

GRAND JURY 2012-2013



From Left to Right, Bottom Row: Deloris Crittenden, Bonita Hennessey, Kelly Kessinger, Anna Rubio, Kerma Patterson, Sharon Lannagnio, Helen Savage, Arnette Jones.

Top Row: Bob Peterson, Gene Russ, Alfred Rowland, Milt Morrison, Kat Harris, David Serpa, Larry Fishel, Don Sanders, Chuck White, George Tsapanos.

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LETTER FROM THE FOREMAN



TULARE COUNTY GRAND JURY
5963 South Mooney Boulevard
Visalia, CA 93277

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

Honorable Judge Lloyd Hicks
Presiding Judge of the Superior Court
State of California
County of Tulare

Honorable Judge Gary Paden
Supervising Judge of the Grand Jury
State of California
County of Tulare

Dear Judge Hicks and Judge Paden,

Pursuant to California Penal Code §933, the 2012-2013 Tulare County Grand Jury presents this Final Report of the Grand Jury to the Court and to the citizens of Tulare County. This report completes the work of the members who served on the Grand Jury for the past year. These members have committed countless hours of hard work evaluating local government operations and making appropriate dispositions of citizen complaints.

The Jury was impaneled by the Court in July 2012 with the charge to serve the general public as “watchdogs” of county government agencies. They worked tirelessly to respond to citizens’ complaints, and to investigate numerous County department with the interviews of “relevant” witnesses, visitations to applicable meetings, and review of pertinent documents.

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

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

The Members of the 2012-2013 Grand Jury are honored to have had the privilege and opportunity to serve the citizens of Tulare County. It has been an instructive, challenging, and gratifying experience. This dedicated and skillful team has my most profound thanks for the conscientious service to this splendid cause. It has been with satisfaction and pleasure to have served as foreman of this dutiful group of citizens.

Respectfully,

A handwritten signature in cursive script that reads "David Serpa".

David Serpa, Foreman
2012-2013 Tulare County Grand Jury

E-Mail: grnd_jury@co.tulare.ca.us
Web site: www.co.tulare.ca.us



TULARE COUNTY GRAND JURY
5963 South Mooney Boulevard
Visalia, CA 93277

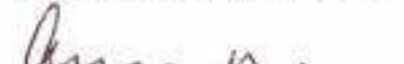
Phone: (559) 624-7295; Fax (559) 733-6078

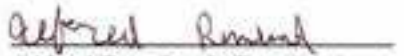
AUTHORIZATION for publication of the 2012-2013 Grand Jury Final Report

We, the undersigned, being duly sworn and active members of the 2012-2013 Tulare County Grand Jury and comprising of at least twelve (12) members thereof, have investigated, written, read, and authorized publication of this report. We hereby affix our signatures to this Final Report as verification of said authorization.


David Serpa, Foreman

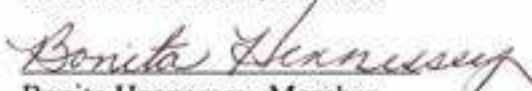

Kat Harris, Foreman Pro-Tem

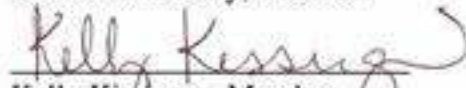

Anna Rubio, Secretary



Alfred Rowland, Sgt-At-Arms


Larry Fishel, Parliamentarian

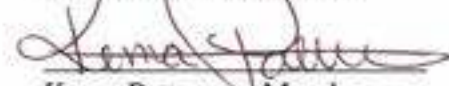

Deloris Crittenden, Member



Bonita Hennessey, Member


Kelly Kissinger, Member


Sharon Kantango, Member

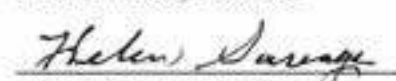

Milt Morrison, Member

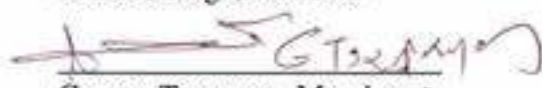

Kema Patterson, Member



Robert Peterson, Member


Gene Russ, Member


Don Sanders, Member


Helen Savage, Member


George Tsapanos, Member


Chuck White, Member

LETTER FROM THE JUDGES

Superior Court of the State of California

LaRayne Cleek
Court Executive Officer/
Jury Commissioner

Deanna A. Jasso
Court Administrative Manager

Sherry Pacillas
Court Operations Manager

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



JUDGE'S COMMENTS

On behalf of the entire bench of the Tulare County Superior Court we want to sincerely thank the 2012-2013 Grand Jury for all the work they have performed on behalf of the citizens of Tulare County. Once again another Grand Jury's term has been completed.

