent need to teach and inform pupils in the public schools about their rights, as guaranteed by the federal and state constitutions, in order to increased pupils' awareness and understanding of their rights and the rights of others, with the intention of promoting tolerance and sensitivity in public schools and in society as a means of responding to potential harassment and hate violence.

- (f) It is the intent of the Legislature that each public school undertake educational activities to combat discriminatory incidents on school grounds and, within constitutional bounds, to minimize and eliminate a hostile environment on school grounds that impairs the assess of pupils to equal educational opportunity.
- (g) It is the intent of the Legislature that this chapter shall be interpreted as consistent with Article 9.5 (commencing with Section 11135 of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code, Title VI of the federal Civil Rights Act of 1964 (42 U.S.C. Sec. 1981, et seq.), Title IX of the Education Amendments of 1972 (20 U.S.C. Sec 1681, et seq.), Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794 (a) ), the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1701, et seq.), the Unruh Civil Rights Act (Secs. 51 to 53, (commencing with Sec. 12900), Div. 3, Gov. C.), except where this chapter may grant more protections or impose additional obligations, and that the remedies provided herein shall not be the exclusive remedies, but may be combined with remedies that may be provided by the above statutes.

## ELEMENTARY SCHOOL DISTRICTS AND STATE LOTTERY FUNDS: USES, ACCOUNTING AND COMPLIANCE

### BACKGROUND

The California State Lottery (CSL) was established in 1984 following voter approval of Proposition 37, known as the “California State Lottery Act.” Its mandate was to provide supplemental funding to public education from kindergarten through college and to several specialized schools. California Government Code<sup>1</sup> requires at least 34 percent of total CSL annual revenues to be allocated to public education and 50 percent to Lottery prizewinners; no more than 16 percent would go to CSL administration.<sup>2</sup> Funding would be automatically provided based on student average daily attendance (ADA).<sup>3</sup> None of these monies could be used for property acquisition, the construction of facilities, research or for any other non-instructional purpose. It was strongly recommended that the schools use them for one-time purchases such as computers, textbooks and field trips.

In 1985 the Legislature reduced its allocation to schools by one-third. However, a 1988 amendment to the State Constitution (Proposition 98 – the “Classroom Instructional Improvement and Accountability Act”) required that a minimum percentage of the budget be spent on kindergarten-through-14<sup>th</sup> grade education. Existing school budgets would not be affected by this new

source of funding. This was in reaction to the 1978 Proposition 13 (“People’s Initiative to Limit Property Taxes”), which had set limits on what school districts could receive.

Since 1985, \$19 billion of the Lottery monies have been allocated to California schools. Overall, however, they have continued to show a steady decline and a failure to keep pace with inflation. California per capita Lottery sales were found to represent only one-half of the national average.<sup>4</sup>

CSL funds have accounted for 1.9 to 4.6 percent of the total kindergarten-through-12th-grade (K-12) spending. In addition, despite an alarming shortage of textbooks and a rapid growth in yearly student enrollment, schools were using most of the Lottery-generated monies for district employee salaries and benefits. By 1999 to 2000, 3.7 percent of CSL school monies were being spent on books and supplies.<sup>5</sup>

Because of this and the ongoing unpredictability of CSL revenues, it was the State’s recommendation in 1999 that a new category, “**restricted funds**,” be established for single rather than continuing-use applications.

Voters subsequently approved Proposition 20, the “Cardenas Textbook Act of 2000.” It required that one-half of any increase over 1997-98 levels go specifically to *instructional materials*.

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<sup>1</sup> Section 8880.4(a), (1), (2), (5).

<sup>2</sup> These percentages have fluctuated slightly over the years.

<sup>3</sup> ADA: the total number of days of student attendance divided by the total number of days in the regular school year.

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<sup>4</sup> California Legislative Analyst’s Office, *2008 Budget Analysis*.

<sup>5</sup> California Department of Education, *Report on Lottery Expenditures for K-12 Education, 2001-02*.

Teacher and staff salaries were still allowed as expenditure but were discouraged. The category included “all materials that are designed for use by pupils and their teachers as a learning resource and to help pupils to acquire facts, skills, or opinions or to develop cognitive processes.”<sup>6</sup>

Examples of *instructional materials* are textbooks, technology-based materials, other printed and non-printed educational materials such as tests and maps, arts, crafts and supplies. Equipment required to make use of these materials is not included.

Any remaining funds fall into the **unrestricted** category. The purchase of instructional materials is allowed under both categories, **restricted** and **unrestricted**.<sup>7</sup>

## REASONS FOR INVESTIGATION

The 2008-2009 Tulare County Grand Jury became concerned about (a) the current availability and distribution of CSL funds to Tulare County’s elementary school districts, (b) the range of allocation, spending and accounting patterns among them and (c) compliance with State law and school district guidelines.

## PROCEDURES FOLLOWED

1. Relevant witnesses were interviewed.
2. Questionnaires were sent to 36 elementary school districts (not including districts with high schools) of which 32 responded.

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<sup>6</sup> California Education Code Section 60010 (h).

<sup>7</sup> Other allowable purchase categories are cited in California Education Code Section 60010 (h), (m) and (n).

3. Questionnaires from the following 32 Tulare County elementary school districts were studied: Allensworth, Alta Vista, Buena Vista, Citrus South Tule, Columbine, Ducor Union, Earlimart, Exeter Union, Hope, Hot Springs, Kings River Union, Liberty, Monson-Sultana, Outside Creek, Pixley Union, Pleasant View, Richgrove, Rockford, Saucelito, Sequoia Union, Springville Union, Strathmore Union, Sundale Union, Sunnyside Union, Terra Bella Union, Three Rivers Union, Tipton, Traver Joint, Tulare City, Waukena Joint Union, Woodlake Union and Woodville Union.
4. Laws, account records, school enrollment statistics and other pertinent data were examined.
5. **Figures 1-3** (at end of this report) were compiled based on the data provided.

## FINDINGS

1. In 2007 the State Lottery Commission approved a 2007–2008 budget based on predicted Lottery sales of \$3.4 billion – a one-percent increase over the previous year. Its projection for the near future shows that this figure is unlikely to grow. The Legislature is now considering an increase to the Proposition 98 minimum guarantee (“Modernization and Securitization”) to offset the loss of Lottery revenue – and thus help protect education funding.
2. The school share of Lottery revenues is deposited directly into the CSL Education fund, and is then distributed quarterly to the districts. It is maintained by the State Controller. The County Treasurer’s Office deposits funds designated for grades K-12 into accounts administered by the County Superintendent of Schools.

3. Proposition 20 (**restricted**) funds, the larger of the two, are received by the school districts at the end of each fiscal year, around September. **Unrestricted** funds are released quarterly. Amounts are based on the previous fiscal year's ADA.
4. By law, a district's Superintendent or designee should establish a separate account for the receipt and distribution of Lottery funds that shall be clearly identified as a Lottery education account. In some cases, a Board of Trustees may ask staff and members of the community to help make decisions on how Lottery monies are spent. Sometimes district advisory groups and school site councils participate in the process.
5. CSL allocations to each of the 36 elementary school districts for the fiscal years 2006, 2007 and 2008 – both the **restricted** and **unrestricted** categories – are shown as revenues in **Figures 1** and **2** at the end of this report. (Provided by the Tulare County Office of Education, February 2009.)
6. Fiscal Year 2007-2008 CSL expenditures (**Figure 3**) per ADA, are separated into certificated salaries (teaching), classified salaries (non-teaching) and books and supplies. This information is based on raw data from 2007-2008 Lottery Reports ("*Form L*"), *Revenues, Expenditures and Ending Balances – All Funds*, filed by each school district with California Department of Education.
7. The main accounting guideline resources for County school districts are:
  - a. California School Accounting Manual (2008 edition), for accounting and financial reporting by local educational agencies, California Department of Education;
  - b. School Services of California, Inc. (Sacramento), an independent advisory and support organization for educators.
8. Each entity that receives Lottery funds must report annually to the Governor and Legislature the amount received and the purposes for which they were used during the previous fiscal year. The State Department of Education reports on behalf of K-12 entities.
9. School district financial statements undergo a yearly independent external audit for compliance with statutory and regulatory guidelines.
10. Beginning with Fiscal Year 2008-2009, the yearly external audit will no longer be required on the CSL portion of school district financials; however, from year to year, specific requirements ("compliance tests") in certain districts will be left to the discretion of State and County agencies and the California Society of Certified Public Accountants.
11. The Tulare County Office of Education receives school district financial reports in September of each year and examines them for mathematical accuracy only.
12. The County submits its entire external audit report to the California State Controller, whose office summarizes their (a) financial and (b) program compliance status – and in turn responds with recommendations that help them plan their future needs. It files its unaudited school district financial reports ("*Form L*") with the State Department of Education.

13. The County Office of Education and districts keep a more specific record (at school-level) entitled “Detailed General Ledger.”
14. Allocation and Lottery sales data are also maintained by the CSL.
15. The only school district showing a Lottery-related shortcoming following the FY 2007-2008 external audit was Citrus South Tule: “Five invoices totaling \$1,826.15 were found charged to the Proposition 20 Lottery resource that was for supplies, not instructional materials. In addition, one invoice for \$938.56 that was for allowed instructional materials was charged to the State Lottery resource instead of Proposition 20 Lottery resource.”<sup>8</sup> Because of a misunderstanding, Proposition 20 funds were incorrectly spent in the amount of \$887.49. The district made the recommended correction.
16. Twenty-two school districts spent no CSL-fund expenditures for teacher or staff salaries.
17. The same twenty-two districts found uses for the full amount of received CSL monies and reported that they had kept the necessary school account records on file.

NOTE: SOME OF THE FOLLOWING QUOTED RESPONSES ARE EXCERPTED; OTHERWISE THEY ARE UNEDITED AND APPEAR EXACTLY AS SUBMITTED BY DISTRICT OFFICES.

18. The following three districts exercised other options regarding their spending on staff or salaries:

- a. *Buena Vista*: It reported it does not generally spend Lottery monies on salaries, but in 2008 they were used on overtime teacher services — e.g. compensation for service beyond their contract time for overnight trips to SCICON and “weekend events.” Examples of the latter were visits to a sports tournament and the Museum of Tolerance (Los Angeles).
  - b. *Tulare City*: The total spent on teacher or substitute pay and benefits (\$140,065) was for enhancement or enrichment programs. These included: “either staff development, athletics/band/color guard/drama extra duty time, SCICON stipend or student activities (Circle J, Jazz Festival, Spelling Bee, Art Show, Prose & Poetry, Math Super Bowl).”
  - c. *Woodlake Union*: Funds used for extra- and co-curricular activities totaled \$69,482. Programs included Band, Choir, SCICON, Boys’ and Girls’ basketball, Boys’ and Girls’ soccer, volleyball, wrestling, baseball, softball, track and field, yearbook, cross country, color guard, and arts and wood shop materials.
19. The following school districts **did not** return questionnaires following three direct contacts with their principals and/or superintendents: Burton Elementary, Oak Valley Union Elementary, Palo Verde Union Elementary, Stone Corral Elementary School.
  20. The following nine districts shared specific information on any unspent CSL monies in the amount of more than 30 percent of CSL total.

<sup>8</sup> Citrus South Tule School District, *Schedule Of Findings And Questioned Costs, For The Year Ended June 30, 2008.*

- a. *Buena Vista*: No monies from the restricted Lottery funds (*instructional materials*) were carried over. This district did carry over more than 30 percent of the unrestricted monies. Cited were “some major projects that have been in the works”: “We are planning to paint the entire school this year. We also plan to replace computers and network equipment. Lottery will not cover these costs but will supplement funds to complete these projects.”
- b. *Hot Springs* did not use any Lottery funds under the “unrestricted” category: “100% of our received funds have been saved to apply toward our next materials adoption. As a small district that receives very little funding in the form of ‘adopted funding,’ it is necessary for us to save funds to purchase ‘teacher materials.’ Teacher materials are provided ‘free’ to each classroom in districts that order quantities of 20 or more student texts per classroom. Because we are so small, we are required to pay almost \$2,000 for each teacher set or beg the State of California for a waiver and hope that the publisher is willing to provide the materials for a reduced price or free.” “The Hot Springs School District did make use of State Lottery funds under the ‘restricted Resource 6300’ in the 2007-2008 school year. The District received \$474.81 from the Lottery Fund and expended \$588.28 for instructional software for students.”
- c. *Monson-Sultana Joint Union*: “Our district does keep more than 30% of our lottery funds. They are kept for special activities and events for students and teachers. We also use the funds for items like playground equipment and for additional classroom supplies.”
- d. *Richgrove*: “... has historically utilized lottery funds for the purchase of instructional materials.” “We follow the California Department of Education textbook adoption cycle calendar. The major subject-matter adoptions are for math and language arts. In 2008-2009, Richgrove adopted a math program with the supporting technology component. Currently, we are in the final stages of making a decision on adopting an English Language Arts (ELA) program, and an intervention program for English Language Arts (ELA), and English Language Development (ELD) with the supporting technology component. The unspent funds saved up in reserves in State Lottery monies for future expenditures, helps to offset these major cyclical expenditures for instructional materials. It is likely that Richgrove will utilize most of these funds this year.”
- e. *Saucelito*: “.....did carry over more than 30% of State Lottery monies at the end of the last fiscal year. Our beginning balance in 2008/2009 was \$35,496.89. In discussing this carry over with our business manager she indicated that, in error, some unrestricted expenditures should have been paid from lottery.....but did not get coded correctly. This matter is being addressed by our business manager and will be resolved by the proper coding of our unrestricted expenditures.”
- f. *Terra Bella Union*: “While each year’s beginning balance may suggest that large sums of money are available and have not been spent, that is not the case. Instead, the beginning balance represents monies that have been received very late in the fiscal year, or they are accounts receivable that will not be deposited into district accounts until the next fiscal

year. The California Lottery distributes proceeds to schools on a quarterly basis using revenue estimates that must be reconciled at the end of each fiscal year. Lottery revenues are dependent on many variables, and the budgeted estimates are always adjusted at year-end depending on the profitability of the lottery. Prudence requires that school districts refrain from spending lottery monies until they have actually materialized.”