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

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

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




Lloyd L. Hicks
Presiding Judge

Gory L. Paden
Assistant Presiding Judge

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GRAND JURY RESPONSE REPORT 2011-2012 COMPLIANCE REVIEW

BACKGROUND

The Tulare County Grand Jury (Grand Jury) is impaneled annually to act as the Public's watchdog by investigating and reporting on the affairs of county and local governments. They may also look into complaints brought by citizens who are concerned by perceived government irregularities. As a fact finding body, the Grand Jury has the potential to make recommendations for constructive changes and possible solutions to a wide range of local governmental problems. This is done by reviewing and evaluating procedures, methods, and systems utilized by the county's various entities to determine if more efficient and economical programs may be employed. The Grand jury is also authorized to and in some cases must:

- Inspect and audit books, records, and financial expenditures to ensure that public funds are properly accounted for and legally spent;
- Inspect financial records of special districts in Tulare County;
- Examine the books and records of any nonprofit organization receiving county or city funds;
- Inquire into the conditions of jails and detention centers; and
- Inquire into any charges of willful misconduct in office by county and/or local officials or employees.

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

The Grand Jury annually issues a final report which contains several reports addressing one or more issues. California Penal Code §933.05 requires responses from governing agencies, including the Board of Supervisors, city and county governments, schools, special districts and certain non-profit corporations. This ensures that their functions are performed in a lawful, economical and efficient manner. Each report contains information such as the background regarding the subject matter, reasons for the investigation, the procedures followed in obtaining information, findings, conclusions, and recommendations. All required responders must reply, in writing, to each finding and recommendation in the specific report within a given time period.

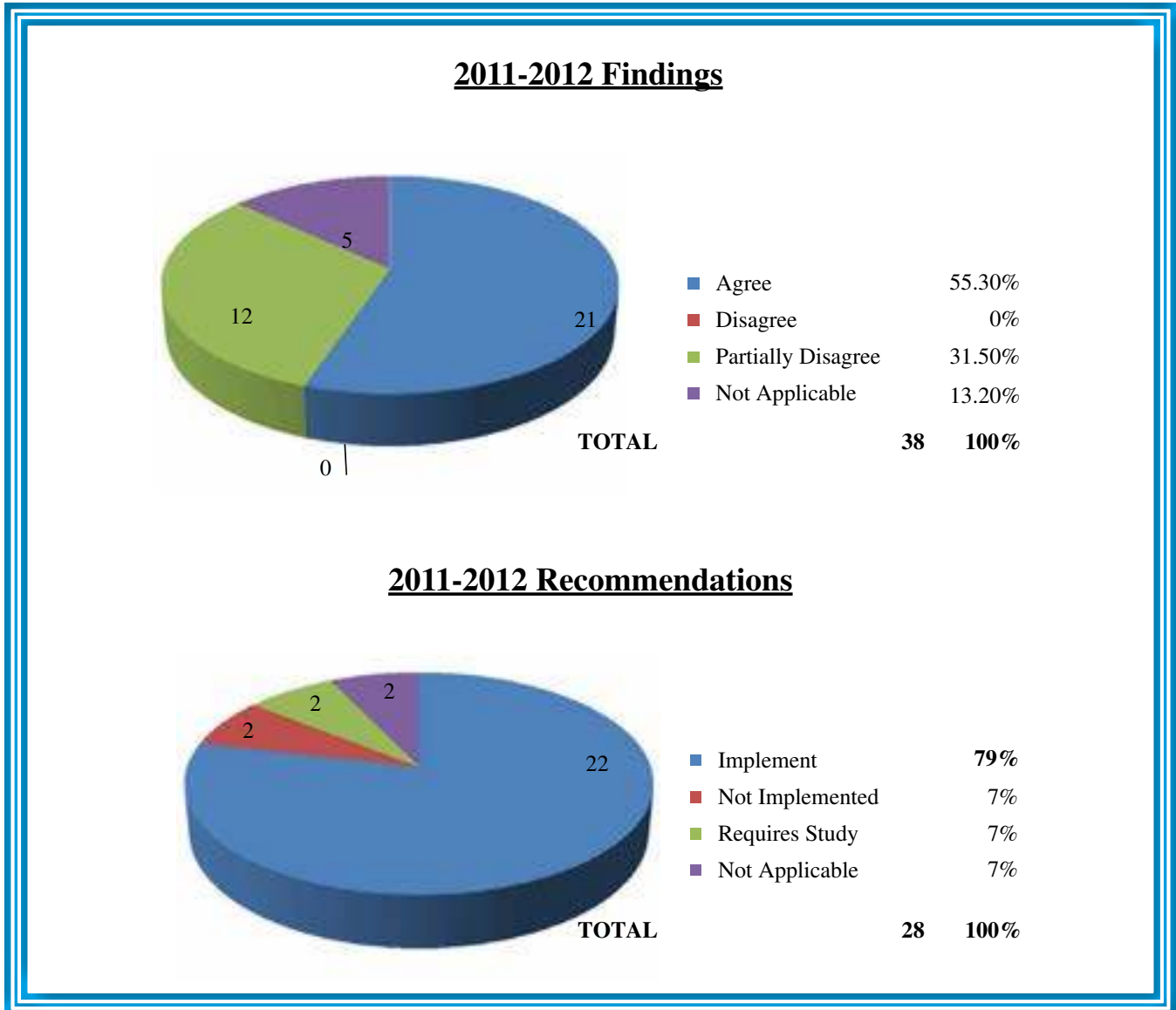
PROCEDURES FOLLOWED

1. Received and reviewed returned responses to the 2011 – 2012 Grand Jury final Reports.
2. Reviewed relevant California Government and Penal Codes
3. Compiled statistics regarding the responses

FACTS

1. There were 8 Grand Jury reports published in the 2011 – 2012 Final Report.
2. There were 38 findings and 28 recommendations to the 2011-2012

3. Not Applicable: This term applies to responses such as: do not have information to be able to agree or disagree and not in our purview.
4. The following diagrams indicate the percentages of concurrence with or disagreement to the findings, and implementations; or non-implementation of recommendations made to the responding entities.



FINDINGS/CONCLUSION

Instructions are provided to all entities from which responses are required. Not all entities responded by the response date, however with subsequent requests to do so all entities responded. All entities responding to a report must do so in accordance with California Penal Code §933.05.

RESPONSES REQUIRED

None

Tulare County
Office of Education

Committed to Students, Support and Service

July 17, 2012

Jim Vidak
County
Superintendent
of Schools

2637 W. Burrel Ave.
P.O. Box 5091
Visalia, California
93278-5091

559-733-6300
www.tcoe.org

Administration
559 733-6301
fax 559 627-5219

Business Services
559 733-6312
fax 559 737-4378

Human Resources
559 733-6306
fax 559 627-4670

**Instructional
Services**
559 733-6328
fax 559 737-4378

Special Services
559 730-2910
fax 559 730-2511

The Honorable Judge Lloyd L. Hicks
County Civic Center, Room 303
221 South Mooney Boulevard
Visalia CA 93291

Tulare County Board of Supervisors
2800 W. Burrel Avenue
Visalia CA 93291

Tulare County Grand Jury
5963 South Mooney Boulevard
Visalia CA 93277

RESPONSE TO 2012 TULARE COUNTY GRAND JURY REPORTS

Enclosed are the following:

1. Response to Woodville Union School District

We extend our gratitude to the Tulare County Grand Jury for their diligent efforts in compiling these reports. Our responses to your recommendations include detailed information gained through extensive research.

If I can be of further assistance, please feel free to contact me.

Sincerely,



Jim Vidak
Tulare County Superintendent of Schools

JV:mm

Enclosures

RECEIVED
7-23-2012

July 18, 2012

The Honorable Judge Lloyd L. Hicks
County Civic Center, Room 303
221 S. Mooney Boulevard
Visalia CA 93291

Tulare County Grand Jury
5963 S. Mooney Boulevard
Visalia CA 93277

Tulare County Board of Supervisors
2800 W. Burrel Ave
Visalia CA 93291

Subject: Written Response of the **Tulare County Office of Education** pursuant to California Penal Code § 933(c)
Report Name: **Tulare County School District Board Meetings**

FINDINGS

1. On July 20, 2011, a WUSD Board member applied for a teaching position with the district.

Response: The Tulare County Office of Education and County Superintendent of Schools agree with this finding because we lack sufficient information or belief to the contrary.