- g. *Tipton*: Funds not encumbered for 2007-2008 fiscal school year are used toward textbook adoptions.”
- h. *Traver*: “The District is careful in making sure that expenses pertaining to enrichment and enhancement of the students gets paid from lottery. Lottery funding is considered unrestricted funding and sometimes the expenses do not get coded to the resources even though they should be because they are enrichment and enhancement expenses for the students. Also funding we collected from the students to pay for a portion of the expenses of SCICON, etc. was applied back against our expenses making the expenses less. “If the collection of these funds were not applied back against the expenses, we would not have carried over 30%. The District will be careful in the current fiscal year to make sure the expenses pertaining to enrichment and enhancement of the present operating programs get charged to lottery funding.”
- i. *Woodlake Union*: “Yes, there has been more than 30% of the State Lottery money carried over into the 2008-09 fiscal year. This is due to many years of small amounts of carry over that have accumulated to more than 30% this fiscal year.”

## CONCLUSIONS

Overall, CSL contributions to schools have been steadily declining because of a decrease in Lottery sales. Amounts received by individual districts have varied based on their fluctuating ADA. A variety of spending and accounting options were exercised among the 32 County elementary school districts that responded. During the fiscal year 2007-2008, the vast majority of Tulare County elementary school district transactions complied with both district guidelines and State accounting and spending regulations.

## RECOMMENDATIONS

1. Continue to perform external audits on CSL financial statements every three to five years on a definite schedule.
2. Burton, Oak Valley Union, Palo Verde Union and Stone Corral Elementary school districts: Reply to the 2008-2009 Grand Jury’s questionnaire.

## RESPONSES REQUIRED

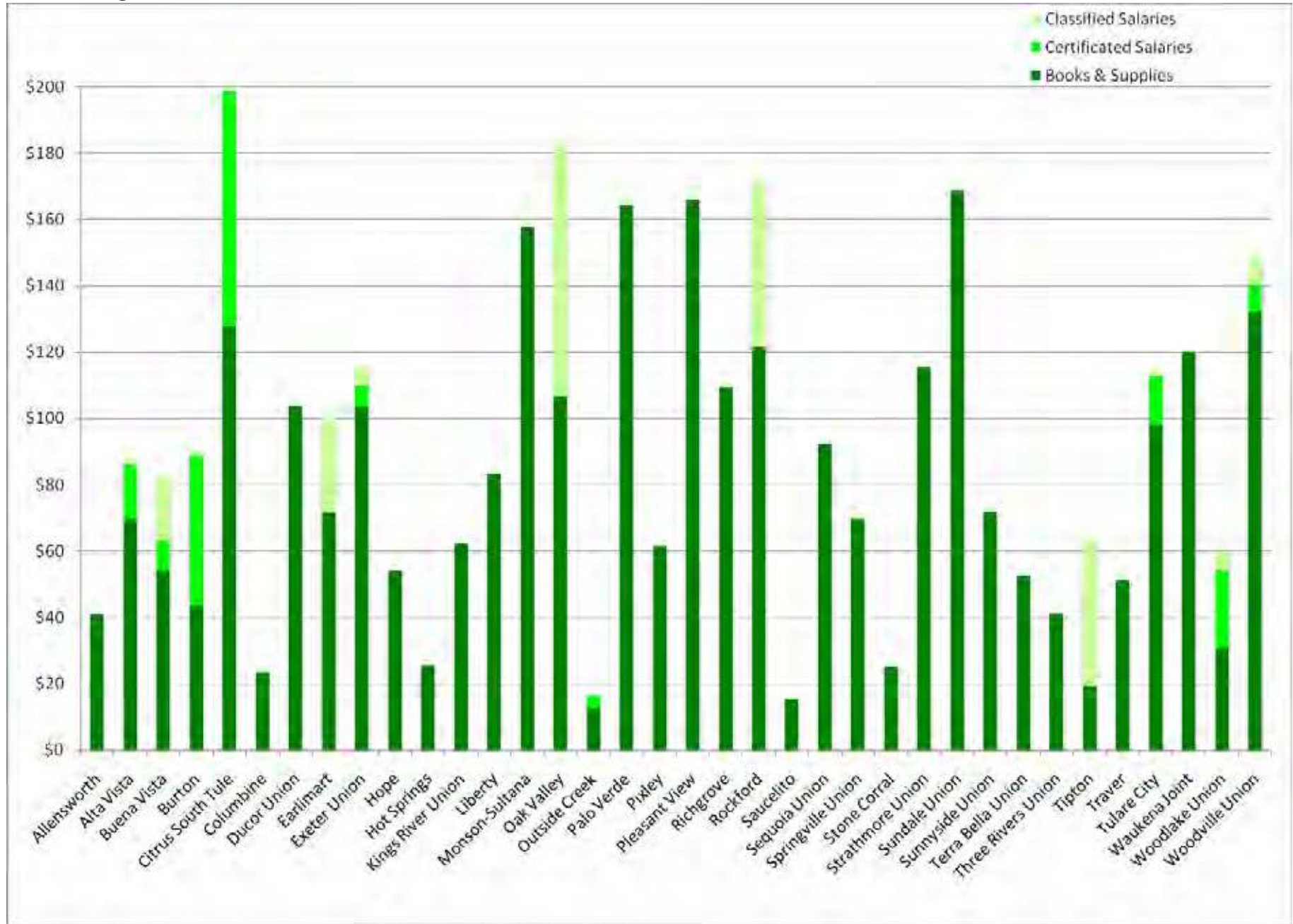
Tulare County Office of Education  
Burton Elementary School District  
Oak Valley Union Elementary School District  
Palo Verde Union Elementary School District  
Stone Corral Elementary School District

**Figure 1 – ANNUAL LOTTERY REVENUES BY ELEMENTARY SCHOOL DISTRICT, RESTRICTED (PROP. 20) FUNDS**

DISTRICT	SCHOOL YEAR		
	2006	2007	2008
Allensworth	2,404.26	2,599.16	871.80
Alta Vista	13,668.80	12,292.38	8,082.05
Buena Vista	5,057.29	4,381.80	3,765.68
Burton	94,314.43	81,543.59	59,305.64
Citrus South Tule	1,201.01	1,250.58	898.14
Columbine	5,864.73	4,878.97	3,730.71
Ducor	5,864.73	3,814.91	3,082.89
Earlimart	54,508.49	47,084.98	36,681.54
Exeter	54,798.92	46,050.72	35,571.94
Hope	3,895.10	3,217.04	2,533.64
Hot Springs	750.33	667.22	474.81
Kings River	14,948.54	13,445.56	7,880.70
Liberty	6,459.57	5,815.60	4,563.89
Monson – Sultana	12,292.17	10,400.55	8,068.64
Oak Valley	12,145.52	10,251.31	8,497.11
Outside Creek	3,415.48	2,773.07	2,249.70
Palo Verde	14,456.56	12,730.80	10,184.62
Pixley	26,009.74	21,734.68	16,835.42
Pleasant View	15,779.31	13,648.39	10,107.96

DISTRICT	SCHOOL YEAR		
	2006	2007	2008
Richgrove	20,851.02	17,688.72	11,741.74
Rockford	10,333.90	8,690.86	6,404.68
Saucelito	2,901.17	2,812.23	1,583.88
Sequoia	9,830.83	10,559.45	4,739.57
Springville	11,626.96	9,474.07	7,093.78
Stone Corral	4,255.35	3,769.72	1,953.83
Strathmore	21,193.46	17,865.67	13,354.37
Sundale	18,020.70	16,014.01	12,680.98
Sunnyside	11,859.81	11,215.17	6,386.56
Terra Bella	24,451.44	21,800.54	16,516.19
Three Rivers	5,143.34	4,320.67	2,796.53
Tipton	16,428.32	13,931.62	11,103.17
Traver	6,315.29	5,089.85	3,930.13
Tulare City	237,866.25	201,661.26	176,533.81
Waukena	5,810.76	5,708.17	3,384.23
Woodlake	44,611.27	36,964.94	27,616.80
Woodville	17,402.69	14,704.94	10,950.96

**Figure 3 - ELEMENTARY SCHOOL DISTRICT LOTTERY EXPENDITURES BY AVERAGE DAILY ATTENDANCE**



# HEALTH & WELFARE

# HIV/ AIDS EDUCATION AND PREVENTION REPORT

## BACKGROUND

Without a cure, education and prevention are the most effective ways to stop the spread of Human Immunodeficiency Virus (HIV) and Acquired Immune Deficiency Syndrome (AIDS).

In 2007 the California Department of Health Services, Office of AIDS (CDHS/OA) entered into a contract with the County of Tulare to provide HIV/AIDS services. Tulare County Health and Human Services Agency (HHSA) is responsible for implementing contract agreement number 07-65093 covering periods July 1, 2007 through June 30, 2010. The original amount of the contract between CDHS/OA and the County of Tulare was \$1,063,044 later increased to \$1,246,854. The funds were to be used for HIV Education/Prevention, HIV Counseling and Testing, HIV/AIDS Surveillance, Early Intervention and AIDS Case Management. The allotted amount for the HIV Education and Prevention Program (HIV E & P) is \$339,771. Included in the contract is a Memorandum of Understanding, which identifies a detailed scope of work which must be completed in order to be reimbursed for expenditures. The County of Tulare must submit quarterly invoices to the CDHS/OA to get paid for work that has been completed.

## REASON FOR INVESTIGATION

The 2008-2009 Tulare County Grand Jury on its own initiative investigated HHSA's Education and Prevention

portion of the HIV/AIDS program for the Fiscal Year (FY) 2007-2008.

## PROCEDURES FOLLOWED

1. Relevant personnel were interviewed.
2. Documentation was obtained and reviewed.
3. Visits to relevant sites were conducted.

## FINDINGS

1. HIV/AIDS is spread through unprotected sex, drug use by sharing needles, blood transfusions, childbirth, breast feeding and even tattooing and piercing.
2. As of February 28, 2009 there were 153,321 reported cases of AIDS in California.<sup>1</sup>
3. The estimated number of new infections occurring each year is between 5,000 and 7,000.<sup>2</sup>
4. Eighty percent of AIDS is spread to women through heterosexual activity. Women account for more than

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<sup>1</sup> California Department of Public Health, Office of AIDS, *HIV/AIDS Case Registry*.

<sup>2</sup> Ibid.

one quarter of all new HIV/AIDS diagnoses.<sup>3</sup> In disadvantaged youth, the rate of HIV among young women age 16 to 21 is 50 percent higher than the rate among young men in that same age group.<sup>4</sup>

5. At the end of 2008, it was estimated that between 27,369 and 33,513, people in California were unaware they were HIV infected.<sup>5</sup>
6. The estimated cost for lifetime medical care in Tulare County (TC) for HIV/AIDS patient is \$700,000.
7. From March 2007 to March 2009 the number of HIV/AIDS cases in TC increased by 11% (from 332 to 369 respectively).<sup>6</sup>
8. The allotted amount of \$339,771 to the HIV E & P Program is to be disbursed as follows:
  - a. FY 2007-2008 \$124,495
  - b. FY 2008-2009 \$107,638
  - c. FY 2009-2010 \$107,638

The annual amount includes costs for employee's salary, material and operating expenses and administrative fees.
9. In FY 2007-2008 the HIV E & P invoiced \$77,192.93 to the State of California. \$47,302.07 of the allotted amount was not used.

<sup>3</sup> Center for Disease Control and Prevention *HIV/AIDS Surveillance Report, 2005*. Vol. 17 Rev. ed. ATLANTA: Department of Health and Human Services, CDC:2007:1-46.

<sup>4</sup> [www.womanshealth.gov/hiv/women\\_at\\_risk](http://www.womanshealth.gov/hiv/women_at_risk).

<sup>5</sup> California Department of Public Health, Office of AIDS, *HIV/AIDS Case Registry*, data as of February 28, 2009.

<sup>6</sup> *ibid*, Registry data as of March 31, 2009

10. Contract number 07-65093 includes an Advance Payment Provision (see ATTACHMENT 1) however, Tulare County ***did not*** file the paper work required to receive advance payments.
11. HIV E & P staff must complete training from CDHS/OA prior to educating the public. Due to staff turnover new supervisors and employees of the HIV E & P program waited several months for out of town training. Program administrators were unaware of on-line training and months went by with untrained personnel incapable of implementing the program.
12. The Contract between CDHS/OA and the County of Tulare details a Scope of Work that identifies the services to be performed for contract compliance.
 