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

Response: The Tulare County Office of Education and County Superintendent of Schools agree with this finding because we lack sufficient information or belief to the contrary.

3. On July 31, 2011 (a Sunday) the Superintendent offered the open teaching position to the school board member.

Response: The Tulare County Office of Education and County Superintendent of Schools agree with this finding because we lack sufficient information or belief to the contrary.

4. Employee time sheets authorized for payment by the Superintendent for 2011 appear unreliable. Hourly employees submit for reimbursement, time sheets that reflect double payment and payment for days on holidays and weekends.

Response: The Tulare County Office of Education and County Superintendent of Schools agree with this finding because we lack sufficient information or belief to the contrary.

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7-23-2012

Conference, Central Valley Education Coalition Dinner, Summer Institute, Fall Institute and at our monthly Superintendents' Advisory meetings. Woodville Union School District will be contracting this next school year with the consortium Tulare County Counsel to receive up-to-date trainings regarding the Brown Act.

4. Board members and school administrators should receive additional training on Government Code §1090 regarding conflict of interest.

Response: The Tulare County Office of Education and County Superintendent of Schools agree with this finding because we lack sufficient information or belief to the contrary. Although this office provides many levels of oversight for the school districts in Tulare County, we lack jurisdiction over the day-to-day operations. However, we have and will continue to provide Brown Act Trainings at the ACSA Spring Conference, Central Valley Education Coalition Dinner, Summer Institute, Fall Institute and at our monthly Superintendents' Advisory meetings.

5. A more consistent manner of reimbursement for hourly employees be enacted and hourly time sheets be more closely monitored for errors in requests for payments.

Response: The Tulare County Office of Education and County Superintendent of Schools agree with this finding because we lack sufficient information or belief to the contrary. Although this office provides many levels of oversight for the school districts in Tulare County, we lack jurisdiction over the day-to-day operations. However, we are excited that Woodville Union School District will be contracting this next school year with our local consortium, Tulare County Counsel, to receive up-to-date information or counsel regarding matters of this nature. In the past, Woodville contracted with an out-of-county legal consortium.

We will make note of all the recommendations suggested for improvements. We will be sure we share these recommended improvements and provide workshops and in-service trainings to the board members and all districts to ensure all are implemented. Once again, we extend our gratitude to the Tulare County Grand Jury for their diligent efforts in compiling these findings and recommendations.

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WOODVILLE UNION SCHOOL DISTRICT
16563 Road 168, Porterville, CA 93257
(559) 686-9712 - (559) 685-0875 - fax

Dr. Dago Garcia, Superintendent

Alicia Franco, Business Manager

Sherri King, Administrative Assistant

Board Members

Monica Romero, President

Amanda Medina, Clerk

Fabiola Guerrero

Miguel Guillen

Maria Lopez

Tulare County Grand Jury
5963 South Mooney Boulevard
Visalia, CA. 93277

July 3, 2012

Dear Grand Jury Members,

This correspondence is in response to the Grand Jury Report delivered to my office on 6/25/2012 by Mr. Rowland.

Woodville Union School District appreciates and values the feedback the findings and recommendations this report suggested.

We are pleased to inform you that all of the recommendations have already been implemented. The finding as your report indicated found some 'conflicts' but the facts revealed that 'no such violations' occurred.

Our administrative staff has been working extremely hard to fix, correct and put Woodville Union on the right path after a decade of mismanagement.

Again, thank you for the feedback,

Sincerely,


Dr. Dago Garcia
Superintendent

RECEIVED
7-11-2012

FINDINGS

1. On July, 20, 2011, a WUSD Board member applied for a teaching position with the district.
AGREE

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

3. on July 31, 2011 (a Sunday) the Interim Superintendent offered the open teaching position to the school board member.
PARTIALLY AGREE

On July 31, 2011 the candidate received an 'offer' for employment pending her resignation from the board. On August 1, 2011 the board members submitted her resignation from the board. On August 9, 2011, one day after school personnel returned, the former board member was officially approved by the board. On August 10, 2011 the new teacher received keys and all pertinent materials to begin the school year.

4. Employee time sheets authorized for payment by the Superintendent for 2011 appear unreliable. Hourly employees submit for reimbursement, time sheets that reflect double payment and payments for days on holidays and weekends.