“HIV E & P Program work with local health jurisdictions to: develop and implement focused HIV education and prevention interventions to reduce the transmission of HIV; change individual knowledge and attitudes about HIV and risk behaviors; promote the development of risk-reduction skills; and change community norms related to unsafe sexual and drug-taking behaviors.”<sup>7</sup>

The contract specifies that the HIV E & P Program is to collaborate with the following entities:

  - a. TC Detention Facility
  - b. Alcohol and Drug Residential Facilities
  - c. College of Sequoias Gay Pride Club
  - d. TC Juvenile Drug Court Program
  - e. Partner's in Prevention Program

<sup>7</sup> Agreement between California Department of Health Services and County of Tulare Agreement Number 07-65093.

- f. Boot Camp
- g. Juvenile Hall
- h. Group Homes
- i. TC Mental Health Service
- j. Ryan White Care Services
- k. Teen Smart
- l. The Gay/Straight Alliance
- m. Migrant Education Programs
- n. TC Alcohol and Drug Outpatient Substance Abuse Programs

## CONCLUSIONS

HIV/AIDS E & P Program stimulates interest for the at risk community to be tested. Since the 2007-2008 HIV E & P program was not fully taken advantage of, this may affect the County's report submitted to the State for tracking HIV growth.

According to HHS there is a possibility that the State funding for the HIV/AIDS Program could be decreased due to the county not fully implementing the program and not utilizing state funds for the FY 2007-2008.

Since HIV/AIDS infections are a serious societal concern, the State of California has provided funding to Tulare County to prevent the spread of HIV/AIDS through education. If money spent on HIV E & P prevents one person from being infected with HIV/AIDS, there is a cost avoidance to the taxpayer of TC.

The County did not fully execute the program, nor have an effective procedure to handle employee turnover, nor the

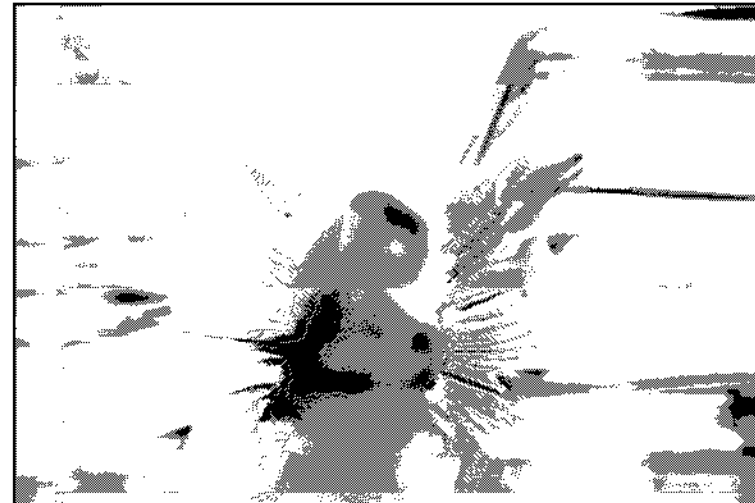
means to insure that all allotted monies were used, resulting in loss of vital educational opportunities.

## RECOMMENDATIONS

1. Make filling positions where salaries are reimbursed by state or other agencies a priority.
2. Cross train employees.
3. Tulare County Health and Human Services complete and submit all required paperwork for advanced payments.

## RESPONSES

Tulare County Board of Supervisors  
 Tulare County Health and Human Services Agency



**ATTACHMENT 1**County of Tulare  
07-65093**Exhibit B, Attachment II  
Advance Payment Provisions****1. Advance Payment Authority and Limitation**

Pursuant to Health and Safety Code Section 100236, CDHS is required, within sixty days of the beginning of each fiscal year, to advance a local health department twenty-five percent (25%) of the annual state General Fund allocation, subvention, or reimbursement required by a local health department for the delivery of HIV education and prevention services.

**2. Conditions for Receiving an Advance Payment**

No advance payment shall be issued until:

- A. The Master Agreement and the HIV Prevention Program Memorandum of Understanding (MOU) are fully executed.
- B. The Contractor is two or fewer quarters in arrears in billing the State for the previous year's program.
- C. The complete request form has been submitted.

**3. Use of Advanced Funds**

Advanced funds shall be used solely for the purpose of making payments for allowable costs incurred under the terms and conditions of this agreement and the HIV Prevention Program MOU.

**4. Liquidation of Advanced Funds**

- A. Unless otherwise stipulated in this agreement, advanced funds shall be liquidated:
  - 1) No later than June 30<sup>th</sup> of the fiscal year in which the advance was issued, or
  - 2) Prior to the expiration or termination date or at the time if the agreement and/or MOU expires or is terminated prior to June 30<sup>th</sup>,
  - 3) According to the repayment schedule that is determined by CDHS and confirmed in writing to the Contractor.
- B. If any advanced funds have not been liquidated upon completion or termination of this agreement and/or MOU, the balance thereof shall be:
  - 4) Promptly paid by the Contractor to CDHS upon demand, or
  - 5) Deducted from any sum otherwise due to the Contractor from CDHS, or
  - 6) Deducted from any sum that may become due to the Contractor from CDHS.

# TULARE COUNTY SENIOR CENTERS

## BACKGROUND

New York is the home of the first senior center, William Hodson Community Center, in the United States.<sup>1</sup> Its doors opened in 1943 and the center continues to serve its community. "By the late 1940s there were senior centers in San Francisco and Philadelphia, and by 1961, approximately 218 senior centers had opened nationwide." Since then, President Lyndon B. Johnson designated senior centers as community focal points through the Older Americans Act signed into law in 1965. Currently there are 727 listings for senior centers in California.<sup>2</sup>

Typically, a senior center provides nutrition, recreation, social activities, health checks, and other services geared toward a senior lifestyle. There is great diversity in the kinds and levels of services provided. One reason is the absence of a state entity.

Senior centers fall under the jurisdiction of local government or non-profit organizations. They are usually supplemented by County and/or City funds. Because of recent developments in the economy, most funds have been depleted.

## REASON FOR INVESTIGATION

The 2008-2009 Tulare County Grand Jury decided on its own initiative to conduct an investigation into the status of the senior centers in Tulare County.

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<sup>1</sup> Senior Centers Literature review, February 2009, [www.ccoa.ca.gov/senior\\_cntr](http://www.ccoa.ca.gov/senior_cntr)

<sup>2</sup> *ibid*

## PROCEDURES FOLLOWED

1. Relevant witnesses were interviewed.
2. Pertinent documents were reviewed.
3. Senior centers were visited.

## FINDINGS

1. The US Census Bureau reported in 2000 that the number of Americans age 55 and over will double by 2030.
2. Kings/Tulare Area Agency on Aging (KTAAA), due to budget cuts, stopped providing meals to the senior centers in Dinuba, Farmersville, Ivanhoe, Springville and Three Rivers.
3. Meals continue to be provided by KTAAA at Cutler-Orosi, Earlimart, Exeter, Goshen, Lindsay, Porterville and Woodlake.
4. All meals are nutritionally balanced. Most are low in sodium, fat and sugar.
5. The Tulare center is funded by the City of Tulare and the County. They provide cooked meals, recreational, social and educational activities and free bus passes to seniors.

6. The Visalia center is funded by the City of Visalia and provides cooked meals, recreational, social and educational activities.
7. Trips and sightseeing tours are organized by centers. Seniors conduct fundraisers to help with the cost of their trips
8. Tulare County has a very active Retired Senior Volunteer Program (RSVP).
9. Some centers have volunteers once a week to help with exercise, crafts and other projects.
10. Statistics provided by the KTAAA indicate many seniors age 60 and over are at or below the poverty line.
11. Nurse/Health Services were provided by Tulare County Health and Human Services Agency (HHSA) until September 2008.
12. Information provided by HHSA not only shows a bleak outlook for senior centers in the County, but the cuts that occurred in 2008 have affected many senior centers negatively.

## CONCLUSIONS

Senior centers are often the only place an individual may find to interact with peers, eat a healthy meal and escape the bounds of a lonely, restrictive life. Seniors frequently face loss of dignity as they attempt to live on a fixed income that barely meets their needs.

The RSVP is making a difference by donating time and skills, therefore making funds go farther for senior organizations where money is an issue. However, the need for volunteers has grown tremendously. There is a need not only to build

the ranks of RSVP, but for younger people to help with the care of the elderly.

While the senior centers that remain open continue to provide basic services, it seems to be a matter of time before more centers are closed due to budget constraints. As the county's population continues to age, it is evident that services and funds are declining.

## RECOMMENDATIONS

1. Solicit donations and contributions from business and the public to continue the provision of services to seniors.
2. Increase fundraising efforts to supplement the anticipated budget cuts.
3. Actively attempt to recruit volunteers to continue the current levels of service, and provide additional services.
4. Seek ways to provide transportation for seniors to visit the centers and participate in the services.

## RESPONSES REQUIRED

Tulare County Board of Supervisors  
 Tulare County Health and Human Services Agency  
 Tulare City Council  
 Visalia City Council

## Senior Centers in Tulare County

Cutler- Orosi Senior Center \*  
12691 Road 408  
Cutler, CA 93616  
(559) 628-6108

Dinuba Senior Center \*\*  
437 N. Eaton Avenue  
Dinuba, CA 93618  
(559) 591-2450

Earlimart Senior Center \*  
712 E. Washington Street  
Earlimart, CA 93219  
(661) 849-2232

Exeter Senior Center \*  
301 'E' Street  
Exeter, CA 93221  
(559) 592-5960

Farmersville Senior Center \*\*\*  
444 N. Gene Avenue  
Farmersville, CA 93223  
(559) 594-4300

Goshen Senior Center \*  
30498 Diagonal 69  
Goshen, CA 93291  
(559) 651-1030

Ivanhoe Senior Center  
**CLOSED**

Lindsay Senior Center \*  
911 N. Parkside Avenue  
Lindsay, CA 93247  
(559) 562-5859

Porterville Senior Center \*  
466 E. Putnam Avenue  
Porterville, CA 93257  
(559) 781-6560

Springville Senior Center  
**CLOSED**

Three Rivers Senior League \*\*  
Three Rivers Memorial Building  
43490 Sierra Drive  
Three Rivers, CA 93271  
(559) 561-3577

Tulare Senior Center \*\*\*  
210 North 'F' Street  
Tulare, CA 93774  
(559) 685-2330

Visalia Senior Center \*\*\*  
310 N. Locust Street  
Visalia, CA 93291  
(559) 713-4381

Woodlake Senior Center \*  
179 N. Magnolia Street  
Woodlake, CA 93286  
(559) 564-3251

For additional information regarding hours,  
cost, et cetera call the nearest center

\* Meals provided by KTAAA

\*\* Meals no longer provided by KTAAA (open for social and/or charitable activities only)

\*\*\* Meals provided, but not by KTAAA

JUSTICE

# TULARE COUNTY PROBATION DEPARTMENT JUVENILE SPECIAL SERVICES DIVISION

## INTRODUCTION

The California Welfare and Institutions Code<sup>1</sup> mandates the Juvenile Special Services Division (SSD) to conduct investigations, assessments and prepare written reports with recommendations. The information gathered aids the Juvenile Court in justice matters and decision-making. Juvenile case supervision is mandated by the terms and conditions of probation, as ordered by the Juvenile Court. These orders involve a wide variety of activities, including probation searches, drug testing, collection of fines and fees, restitution for victims, and referrals of minors/families to various community treatment interventions.

The SSD is comprised of eight separate services/programs and collectively make face-to-face contacts with probationers (juveniles referred to probation by law enforcement) and juveniles displaying behavior/truancy problems in the schools.

## REASON FOR INVESTIGATION

By mandate,<sup>2</sup> the 2008-2009 Tulare County Grand Jury investigated the Tulare County Probation Department's (TCPD) Juvenile Special Services Division.

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<sup>1</sup> Sections 241.1, 280 and 281

<sup>2</sup> California Penal Code Section 925

## PROCEDURES FOLLOWED

1. Relevant documents were reviewed.
2. A working demonstration by the Canine Unit was observed.
3. Relevant interviews were conducted.
4. The Judge William Silveira, Jr. Juvenile Justice Complex was toured.

## FINDINGS

1. This report reviews four of the services and programs provided by the Juvenile/Special Services Division which are as follows:
  - a. Canine Unit
  - b. Campus Probation Officers Program
  - c. Gang Redirection Education and Training Program (G.R.E.A.T.)
  - d. Special Enforcement Unit

## CANINE UNIT

### BACKGROUND

The Canine Unit (CU) consists of a Supervising Probation Officer (SPO) and a specially trained dog (Leo). Leo is utilized as a tool for drug detection and tracking duties. He was bred and trained to perform specific tasks associated with searching for illegal narcotics. Leo is a pedigree dog with fine bloodlines and does not behave as a common pet. It is normal for him to be extremely animated, curious and highly alert when on the job or around people.

### FINDINGS

1. Leo was born and raised in the Czech Republic, where he was certified as a Police Dog by the Czech government. He came to the TCPD in May 2007. The CU completed intensive training in narcotic detection, tracking and handler protection, and obedience. This training took place at the Adlerhorst International Incorporated K-9 Academy in Riverside, California. The CU visits the academy monthly for reinforcement training. The 70-pound Belgian Malinois is a four-year-old non-neutered male and a sworn Probation Officer.
2. Prior to a search of a probationer's home or vehicle, he/she is informed Leo will be conducting the search, giving them the opportunity to voluntarily surrender any controlled substances before the search is done. Leo conducts the search regardless of cooperation as a deterrent to discourage the possession of drugs.
3. Leo is trained in scent tracking for cocaine, heroin, marijuana, methamphetamine, and any of their derivatives, which comprise 99 percent of Leo's workload. These are the four most commonly used controlled substances in Tulare County. The dog could be trained to detect up to eight narcotic scents, but an overload would diminish his efficiency.
4. It would take six Probation Officers three-and-a-half hours to thoroughly search a residence. The CU can accomplish the same task in 30 minutes.
5. The CU promotes positive community relations by the following activities:
  - a. Conducts educational presentations for schools, social and other community organizations;
  - b. Attends ceremonial events;
  - c. Attends canine competitions involving other law enforcement agencies.
6. The CU trains 30 minutes a day before going to work. They work five days a week, eight to ten hours a day and are on call 24/7. On a limited basis, the CU will aid any law enforcement agency in Tulare County requiring assistance.
7. Leo lives with his handler's family and their pets. His daily maintenance comes from the Tulare County General Fund. Depending on health issues Leo will be able to work ten or more years before retirement, at which time the SPO can

purchase Leo for one dollar, and maintain him at his/her own expense; there is no pension for the dog.

8. Leo is trained to follow commands when conducting a search in a residence or vehicle and is not distracted by pets or children.
9. When controlled substances are found, Leo responds by pawing at the location, and then is rewarded with praise and his favorite chew toy. Dog treats are not given during work hours as Leo is motivated to work by doing what he is trained to do. Leo works for himself, not his handler.
10. During the fiscal year 2007-2008 this CU searched more than 200 residences and vehicles and confiscated more than 11 pounds of narcotics, resulting in 46 arrests. More than 17,000 face-to-face contacts with juvenile probationers were made during that year.
11. If a controlled substance is seen in plain view inside a vehicle, the CU has probable cause for a search.
12. If a probationer does not give consent to a vehicle search it is towed to an impound yard and a search warrant is obtained for an inspection.
13. If Leo detects the scent of narcotics on a person who is not on probation or being detained by law enforcement, the CU has no authority to conduct a search or to make an arrest.
14. Leo and a Chevrolet Tahoe were purchased with a Federal grant through the Juvenile Justice Crime Prevention Act. The vehicle is equipped with a special on-board kennel

outfitted with state-of-the-art canine equipment that includes air conditioning and alarm system.

## **CONCLUSION**

The Canine Unit is a vital asset to the Tulare County Probation Department and other law enforcement agencies that require their assistance. In conducting residence or vehicle searches the CU can do the work of many officers in a fraction of the time. This gives Tulare County Probation Officers the time required to undertake a wide variety of activities including drug testing, investigations, searches, and school monitoring. Leo is a sworn officer of the law and as such places his life at risk on a daily basis.

## **RECOMMENDATION**

Provide lifetime health care benefits for Leo upon his retirement.

## **RESPONSE REQUIRED**

Tulare County Board of Supervisors  
Tulare County Probation Department

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## **ADDENDUM**

Unfortunately, on or about March 05, 2009, Leo lost his life. A female of the same breed that came from Holland has replaced him. Her name is Raiza.

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## CAMPUS PROBATION OFFICER PROGRAM

### BACKGROUND

This program's goal is to increase school attendance, decrease counter-productive behavior, and minimize involvement in the Juvenile Justice System. The structure of this program ensures a Campus Probation Officer (CPO) access to school administrators, parents, and students in a non-traditional manner. CPOs are assigned to specific school sites and stationed on campus. Their responsibility is to provide prevention and intervention services to an at-risk population.

### FINDINGS

1. There are 10 CPOs in Tulare County.
2. CPOs maintain a caseload of formal (court ordered) and informal (supervision for at-risk juveniles) probationers; this augments and supports existing supervision services.
3. During the 2006-2007 fiscal school year, 491 juveniles received formal supervision services.
4. Matching monies from individual school districts fund the CPO program. Schools pay 50 to 60 percent for this program. This partnership dramatically offsets the need for support with General Fund money.
5. CPOs utilize the information they gather to provide the Tulare County Probation Department with statistics and observations. This information is needed to fill out court reports addressing the concerns of the juveniles and their

families. It is vital to include attendance, grades, family dynamics, and communication between the CPO and the Parole Officer. Information is entered into the juvenile caseload file for investigators to review.

6. CPOs are considered Peace Officers with the power to make arrests. They are armed and carry a badge while on campus. Plain clothes make the CPO more approachable and less intimidating.
7. CPOs are available to any student seeking assistance.

### CONCLUSION

Working closely with the schools and families is critical to the direction a juvenile will take. Mentors and role models at school help at-risk youth choose a positive path. A plain-clothes approach may make a nurturing, working relationship easier to establish. Students need to feel that confidentiality; security and trust are top priorities.

### RECOMMENDATION

Evaluate the need for placement of CPOs in all Tulare County schools.

### RESPONSE REQUIRED

Tulare County Board of Supervisors  
Tulare County Probation Department  
Tulare County Office of Education

# GANG REDIRECTION EDUCATION and TRAINING PROGRAM

## BACKGROUND

The Gang Redirection Education and Training (G.R.E.A.T.) Program is a school-based, life skills competency program taught by Probation Officers at Tulare County schools. The program, which targets fourth-through-seventh-grade students, was designed to help youth develop positive attitudes toward law enforcement officers, to learn responsibility and avoid conflict, to set positive goals and resist peer pressure.

## FINDINGS

1. The Tulare County Probation Department (TCPD) was awarded funds for gang resistance and redirection education in local school districts. The U.S. Department of Justice and the Bureau of Justice Assistance provided these funds.
2. The G.R.E.A.T. Program is taught by two Probation Officers (PO) in the Tulare County school system. POs visit various school classrooms teaching a curriculum, which includes drug diversion and gang avoidance.
3. The TCPD, in cooperation with Community Services and Employment Training Incorporated (CSET), provides a four-week summer camping adventure to students who complete the G.R.E.A.T. Program by the end of their school year.
4. The summer campsite is located near Hume Lake in Sequoia National Forest.

5. At the end of each week, students are encouraged to write their parents to share their camping experience.
6. Camp programs include:
  - a. Cultural Awareness
  - b. Conflict Resolution
  - c. Team Building
  - d. Goal Setting
  - e. Leadership
  - f. Conservation and Recycling
7. There are nine schools participating in the G.R.E.A.T. program during the 2008-2009 Fiscal Year. They are: Alta Vista Elementary (Elem.), Earlimart Unified, Exeter Middle School, Farmersville Elem., Hope Elem., Kings River Elem., Lincoln Elem., Pleasant view Elem. and Traver Joint Elem.

## CONCLUSION

The G.R.E.A.T. Program helps students make positive choices for their future. Offering students an outdoor camping adventure is a positive tool to encourage students to complete the G.R.E.A.T. Program.

## RECOMMENDATION

Expand the G.R.E.A.T Program to include all schools.

## RESPONSE REQUIRED

Tulare County Board of Supervisors  
Tulare County Probation Department

## SPECIAL ENFORCEMENT UNIT

### BACKGROUND

The Special Enforcement Unit (Gang Unit) conducts patrol sweeps of gang-saturated areas and investigates gang related crimes in Tulare County.

### FINDINGS

1. The Gang Unit is a member of the Tulare County's Gang Task Force. Task Force members include the Tulare County District Attorney's Office and the Tulare County Sheriff Department's Gang Unit.
2. The Gang Unit regularly conducts special enforcement operations with agencies such as:
  - a. Area police departments
  - b. California Department of Corrections — Fugitive Apprehension Team and Special Services Unit
  - c. California State Parole
  - d. California Highway Patrol
3. The Gang Unit provides intensive supervision to juvenile gang members, while developing counseling groups designed to open lines of communication and decrease gang activity.
4. There has been an increase in the number of elementary through high school students who are demonstrating gang related behavior both on and off school grounds.
5. The Gang Unit makes frequent gang awareness presentations to schools and community organizations

throughout Tulare County. Presentations have been expanded to provide training to school employees.

6. During the 2006-2007 Fiscal Year, the Gang Unit supervised 225 gang members.
7. A Multi-agency Gang Enforcement Team (MAGNET) is a part of the Gang Unit and includes personnel from the following:
  - a. California State Parole
  - b. District Attorney
  - c. State Bureau of Narcotics Enforcement
  - d. Sheriff's Department
  - e. Tulare County Probation Department
  - f. Visalia Police Department
8. MAGNET targets active high-ranking gang members primarily in the Visalia, Goshen, and Ivanhoe areas.

### CONCLUSION

Supervision and suppression of gang activity is a long and difficult task. Team-working with other law-enforcement agencies helps slow the growth of gang members in Tulare County.

### RECOMMENDATIONS

None

### RESPONSE REQUIRED

None

# LINDSAY ANIMAL CONTROL SHELTER

## BACKGROUND

Multiple Tulare County Grand Jury final reports have been published on the subject of the Lindsay Animal Control Shelter.

The Tulare County Animal Control provided animal control services until 1991. Lindsay Animal Control (LAC) took over the poorly designed animal shelter and started making improvements. At that time, LAC provided services to the County and its Cities with the exception of Dinuba and Visalia, which provided their own services.

In July 2001, Tulare County Animal Control reopened at a new facility. Subsequently, LAC separated from Tulare County Animal Control, became the Lindsay Animal Control Shelter (LACS) and began providing services to the Cities of Lindsay and Porterville.

## REASON FOR INVESTIGATION

The 2008–2009 Tulare County Grand Jury received numerous citizen complaints about the management and operation of the LACS, specifically pertaining to dogs.

## PROCEDURES FOLLOWED

1. Relevant documents were reviewed.
2. On-site tours were conducted.
3. Relevant witnesses were interviewed.

## FINDINGS

1. Since January 2008, the Lindsay Department of Public Safety and the Lindsay Chief of Police have overseen LACS. Staffing includes:
  - a. One Kennel Master (KM)
  - b. One Assistant Kennel Master (AKM)
  - c. One Animal Control Officer (ACO)
  - d. One Lindsay Police Officer (LPO)
  - e. Volunteers, when available
  - f. Sheriff Work Alternative Program (SWAP) workers, who are nonviolent low-level misdemeanor offenders given community service work in lieu of jail time, when available.
2. The LACS is open to the public Tuesday through Saturday 3:00 p.m. to 6:00 p.m. and Wednesday 3:00 p.m. to 7:00 p.m. The facility is closed Sunday and Monday.
3. The City of Lindsay funds the LACS with general fund monies. The budget is \$283,000 a year. The budget is determined every two years and cannot be renegotiated until 2010. More than \$100,000 of this budget goes to veterinary costs alone.
4. The LPO acts as an executive administrator to ensure the LACS staff (KM, AKM & ACO) completes the administrative responsibilities needed to run the shelter. These responsibilities include:
  - a. Update and file kennel cards
  - b. Update the euthanasia logs
  - c. Deposit bank receipts
  - d. Fill out all of the necessary paperwork

- e. Check medical supplies and perform all euthanasia procedures
  - f. Clean pens and feed animals (if no SWAP workers or volunteers are available).
5. The ACO's main responsibility is public safety in the field, which covers a large area; therefore s/he is seldom available to work at the shelter.
  6. The maximum capacity for the facility is 96 dogs.
  7. It is difficult to determine the average number of dogs held at the LACS on any given day. On one Grand Jury visit to the LACS there were 141 dogs; on a second visit a week later there were 250 dogs (an increase of 109 dogs in seven days). On a subsequent visit, there were 220 dogs at the shelter.
  8. 85 percent of dogs received at the LACS came from the City of Porterville, which contracted with the City of Lindsay for animal control services. The contract with Porterville ended December 31, 2008.
  9. The main pen is for holding and identifying any dogs arriving for possible reclamation by owners. There is a pen for aggressive dogs, one for injured, pregnant or sick dogs, a quarantine pen and an adoption pen, which is separate from all others.
  10. Dogs are scanned for a micro-chip or identification tag. Owners can reclaim an animal if proof of ownership is offered. If no one comes forward to claim the animal and it is deemed adoptable, it is held for 30 days. If an adoption is probable it is held for an additional 15 days.
  11. By California State law<sup>1</sup>, a shelter must hold a dog for seven business days to allow owners a chance to reclaim their dog.
  12. The LACS holds dogs for an indeterminate time before they are adopted or euthanized. On average, 20 dogs a week are put down. It is up to the KM to make sure that all dogs are euthanized at the appropriate time.
  13. One adoption occurred while visiting Grand Jurors were present.
  14. Due to the overpopulation of dogs, being a volunteer or SWAP worker at the LACS is extremely demanding. The work is hard, the smell is bad and there is always loud constant barking.
  15. Once a year, the LACS holds an adoption clinic at the Porterville Fair. They also take animals to Lindsay's open air market in the warmer months; all other adoptions take place at the shelter.
  16. There are plans to locate a dog park behind the shelter. Dirt, chain link fencing, irrigation equipment and volunteer labor have already been procured.
  17. LACS policies require the following:
    - a. Provide animal control services and promote responsible pet ownership;
    - b. Provide the highest level of service possible while being cost effective and efficient;

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<sup>1</sup> Senate Bill 1785 (Hayden Bill) enacted 1998

- c. Provide timely and equitable service to all citizens served by the Animal Control Division of the Lindsay Department of Public Safety;
  - d. Promote animal licensing and rabies control through ordinance enforcement;
  - e. Provide humane treatment to all animals under the LACS control;
  - f. Pursue an aggressive adoption program through cooperative efforts with private volunteer groups.
18. The LACS uses a private contractor for veterinary services. They are treated as any other client would be; they must schedule appointments for available times to have animals treated. This same veterinary service conducts health inspections on all animals being adopted. The LACS has used this service for the last eight years.

## CONCLUSIONS

It is the responsibility of pet owners to spay/neuter their pets. This simple act can greatly reduce the overpopulation of dogs in Tulare County. Citizens should consider visiting the LACS and adopting a pet.

The Lindsay Animal Control Shelter is doing the best job it can with the resources available. Conditions and operations have improved considerably at the LACS but lag far behind larger city shelters due to funding. It is overpopulated with animals and understaffed.

## RECOMMENDATIONS

1. After the current budget expires, increase the budget of the shelter to ensure it is adequately staffed and supplied.
2. Expand adoption hours.
3. Increase advertising for adoptions.
4. Include a flyer (written in both English and Spanish) in any future mailings from the City of Lindsay to all residents, with information concerning volunteer and adoption opportunities at the Lindsay Animal Control Shelter.
5. Provide stricter animal health screening, by a veterinarian, of all animals brought into the Lindsay Animal Control Shelter.
6. Ensure all animals adopted are veterinarian certified.
7. Send out requests for bids to alternate veterinary clinics that may offer reduced prices for services.
8. The Lindsay Department of Public Safety enforce all policies, procedures, rules and regulations required of the Lindsay Animal Control Shelter.

## RESPONSES REQUIRED

Lindsay City Council  
Lindsay Department of Public Safety

## TULARE COUNTY SHERIFF INMATE PROGRAMS

### BACKGROUND

The Tulare County Sheriff Inmate Programs Division is committed to offering programs that provide choices for inmates and their families. These programs may help with the inmate's re-entry into the community. An additional priority of this program is to ensure the safety and security of all participants.

### REASON FOR INVESTIGATION

On its own initiative the 2008–2009 Tulare County Grand Jury decided to investigate the programs provided to the inmates incarcerated in the Tulare County jail system.

### PROCEDURES FOLLOWED

1. Relevant documents were reviewed.
2. Relevant interviews were conducted.
3. Program sites were visited.

### FINDINGS

1. Staffing for Inmate Programs is as follows:
  - a. Sheriff Personnel
    - i. One Inmate Program Manager (IPM)
    - ii. One Residential Substance Abuse Treatment (RSAT) Specialist
    - iii. Three Inmate Program Specialists (IPS)

- iv. One Inmate Program Deputy
  - b. Volunteers
    - i. Six teachers plus one assessment aide
    - ii. 150 volunteers
2. The IPS has oversight of all aspects of the educational curriculum and answers directly to the IPM. Alternative Services<sup>1</sup> has a grant that provides the educational and counseling services for such programs at no cost to the TCSD. Some monies from the Inmate Welfare Trust Fund<sup>2</sup> are used to fund these programs. The beginning book balance for the calendar year 2007 was \$2,172,285.
3. The following programs are available for inmates:
  - a. Substance Abuse (offered by Alternative Services)
  - b. Parenting (offered by Family Services of Tulare County)
  - c. Life Skills (offered by Visalia Adult Schools)
  - d. Anger Management (offered by Family Services of Tulare County)
  - e. Jailhouse Rocks (offered by Tulare County Library)
  - f. Child Support Services (offered by Child Social Services of Tulare County)
  - g. Domestic Violence (offered by Family Services of Tulare County)
  - h. Insight, a religious self-esteem program (offered by Alternative Services)
  - i. Way to Happiness, an emancipation service (offered by Alternative Services)

<sup>1</sup> A non-profit organization

<sup>2</sup> California Penal Code Section 4025

4. Programs conducted by volunteers:
  - a. Alcoholics Anonymous is provided to inmates at the Bob Wiley Detention Facility (BWDF), the Men's Correctional Facility (MCF) and the Main Jail (MJ).
  - b. Narcotics Anonymous is offered at the MCF and BWDF.
5. Jail Ministry is offered Sunday through Thursday at the BWDF, MCF, MJ, and the Pre-Trial Facility (PTF). This program is offered to both female and male inmates. There is a contract with Good News Jail and Prison Ministries for two full-time Jail Chaplains.
6. Volunteers are utilized in all of the jail facilities. The largest group of volunteers is used for the Jail Ministry. It also includes members from Alcoholics Anonymous, Narcotics Anonymous, internship and literacy programs. All volunteers are required to meet the screening and clearance process.
7. Inmates are assessed and placed into educational programs that best meet their identified needs. These programs are:
  - a. High School Diploma Program with a Graduation Equivalency Diploma (GED)<sup>3</sup> focus is offered at:
    - i. MCF for incarcerated male inmates
    - ii. BWDF for incarcerated female inmates
    - iii. The Day Reporting Center (DRC)<sup>4</sup> for inmates who return home each evening
8. Video Learning Programs are offered at the Main Jail twice a month; certificates are given to all who complete their work booklets. Programs include:
  - b. Job Readiness Skills
  - c. English Language Skills
  - d. Life Skills
9. RSAT is a minimum five-month therapeutic residential substance abuse grant program offered to inmates at the MCF. This grant, first awarded in 1999, requires that inmates are randomly drug tested. Ten percent are randomly tested each week.
10. The Gang Awareness Parenting Project (GAPP) has an agreement with First Five of Tulare County to provide parenting skills through a home visitation model to parents/caregivers. Children, ages zero to five, who have been exposed to gangs and/or violence and have a parent incarcerated in the Tulare County jail system, are eligible. This program began on July 1, 2008.
11. The Jail Industries Engraving Shop (IES) is a trade program developed by the TCSD and opened in April 1998.
  - a. The IES Program is open to male inmates who wish to apply. They are interviewed by the Inmate Program Deputy, the Engraving Manager and the Assistant

<sup>3</sup> Testing is offered every six weeks for eligible inmates

<sup>4</sup> Three days of the week inmates are assigned to the work force; two days a week they report to Inmate Programs for instruction.

Manager. Of all the applicants who qualify, five are chosen to work from 8:00 a.m. until 3:00 p.m. five days a week.

- b. The IES is equipped with state-of-the-art computer controlled engraving and vinyl cutting systems.
  - c. Top quality items are offered to public agencies, local governments and nonprofit organizations at reduced prices.
  - d. Controversial or political work will **NOT** be done.
  - e. Some Inmate Welfare Trust money is used in the IES shop.
  - f. All monies earned through work done at IES go into the IES fund for future purchases.
  - g. A Certificate of Participation (example at the end of this report) indicating success in the trade program and training in engraving and vinyl cutting systems, is awarded to all inmates who complete the program. Upon release, any inmate seeking employment in this field can use the certificate as proof of training.
  - h. There are only 11 other counties in California implementing an IES program.
12. The Farm
- a. The personnel for farm management include:
    - i. One Farm Supervisor, qualified to do meat inspections, health checks and to give inoculations to the cattle and swine.
    - ii. Five Farm Crew Leaders
    - iii. 50 daily inmate workers from the DRC<sup>5</sup>
  - b. The farm consists of 1,155 acres:
    - i. 850 acres for grazing
      - ii. 305 acres for farming
        - 120 acres in irrigated alfalfa
        - 125 acres in oats to sudan, a rotation crop
        - 55 acres in dry farming depending on weather
        - Five acres of vegetables and a greenhouse
  - c. The operating budget is provided by TCSD and is placed in the Farm Trust Fund for expenses such as:
    - i. Seed purchasing from an outside vendor:
    - ii. Subcontracting for services that include discing, some tilling, swathing, baling and other operations that the TCSD cannot do.
  - d. Cattle/Swine Production:
    - i. There is an on-site butchering facility using inmate labor.
    - ii. As of June 2008, all meat used in the kitchen at the BWDF to feed inmates comes from the Cattle/Swine operation. All meat carries the United States Department of Agriculture stamp of approval.
    - iii. At any given time, there are 456 head of cattle and 365 swine. Not all animals are used for food; some are used for breeding stock.
    - iv. There is an animal husbandry program where livestock is rotated out of breeding stock every three years.
    - v. Cattle are fed by grazing and supplemented with alfalfa, oats and sudan. Swine are fed recycled inmate discards and other food leftovers, which are first boiled to a prescribed temperature to kill all bacteria.
  - e. Vegetables/Fruit Gleaning
    - i. To supplement their year- round diet inmates grow vegetables from seedlings in a greenhouse. Inmate labor is used to germinate, plant,

<sup>5</sup> DRC inmates are non-violent, low level misdemeanor offenders: e.g. drunk driving, petty theft, fraud.

- cultivate, irrigate and harvest the vegetables. Inmate taste determines what will be grown.
- ii. Fruit culls (rejected as being inferior or worthless) are donated to the farm from packing houses and are gleaned using inmate labor.
- f. Tulare County is one of a few counties in California providing its own fruit, meat and vegetables for inmate meals, resulting in a saving of more than \$250,000 a year.

13. The Engraving Industries Shop, and the Cattle/Swine and Vegetables programs are open only to male inmates.

## CONCLUSIONS

By providing trade programs the Tulare County Sheriff's Department offers an alternative to male inmates which may help lower recidivism rates, saves the County more than \$250,000 annually and keeps 55 inmates productive.

## RECOMMENDATION

Provide trade programs for female inmates.

## RESPONSES REQUIRED

Tulare County Sheriff's Department  
Tulare County Board of Supervisors



# CERTIFICATION OF PARTICIPATION

**Awarded To:**

*Inmates Name:*

For participation of \_\_\_\_\_ hours working as an Engraver,  
Vinyl Technician at the Jail Industries Engraving Program

Exposure to the following Skills:

\_\_\_\_\_  
Engraving Supervisor



\_\_\_\_\_  
Date

Program provided courtesy of Tulare County Sheriff's Department  
For Certification of Completion Contact Engraving Supervisor

# TULARE COUNTY SHERIFF'S RECORDS DEPARTMENT

## BACKGROUND

The Tulare County Sheriff's Department (TCSD) is committed to maximizing the health, safety, and welfare of our community and the integrity of the justice system. In partnership with the citizens of Tulare County, and local/out-of-area law enforcement agencies, the TCSD identifies and addresses public safety and other quality-of-life issues.

## REASON FOR INVESTIGATION

By mandate,<sup>1</sup> the 2008-2009 Tulare County Grand Jury investigated the Tulare County Sheriff's Records Department (Records Department).

## PROCEDURES FOLLOWED

1. Relevant witnesses were interviewed.
2. Relevant documents were reviewed.
3. The Records Department was toured.

## FINDINGS

1. In order to sustain the partnership mentioned in the background, the Records Department (using a dual

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<sup>1</sup> Penal Code Section 925 says, "The Grand Jury shall investigate and report on the operations, accounts of the officers, departments or functions of the county..."

system), records and maintains all specialized legal documents, such as arrest warrants. The Records Department is comprised of the following sections: Case Report, Warrant, Special Services, Criminal History (Bookings) and Other Duties Allocated (CLETS<sup>2</sup>/Housing Authority).

2. For comparison, statistical information gathered is for the years 2007 and 2008.
3. Case Report:
  - a. Case reports are generated from County Sheriff Deputy field reports and the detention facility.
  - b. The reports are scanned into a Report Management System (RMS), and then are filed.
  - c. Depending on the size of the file, it could take two hours or more to scan a case report into the RMS.
  - d. In 2007, 19,655 case reports were processed, and 18,253 in 2008.
4. Arrest Warrants:
  - a. Arrests warrants processed; 23,589 in 2007 and 21,027 in 2008.
  - b. Extraditions: 83 in 2007 and 81 in 2008.
  - c. Purged: 23,180 in 2007 and 21,564 in 2008. (After five years, with the District Attorney's approval, misdemeanor warrants are purged from the system. Felony warrants are purged after ten years, with the exception of capital crimes.)

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<sup>2</sup> CLETS is the California Law Enforcement Telecommunication System.

- d. On file at the end of year: 63,964 in 2007, and 63,427 in 2008.
  - e. Teletype Warrant Abstracts<sup>3</sup>: 2,964 in 2007 and 3,419 in 2008.
  - f. During January and February 2009, 2,885 new arrest warrants were processed.
5. Special Services offers the following:
- a. Carry Concealed Weapons (CCW) Applications and Permits:
    - i. All applicants for a new or renewed CCW permit must attend and pass a gun-training course
    - ii. In 2007, 34 CCW applications were processed, and 213 in 2008.
    - iii. In 2007, 111 new CCW permits were issued (which includes some applications processed in the prior year), and 169 in 2008. New permits cost \$95 to the Department of Justice (DOJ) plus \$10 to County Administrative Costs (CAC).
    - iv. In 2007, 1,021 CCW permits were renewed, and 1,265 in 2008. CCW's must be renewed every two years on or before the applicant's birthday. The cost is \$52 to the DOJ plus \$3 to CAC.
  - b. Penal Code violation registrations:
    - i. In 2007, 425 arson/narcotic registrants and 485 in 2008.
    - ii. In 2007, 580 sexual offenders registered, and 613 in 2008.
    - iii. During January and February 2009, there were 59 sexual offenders registered and 73 narcotics offenders registered.
  - c. Live Scan Fingerprint Services scanned 6,591 fingerprints in 2007 and 6,600 in 2008.<sup>4</sup>
  - d. Megan's Law CD-ROM is available for public viewing; however, no persons viewed the CD in 2007 or 2008.
  - e. Counter Traffic Services (walk-in):
    - i. Counter Traffic includes all of the Special Services Section.
    - ii. There were 10,386 walk-ins in 2007 and 9,750 in 2008.
  - f. Criminal History (Bookings):
    - i. Booking Sheets processed: 26,183 in 2007 and 25,376 in 2008.
    - ii. Criminal histories requested from various agencies: 5,911 in 2007 and 5,119 in 2008.
    - iii. Criminal histories requested by the public; 1,561 in 2007 and 1,239 in 2008.
6. Other Duties Allocated:
- a. This department is used for background checks on those seeking governmental low-income housing.
  - b. In 2007, there were 403 background checks and 170 in 2008.
7. Number and title of employees in the Records Department are as follows:
- |                          |   |
|--------------------------|---|
| a. Sergeant over Records | 1 |
| b. Records Supervisor    | 1 |

<sup>3</sup> Penal Code Section 850(a) says, "A telegraphic copy of a warrant or an abstract of a warrant maybe sent by telegraph, teletype, or any other electronic device, to one or more peace officers, and such copy or abstract is as effectual in the hands of any officer, and he shall proceed in any manner under it, as though he held the original warrant issued..."

<sup>4</sup> According to website, [www.caag.state.ca.us/fingerprints](http://www.caag.state.ca.us/fingerprints), live scans are digitally scanned fingerprints and related information submitted electronically to the Department of Justice.

- c. Sheriff's Records Clerks 14
- d. Office Assistant III 3
- e. Extra Help (volunteers) 5

8. Because of the volunteers, the Records Department generally does not generate any overtime hours. However, on rare occasions, a person may call in sick and one or two employees may share those shift hours.

9. The Records Department is open 24/7 for law enforcement agencies. Public hours are Monday through Friday, 8:00 am to 12:00 pm and 1:00 pm to 4:00 pm.

### CONCLUSION

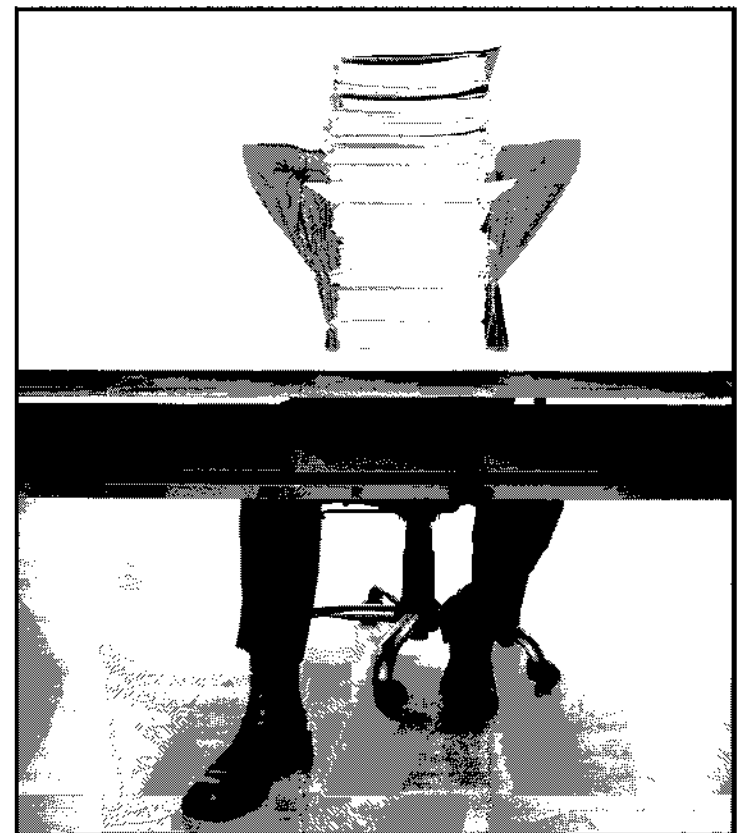
With all the services provided to law enforcement agencies and the public, the Records Department is extremely busy. Everything is scanned into the main computer system, should the computer malfunction, everything is kept on file in centralized locations for easy access.

### RECOMMENDATIONS

None

### RESPONSES REQUIRED

None



# LAND USE

# TULARE COUNTY'S CODE COMPLIANCE

## BACKGROUND

In 1996, Tulare County combined the Planning and Development Department with the Public Works Department, the Community Development/Redevelopment Department, and Capital Projects Divisions. Thus, Tulare County's Resource Management Agency (RMA) was created.

Since 1997, services were added to RMA. Some of those services are the Abandoned Vehicle Abatement Program, Code Compliance, County Permits, Parks and Recreation, Solid Waste, Sewer and Water Services, Trash and Recycling Programs, etc. All these services require enforcement of Federal, State, and County laws.

A Building and Zoning Inspector is responsible for enforcing Tulare County's Ordinance Codes (TCOC). As an aid to enforce the TCOC, the Code Compliance Division (CCD) is used. The CCD takes in complaints and performs inspections/investigations involving violations of the TCOC.

## REASON FOR INVESTIGATION

Past Grand Juries reported on and made recommendations to the CCD. The 2008-2009 Tulare County Grand Jury revisited the CCD, investigated its function to determine if past recommendations were adopted.

## PROCEDURES FOLLOWED

1. Interviewed relevant witnesses.
2. Reviewed relevant documents.

## FINDINGS

1. Ordinance code violations can range from an excess of trash/garbage to lumber/tires to animals.
2. The CCD responds to all complaints including those that are anonymous.
3. The CCD does not initiate investigations on suspected property code violations.
4. Between August and December 2008, the CCD opened 281 cases for investigation, an average of 56 Code Violation Complaints (CVC) per month.
5. As of December 2008, there were 1,641 open and active cases, which included:
  - a. Cases that have gone to hearing and are awaiting the deadline granted in the Code Compliance Agreement.
  - b. Cases cleared with unpaid fines, or with paid fines without the violations having been corrected.

6. Non-cooperative property owners go to Administrative Hearings (AH) within six to eight months after being cited for code violations.
7. Between 16 and 24 cases are prepared each month for an AH. However, between 65 percent and 75 percent of those cases voluntarily comply before the hearings.
8. The CCD work with those who are elderly/disabled and have properties with code violations by extending time requirements and attempting to enlist the aid of family members to help eliminate the problems noted.
9. The CCD does not verify income. Based upon the knowledge of the location of properties in proximity to communities with a poverty level close to 40 percent the CCD estimates that 40 percent of violations involve low-income families.
10. There are six Code Compliance Field Officials who inspect/investigate all CVCs received.
11. Citations and fines for code violations are handled in the following manner:
  - a. A 30-day Notice to Abate Violation Citation (NAVC) is issued.
  - b. After 30-days, a second NAVC is issued and a \$270 Cost Recovery Fee (CRF) is assessed.
  - c. After an additional 30-days, a third Notice of Violation and Order to Correct is issued and a \$765 CRF is assessed.
  - d. Failure to comply with the third notice results in an AH and a \$1,050 CRF is assessed.
- e. Should the violations continue after the AH, the County will enforce compliance through abatement at a cost of \$1,050 plus \$45 per hour for actual staff time to abate the violations, plus contractor costs.
- f. A daily fine of \$100 is assessed for every day the property is in violation starting on the date the Notice of Violation and Order to Correct is mailed.
12. In addition to the fees listed above, if building construction or land use changes are initiated prior to obtaining appropriate permits, required permit fees will be doubled. An example is adding onto an existing building such as a covered patio.
13. Thirty days after an AH, a lien is placed against the property (not a property tax lien) for unpaid fees, fines and administrative costs. On average, each property has two code violations and AH costs, totaling approximately \$7,050.
14. As of December 2008, approximately \$1.5 million in assessed fines and administrative and abatement costs were owed to the County for CCVs.
15. RMA holds debts throughout the fiscal year (July 1 through June 30). At the end of the fiscal year, unpaid debts are turned over to a collection agency.
16. In August 2008, the County contracted with a local collection agency. The contract is for three years with a one-year extension and includes the following:
  - a. Payment for services is 10 percent of monies collected.

- b. The collection agency may negotiate the balance due for a lesser amount therefore increasing the ability to collect monies owed.
- 17. The collection agency is presently holding a check for \$10,000 less their fee for a negotiated offer in compromise for a property owing more than \$30,000 in accrued fees, fines and interest.
- 18. County Counsel must approve the negotiated amounts and the new balance paid prior to liens being removed from properties.
- 19. As of February 2009, \$10,959.98 had been collected (not including the collection agency fee).
- 20. The CCD believes that approximately one-third of the 1.5 million dollars owed will be collected through the collection agency.

## CONCLUSION

While it is commendable that employees of the CCD attempt to help the elderly/disabled by granting time extensions or enlisting family to help clean up their properties, some may view this as favoritism as there maybe others who are equally in need of this type of help.

Past Grand Jury reports recommended the County enlist the aid of an area collection agency, as the County had been unsuccessful in collecting accessed fines, fees and interest.

## RECOMMENDATIONS

1. Initiate an investigation should a field officer come upon property in violation of an Ordinance Code.
2. Aid those in financial distress in the same manner given to the elderly/disabled.
3. Collect a greater amount of the estimated one-third currently owed through the collection agency from all fees assessed.

## RESPONSES REQUIRED

Tulare County Board of Supervisors  
Tulare County Resource Management Agency

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## ADDENDUM

As of April 2, 2009, the Tulare County Board of Supervisors combined the Code Compliance Division with the Building Inspection Division. The reorganization will eliminate 11 positions; four current and seven vacant. It is expected that approximately \$60,334 will be saved during the remaining 2008/2009 fiscal year and \$661,404 will be saved during the 2009/2010 fiscal year.

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## HOUSING BLIGHT IN TULARE COUNTY

### BACKGROUND

The national foreclosure crisis is affecting not only individual families, but whole communities. Cities and states struggle to manage the fallout of vacant and abandoned properties.

State and municipal budgets are hard pressed to cover the rising costs of boarding up abandoned properties, remove trash, combat increased vandalism, arson, property and personal crimes. Home prices are falling — and middle-class wealth, long accumulated through home equity, is dwindling.

The foreclosure crisis, fueled by sub-prime mortgages, has resulted in significant property revenue losses for states, counties and local governments. Because many state and local governments must balance their budgets each year, 20 states (including California) have already had to make or are proposing budget cuts due largely to revenue losses. These budget cuts further harm the economy and deepen the recession.

Communities are asking:

- How complicated a process is it to deal with abandoned properties?
- What is the impact and effectiveness of liens, citations and summary abatement actions?
- What communication and coordination exists among the various state, federal, County and city agencies on these issues?

Abandoned houses in Tulare County and the Cities of Tulare County present a serious threat to the desirability of home ownership to all communities within the County.

In Tulare County, more than 1600 homes are in some state of foreclosure. The foreclosure rate among local mortgage holders – two percent – has doubled from this time last year and now outpaces the national rate of 1.7 percent. The County's most populous Cities, Visalia and Tulare, have undergone 1300 and 500 home foreclosures respectively. Visalia has budgeted \$160,000 this year (2009) to deal with code violation abatement pertaining to neglected and abandoned properties.

In 2008 the City of Visalia received an emergency allocation of \$2,388,331 under the U.S. Housing and Urban Development Neighborhood Stabilization Program, whose purpose was to assist in the redevelopment of abandoned and foreclosed homes. Qualifying factors for the grant included a number of home foreclosures, percentage of homes financed with sub-prime loans and the likelihood of increases in the future rate of foreclosures. Among California Cities receiving such a grant, Visalia's "local abandonment risk" was rated high. A separate grant of \$145,071,506 will be available to the State in early 2009 for which any community not in receipt of a direct grant can apply through the County.

Most of the Visalia funds are being targeted toward the Washington School and Lincoln Oval Park area neighborhoods, but any neighborhood showing need is eligible.

## REASON FOR INVESTIGATION

1. The 2008-2009 Tulare County Grand Jury is concerned:
  - a. whether the County and/or Cities of the County have any protocol for dealing with abandoned houses;
  - b. whether the County and/or Cities of the County are preparing for a large increase in the number of abandoned houses due to the escalating sub-prime mortgage meltdown and national credit crisis;
  - c. about the priority assigned to this crisis by city and County agencies in the present economic situation.
2. The Grand Jury also has grave concerns relative to the impact of abandoned houses including:
  - a. Vandalism
  - b. Property value declines
  - c. Tax valuation decreases
  - d. Neighborhood blight
  - e. Empty houses becoming attractive nuisances (illegal use of buildings)

## PROCEDURES FOLLOWED

1. Interviewed relevant and involved city and County administrative, operating and oversight management.
2. Reviewed relevant County, City, State and Federal policies and legislation.
3. Reviewed General and Charter Law governing blighted real estate.

## FINDINGS

1. Federal funds are available through the recently legislated Housing and Recovery Act of 2008 (HR 3221). HR 3221 provides \$3.9 Billion in grants to the hardest-hit communities for buying and repairing foreclosed property.
2. \$11 Billion was made available to agencies in tax-free municipal bonds for low-interest loans for:
  - a. first time home buyers
  - b. construction of low income rental housing
  - c. refinancing sub-prime mortgages
  - d. pre-foreclosure counseling and legal services for distressed borrowers
3. The Tulare County General Plan states, "*The County shall also focus on abatement of dilapidated buildings and structures* <sup>1</sup>."
4. Policies and procedures for dealing with abandoned properties differ and conflict between the County and Cities.
5. Charter law under which most Cities operate and general law that directs County activities, treat abandoned property remedies differently.
6. Actions against the owners of abandoned properties beyond imposition of liens and citations are ineffective in remedying the physical problem of an empty house.

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<sup>1</sup> Tulare County Plan – Goals and Policies Report, pages 5-19

7. Many jurisdictions recognize the problem, but do not regard abandoned properties as a top priority.
8. Few County and City owned/financed units are abandoned as compared to those in the private sector.
9. There is very little coordination among the County and Cities on the issue of abandoned homes.
10. County and City jurisdictions are instituting surveys to determine the scope of blight.
11. In some historic districts of Visalia, assistance is being offered to owners/buyers to generate more than \$150,000 in cost recovery revenue. Only local contractors are used for rehabilitation.
12. To report a vacant home with violations, residents may contact:
  - a. Visalia: 713-4534
  - b. Tulare: 687-2288
  - c. Porterville: 782-7472 or 782-7463
  - d. Dinuba: 591-5906
  - e. Farmersville: 747-0458 (ask for Code Enforcement)
  - f. Exeter: 592-9244 (ask for Code Enforcement)
  - g. Lindsay: 592-2511
  - h. Woodlake: 564-8055 (ask for Building Department)
  - i. Tulare County: 733-6291

## CONCLUSIONS

Funds are available (see Findings #1 and #2) to help purchase vacant, blighted properties and to rehabilitate them for resale or affordable rentals to qualified families.

Returning abandoned homes/properties to productive use is vital to overcoming the foreclosure crisis. The rehabilitation of homes will also create construction jobs.

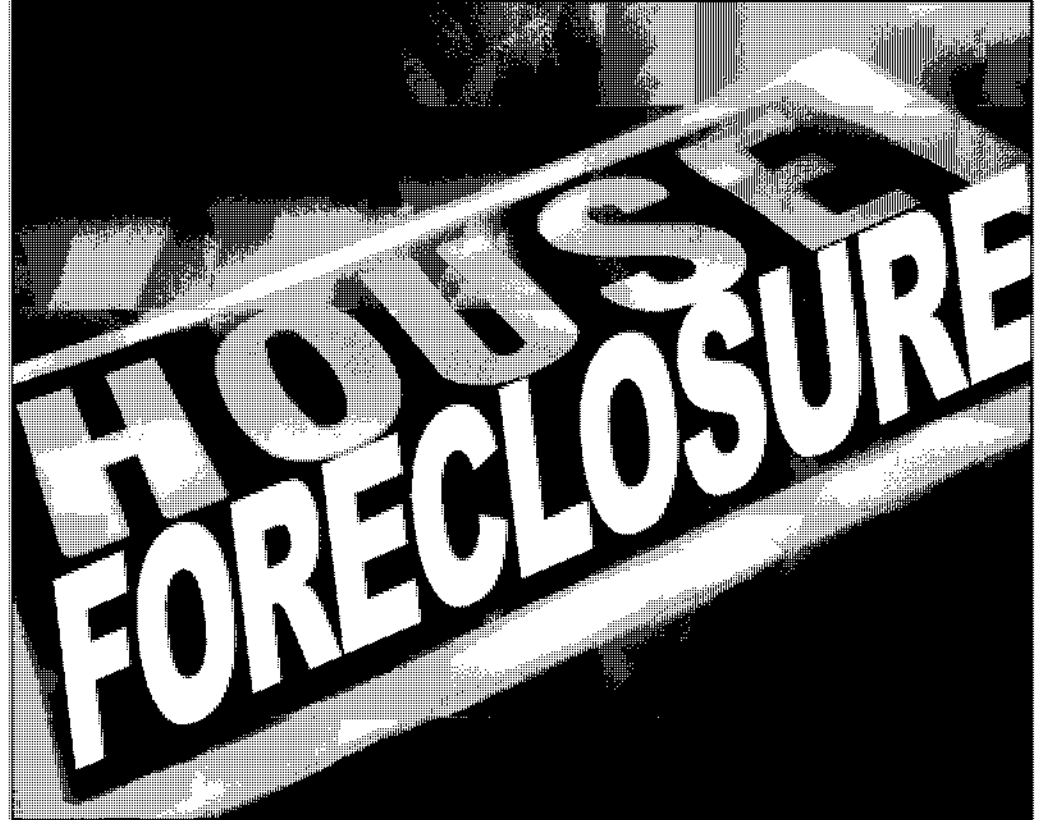
## RECOMMENDATIONS

1. Tulare County and all municipal entities in the county **adopt two focuses** :
  - a. Increase code enforcement to ensure that abandoned houses and neighborhoods are not run down.
  - b. Help first-time homebuyers purchase repossessed houses.
2. Encourage people not to walk away from their homes by providing educational classes advertised in the local media and held in areas most affected by foreclosures.
3. Improve first-time homebuyer programs to get houses out of bank repossession as quickly as possible. Example: only repossessed houses may be bought with first-time homebuyer funds.
4. Adopt and enforce ordinances that crack down on problems with abandoned homes by forcing the current owners, including financial institutions, to maintain their houses/properties so that neighborhoods do not become run down.
5. Make the issue of abandoned homes a top priority.
6. Develop and coordinate plans concerning the issue of abandoned homes between the County and Cities. (**Talk and work with one another.**)

7. Apply for and make use of all available funds through H.R. Bill 3221 and all other resources.

## RESPONSES REQUIRED

Tulare County Board of Supervisors  
Dinuba City Council  
Exeter City Council  
Farmersville City Council  
Lindsay City Council  
Porterville City Council  
Tulare City Council  
Visalia City Council  
Woodlake City Council



# SPECIAL DISTRICTS

# TULARE COUNTY INDIAN GAMING LOCAL COMMUNITY BENEFIT COMMITTEE

## BACKGROUND

The Tulare County Indian Gaming Local Community Benefit Committee (IGLCBC) was formed in 2004. It was California Senate Bill 621 that first made grant monies available from the Indian Gaming Special Distribution Fund (SDF) for counties, cities and special districts that were impacted by the tribal gaming industry. The Benefit Committee fulfilled one of four designated uses<sup>1</sup> of these SDF funds that would be administered by the California Gambling Control Commission. Tribes operating 200 or more gaming devices on or before September 1, 1999 would contribute a certain percentage of their net winnings. In Tulare County the only tribe in this category is the Tule River Indian Tribe (Tribe), located approximately 20 miles east of Porterville, which owns and operates the Eagle Mountain Casino. During its brief tenure, the representatives of Tulare County's IGLCBC consisted of county, City of Porterville and tribal officials, its number and composition determined by statute.

California Government Codes established the Special Distribution Fund and its characteristics<sup>2</sup> and established the IGLCBC, described the calculations to be used to determine

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<sup>1</sup> The remaining three categories of the SDF consisted of (a) gambling addiction and awareness programs, (b) regulatory activities of the Gambling Control Commission and (c) the Department of Justice and the compensation of shortfall in the trust fund. (Trust funds are allocated to non-gaming tribes.)

<sup>2</sup> Sections 12012.75, 12012.85 and 12012.9

grant amounts and purposes that relate to the impacts of their gaming facility and set the expiration of the committees at January 1, 2009.<sup>3</sup>

## REASON FOR INVESTIGATION

The Tulare County 2008-2009 Grand Jury on its own initiative decided to investigate the cessation of funding for the Tulare County IGLCBC.

## PROCEDURES FOLLOWED

1. Appropriate officials were interviewed.
2. Relevant documents were inspected.

## FINDINGS

1. In July 2007, the State Auditor conducted an analysis of several of the counties participating in this program and found that some of them, not including Tulare County, had not complied with the law.
2. In 2007 the governor removed the impact-related funds from the budget for two years, so the expected \$60 million (\$30 million per year) was not disbursed from 2007 to 2008. Funding of the remaining three categories of the

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<sup>3</sup> Sections 12710-12718

SDF continues based on compacts between the State and Tribe, as there is no expiration date.

3. On September 30, 2008, the State legislature approved amended budget trailer Assembly Bill 1389, which will restore IGLCBC funds in the amount of \$30 million, extending them for one year (through January 1, 2010), and implement some changes in the SDF-IGLCBC program. Funds will be appropriated from the same State SDF to the local governments, specifically for the mitigation of casino impacts. If any of the grant monies are used for an unrelated purpose by any jurisdiction, the grant to it will end, and unspent monies will revert to the SDF.

In spite of the release of these funds, their availability remains uncertain due to the ongoing reconsideration of the budget.

4. Priorities for funding through the IGLCBC have included law enforcement, fire services, emergency medical services, roads, public health, recreation and youth programs, waste disposal, water supplies, child care programs, mitigating environmental impacts and behavioral health.
5. Specific projects have included:
  - a. The rehabilitation and safety striping of the principal access road to the Casino
  - b. A Sierra View District Hospital Emergency Department upgrade for increased access
  - c. A Sheriff's Department communications tower designed to improve the reliability of communication for emergency responders

- d. A county child development center drainage project to prevent nearby soil erosion, serving Eagle Mountain Casino employees and their families
- e. The purchase of digital pagers and other emergency response equipment for county fire and other emergency agencies
- f. Additional police and fire safety enhancements to patrol casino property and allow for adequate traffic enforcement
- g. The county Resource Management Museum Project, which includes the preservation of Native American cultural and historical heritage

6. The IGLCBC disbanded when impact mitigation funding for 2007-2008 was discontinued and pertinent State legislation ended. The IGLCBC reformed on January 21, 2009. Hearings are open to the public, and agendas and applications for funds are available through the County administrative offices.

## CONCLUSION

The use of casino impact funds in Tulare County has been conservative and responsible. The relationship between Tulare County and the Tribe has been extremely positive. Involvement in the IGLCBC by the Tribe has been considerable. During the years that funds were available, the State-run features of the program meshed well with County goals.

Indian gaming casinos are enterprise funds of tribal governments. The Tribe is licensed to carry out gaming activities in order to (a) support its members and (b) raise revenue for its government operations programs, which is where a substantial portion of its profits go. Given the nature of the

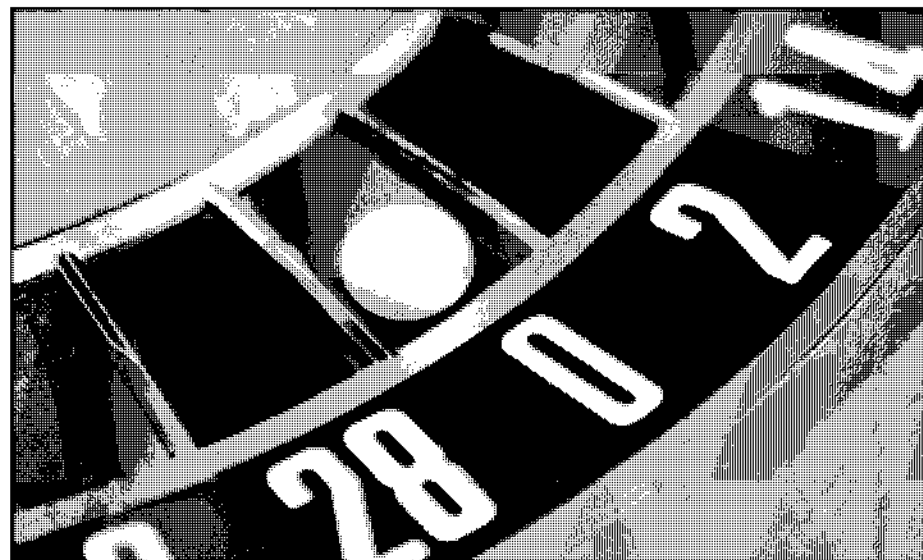
casino as an "economic engine"- and the cooperation of a tribe and its county as an economic development issue -- there are few enterprises with more potential than the simultaneous growth and improvement of both entities.

## RECOMMENDATION

All local government entities continue to be open to opportunities that strengthen and improve their working relationship with the Tribe.

## RESPONSE REQUIRED

Tulare County Board of Supervisors



## OROSI PUBLIC UTILITY DISTRICT

### BACKGROUND

The town of Orosi, occupying two and one-half square miles in northwest Tulare County, has a population of approximately 8,500. Orosi's provider of water is the Orosi Public Utility District (OPUD), one of many special districts approved by Tulare County's LAFCO (Local Agency Formation Commission).<sup>1</sup> OPUD's governing Board seats five members: president, vice-president and three directors. While autonomous, it is required to follow State laws that address elections, public meetings and record keeping, as well as to conduct a yearly audit.

### REASON FOR INVESTIGATION

The 2008-2009 Tulare County Grand Jury received a citizen complaint regarding violation of the Brown Act<sup>2</sup> by directors of the OPUD Board.

### PROCEDURES FOLLOWED

1. Relevant witnesses were interviewed.
2. Relevant documents were inspected.

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<sup>1</sup> LAFCOs are governing bodies that were created by State legislation to approve and coordinate the formation of new cities and special districts. One LAFCO is required in each California County except San Francisco.

<sup>2</sup> California Government Code Sections 54950-54962.

### FINDINGS

1. It is unknown whether the OPUD Board has taken Ethics Training.<sup>3</sup>
2. The Brown Act requires the posting of public meeting agendas at least 72 hours in advance in at least one location accessible to members of the public.<sup>4</sup>
3. The agenda for the January 8, 2008 OPUD Board meeting was posted on January 3, 2008.
4. Between the dates of January 4 and 7, 2008, certain OPUD Board and staff members became aware of the possible resignation of a Board member.
5. On January 4, 2008, a local resident was contacted by a Board member and asked if he was interested in filling a possible vacancy.
6. At the January 8th meeting, the Board member did resign.

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<sup>3</sup> Passed in 2006, Assembly Bill 1234 (California Government Code Section 53235) requires all City/County officials, directors, trustees, and other governing board members of California Special Districts to receive two hours of Ethics Training approved by the Attorney General's Office and the Fair Political Practices Commission.

<sup>4</sup> Government Code Sec 54954.2(a) (1).

7. Following the Board member's resignation the Board added an agenda item to immediately appoint a Board member replacement.<sup>5</sup>
8. The Board proceeded to approve the appointment of a replacement member.
9. All of these actions took place during the January 8th meeting.

## CONCLUSION

While the letter of the law concerning the addition of an item to the January 8th meeting agenda may have been observed, the spirit of the law which demands openness was not. Nothing would have been lost by dealing with a replacement appointment at a later meeting. Board members of OPUD need to operate with transparency and cooperation among themselves and with the community.

## RECOMMENDATIONS

1. OPUD Board members follow the Brown Act when posting, agenzizing and conducting public meetings.

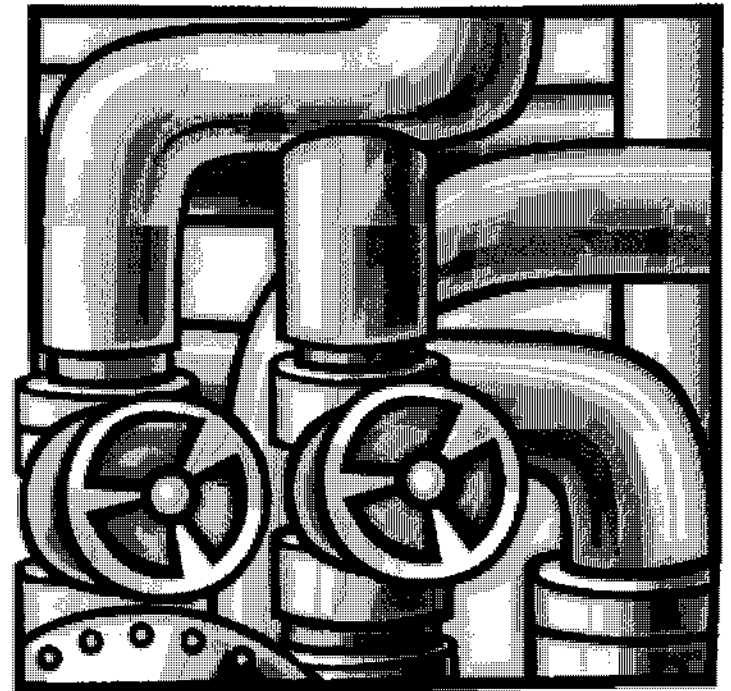
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<sup>5</sup> California Government Code Section 54954.2(b)(2) states, "Upon a determination by a two-thirds vote of the members of the legislative body present at the meeting, or, if less than two-thirds of the members are present, a unanimous vote of those members present, that there is a need to take immediate action and that the need for action came to the attention of the local agency subsequent to the agenda being posted as specified in subdivision (a)."

2. OPUD Board members attend mandatory Ethics Training, including recertification every two years.
3. The Board of Supervisors include links to the Brown Act and other resources that would be helpful to Special Districts on the County website.
4. The Supervisors assist OPUD and other struggling districts.

## RESPONSES REQUIRED

Orosi Public Utility District  
Tulare County Board of Supervisors



## TEVISTON COMMUNITY SERVICES DISTRICT

### BACKGROUND

One of Tulare County's many Special Districts, Teviston Community Services District (Teviston) covers an area of approximately 80 acres off Highway 99 between Earlimart and Pixley. As self-governing entities, Special Districts provide public services only to their residents and are limited to services such as fire protection, utilities, cemeteries and libraries.

The original residents migrated mainly from Oklahoma, Texas and the Midwest in the 1930s to take advantage of the fertile and affordable farmland. Teviston's population is now approximately 400. The County's LAFCO<sup>1</sup> (Local Agency Formation Commission), approved and coordinated Teviston's formation as a Special District for water in 1956.

### REASON FOR INVESTIGATION

The 2008-2009 Tulare County Grand Jury received a citizen complaint regarding action and non-action by members of the Teviston Community Services District Board. The 2005-2006 and 2007-2008 Grand Juries investigated similar matters pertaining to the district's governance.

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<sup>1</sup> LAFCOs are governing bodies that were created by State legislation to approve and coordinate the formation of new cities and special districts. One LAFCO is required in each California County except San Francisco.

### PROCEDURES FOLLOWED

1. Relevant documents were inspected.
2. Relevant personnel were interviewed.
3. The Grand Jury attempted to attend a Board meeting, however it was cancelled.

### FINDINGS

1. Teviston failed to respond to the 2007-2008 Grand Jury report on their District as required by law.
2. The last Board meeting where business was conducted was December 11, 2008.
3. Since July of 2008 all regular meetings were cancelled with the exception of August 14, 2008 and December 11, 2008.
4. The cancellation of regularly scheduled meetings was due to lack of a quorum.
5. The District Secretary conducts normal business transactions without supervision.
6. A second employee performs District maintenance without supervision.
7. Teviston's two employees are paid by cash voucher.

8. Payroll taxes were paid through 2006 according to the independent audit report of that year, which was the last known audit.
9. Payroll taxes are currently in arrears, as of May 27, 2009.
10. Teviston has not filed an independent audit report as required by State law <sup>2</sup> since 2006.

**CONCLUSION**

The Teviston Community Services District Board of Directors is not functioning. No legal entity (neither the Tulare County Board of Supervisors nor the State of California) is taking any responsibility for providing adequate oversight for the 400 people who depend on Teviston for water services. The people of Teviston must take an active role in the governance of their community.

**RECOMMENDATIONS**

1. Although there is no legal requirement that the Board of Supervisors provide oversight to Special Districts, the Supervisors need to take the responsibility to assist those Special Districts that are experiencing such great difficulties.
2. Teviston's Board members must renew their commitment to serve and attend meetings.
3. Teviston's Board members must accept their obligation to supervise the District's operations.

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<sup>2</sup> California Administrative Code Title 2, Section 1131.2.

4. Teviston's Board must hire an independent auditor and provide the County and the State with the required yearly audit reports.
5. Teviston's Board must stop paying their employees with cash vouchers.
6. Teviston's Board must pay all taxes owed to Federal and State authorities.

**RESPONSES REQUIRED**

Teviston Community Services District Board of Directors  
 Tulare County Board of Supervisors



### CITIZEN COMPLAINT FORM

**1. Who:**

- \* Your Name: \_\_\_\_\_
- \* Address: \_\_\_\_\_
- \* City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_
- \* Telephone Number \_\_\_\_\_ Cell Number \_\_\_\_\_

**2. What:** Subject of complaint. Briefly state the nature of complaint and the action of the department, section, agency or official(s) that you believe was illegal or improper. Use additional sheets if necessary.

\_\_\_\_\_  
\_\_\_\_\_

**3. When:** Date(s) of Incident. \_\_\_\_\_

\_\_\_\_\_

**4. Where:** \_\_\_\_\_

\_\_\_\_\_

**5. Why/How:** Attach pertinent documents and correspondence with dates.

\_\_\_\_\_  
\_\_\_\_\_

**6. Other persons or agencies you have contacted about this problem:**

\_\_\_\_\_  
\_\_\_\_\_

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

See Complaint Form Procedures on reverse side for complete instructions. All forms must be signed.

### CITIZEN COMPLAINT PROCEDURES

- Any citizen of Tulare County may submit complaints concerning a variety of grievances.
- The complaint must be in writing. All complaints will be reviewed.
- The Tulare County 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 is out of the Jury's jurisdiction, such as the federal government or any State of California department.

#### SUBMISSION OF A COMPLAINT

- The written complaint should cover the following points:
  1. Your name, address and telephone number.
  2. Who or what agency is the complaint against? (What is the nature of the complaint?)
  3. When did the Incident(s) occur?
  4. Where did the incidents occur? (Address of incident or person or agency responsible)
  5. Why or how did incident happen?
  6. Who else have you contacted about the incident? All normal attempts to resolve the problem should have taken place prior to submission of a citizen complaint to the Grand Jury.
- **7. SIGN AND DATE YOUR COMPLAINT.**

***THE COMPLAINT'S IDENTITY IS RIGOROUSLY GUARDED,  
AND THE GRAND JURY IS FORBIDDEN BY LAW  
TO RELEASE ANY INFORMATION ABOUT INVESTIGATIONS***

# TULARE COUNTY GRAND JURY NOMINATION FORM

Name: \_\_\_\_\_  
Last First Middle

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Birthplace: \_\_\_\_\_ Birthdate: \_\_\_\_\_

U.S. Citizen:  Yes  No Tulare County Resident:  Yes  No  
(at least 1 year)

Age Range: \_\_\_\_\_ 18 – 25 \_\_\_\_\_ 26 – 34 \_\_\_\_\_ 35 – 44 \_\_\_\_\_ 45 – 54  
 \_\_\_\_\_ 55 – 64 \_\_\_\_\_ 65 – 74 \_\_\_\_\_ 75 and over

Gender:  Female  Male

Race/Ethnicity - Candidates may select more than one category:

- \_\_\_\_\_ American Indian or Alaska Native \_\_\_\_\_ Asian
- \_\_\_\_\_ Black or African American \_\_\_\_\_ Hispanic/Latino
- \_\_\_\_\_ Native Hawaiian or other Pacific Islander \_\_\_\_\_ White
- \_\_\_\_\_ Other race or ethnicity – please specify: \_\_\_\_\_
- \_\_\_\_\_ Decline to Answer

**A. Employment Information**

Occupation: \_\_\_\_\_ Employed Now?  Yes  No

Name & Location of Employer: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone number: \_\_\_\_\_

Self-employed?  Yes  No If yes, name of business: \_\_\_\_\_

Address: \_\_\_\_\_ - \_\_\_\_\_ City: \_\_\_\_\_

State: \_\_\_\_\_ Zip: \_\_\_\_\_ Telephone number: \_\_\_\_\_

Retired, unemployed or recently changed jobs – please give former occupation: \_\_\_\_\_

If employed, does your employer understand the extent of the duties of a Grand Juror; and will you be permitted to participate fully for the entire year?  Yes  No

**B. Spouse Information**  
 Married  Single  Separated/Divorced  Widow/Widower

Name of Spouse: \_\_\_\_\_ Employed?  Yes  No

Occupation/Employer of Spouse: \_\_\_\_\_

If spouse is retired, unemployed, or deceased, what was former occupation? \_\_\_\_\_

**C. Miscellaneous Information**  
 Are you in good physical and mental health, and able to serve as a juror if selected?  Yes  No

Indicate any limiting condition: \_\_\_\_\_

Vision satisfactory?  Yes  No Hearing satisfactory?  Yes  No

Can you read, write and understand the English language?  Yes  No

Schooling background (please circle the highest grade completed)

Grammar: 1 2 3 4 5 6 7 8 High School: 1 2 3 4 College: 1 2 3 4 5 6 7

Are you contemplating any absence from Tulare County during the fiscal year of July 1st through June 30th, which might interfere with your performance as a Grand Juror?

Yes  No If yes, explain (use separate sheet of paper)

Are you presently involved in any law suit pending in an Court, in any County or Judicial District in the State?

Yes  No If yes, explain. Please describe the nature of the litigation (use separate sheet of paper)

**THE FOLLOWING QUESTIONS MUST BE ASKED, AND ANSWERED, PURSUANT TO SECTION 893 OF THE**

**PENAL CODE OF THE STATE OF CALIFORNIA:**

1. Have you ever been convicted of a crime?  Yes  No

If you answered yes, please state for what charge, the date and what Court (use separate sheet of paper)

2. Have you ever been convicted of malfeasance in office?  Yes  No

If you answered yes, please state the date, place and circumstance (use separate sheet of paper)

3. Have you served as a Grand Juror in any Court of this state?  Yes  No

If you answered yes, please state what County and the date you were discharged as a Grand Juror (use separate sheet of paper)

4. Are you presently serving as a trial juror in any court of this state?  Yes  No

If you answered yes, please state name and location of the Court in which you are serving:

\_\_\_\_\_

5. Are you presently serving as an elected official?  Yes  No If you answered yes, please specify

what office: \_\_\_\_\_

6. Are you presently a candidate for any Elective Public Office?  Yes  No

Are you planning to run for any Elective Public Office during the next calendar year?

Yes  No If you answered yes to either question, please state what office:

\_\_\_\_\_

7. In your own words, please state why you wish to serve as a Tulare County Grand Juror (if necessary use separate sheet of paper):

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## 2008-2009 Tulare County Grand Jury



**Gene Mooers, Foreman**  
**Charles Webber, Foreman Pro-Tem**  
**Renee Walker, Secretary**  
**Louise Whittle, Clerk of the Grand Jury**

**Bob Atwood**  
**Sylvia Baggs**  
**Roberto Bustos**  
**Vince Davis**

**Annella Derby**  
**Jacki Fletcher**  
**Kat Harris**  
**Annette Jones**

**Sharon Lamagno**  
**Irene Lapin**  
**Ronald Marangi**  
**Lino Moran**

**Roy Reini**  
**Mario Rodriguez**  
**Tom Sullivan**  
**Mark Wright**

Tulare County Grand Jury  
Government Plaza  
5963 South Mooney  
Visalia, California 93277  
Phone: (559) 624-7295  
FAX (559) 733-6078  
E-MAIL: [Grnd\\_jury@co.tulare.ca.us](mailto:Grnd_jury@co.tulare.ca.us)  
WEBSITE: [www.co.tulare.ca.us](http://www.co.tulare.ca.us)