PARTIALLY AGREE:

On July 4th, 2011 there were 8 employees that worked providing meals to Woodville students. I, the Superintendent, approved payment of all timesheets on July 15th, 2011. The decision to work on 4th of July was made by the cafeteria manager without approval from the Superintendent.

The superintendent approved payment of only the employees 'regular summer' hourly rate. A month later, the kitchen manager complained, to the business manager, about the July 4th payment. The business manager went ahead and paid the employees the additional 'holiday' compensation, by law employees who work on federal legal holidays are entitled to double pay.

The technology person who also worked on July 4th, 2011 was paid at his hourly rate of \$32.50/hr. The individual was hired as an 'hourly employee' by the previous administration. The individual was employed to work at his own leisure and could come in and out of the school at any time. The 4th of July time was attributed to computers and phone lines not working for the cafeteria.

Time sheets are usually turned in on the 15th of each month.

At this point, the cafeteria manager is no longer employed by our district. Woodville Union had revamped its timesheet system to the point where all timesheets, payments and overtime are approved by Superintendent. The new cafeteria manager will not open the cafeteria on July 4th and will make certain that no employees work more than their assigned hours.

The technology person has been put on a yearly salary and his hours are now set. He is no longer allowed to 'come and go' except in case of technological emergencies. All extra time, over time or any other time must be approved in advance by the Superintendent.

RECEIVED
7-11-2012

5. On January 11, 2012 the Superintendent changed the date and location of the Board of Trustees meeting without consent or notification of a majority of the Board members.

PARTIALLY AGREE:

EXPLANATION; Only the time was changed from 6 p.m. to 5 p.m. Date and location stayed the same. All board members received verbal and written notification 72 hours in advance, in accordance to Brown Act. All five board members showed up on time. The decision to change the time without formal board approval was wrong. At the previous board meeting two board members voiced their concern about teachers and communities not coming to the meetings due to darkness and fog. A suggestion was made to start earlier. No formal action was taken.

6. Some Board Members have not attended school board training which includes provisions of The Brown Act.

PARTIALLY AGREE:

The district administration has done the following to encourage board members to attend training sessions:

Trainings were mentioned at the following Board meetings:

11/8/11 Board Meeting

11/16/11 - 2011 Fall Institute Flyer.

2/23/12 - School Board Appreciation Dinner "Save the Date" postcard.

CSBA 2011-2012 Calendar of Events Printout, which included the 11/30/12 CSBA Annual Conference in San Diego. I drove two board members to attend this conference.

12/6/11 Board Meeting

2012 CSBA Leadership Development Brochure, included workshops & dates.

2/7/12 Board Meeting

2/23/12 School Board Appreciation Dinner postcard.

Two board members have been attending the Masters In Governance training:

10/5/12 Rancho Cucamonga Collective Bargaining training.

9/15/12 Visalia Community Relations training.

10/13/12 Visalia Governance Integration training.

RECOMMENDATIONS

1. The Superintendent of WUSD adhere to all components of the Brown Act.

IMPLEMENTED

2. Board members read and adhere to the board by-laws and operating procedures.

IMPLEMENTED

3. Each and every board member attend training available for school board members as soon as possible after election and every two years thereafter.

IMPLEMENTED

4. Board members and school administrators should receive additional training on Government Code 1090 regarding conflict of interest.

IMPLEMENTED

5. A more consistent manner of reimbursement for hourly employees be enacted and hourly time sheets be more closely monitored for errors in requests for payment.
IMPLEMENTED



WOODVILLE UNION SCHOOL DISTRICT
16563 Road 168, Porterville, CA 93257
(559) 686-9712 - (559) 685-0875 - fax

Dr. Dago Garcia, Superintendent

Alicia Franco, Business Manager

Sherri King, Administrative Assistant

Board Members

Monica Romero, President

Amanda Medina, Clerk

Fabiola Guerrero

Miguel Guillen

María Lopez

Tulare County Grand Jury
Administration Building 5963
South Mooney Boulevard Visalia, California 93291

September 17, 2012

Dear Tulare County Grand Jury,

This correspondence is in response to the Grand Jury Report delivered to Dr. Garcia's office on 6/25/2012 by Mr. Rowland.

Woodville Union School District appreciates and values the feedback the findings and recommendations this report suggested.

We are pleased to inform you that all of the recommendations have already been implemented. The finding as your report indicated found some 'conflicts' but the facts revealed that 'no such violations' occurred.

The school board is please with the direction the school has taken and has full confidence that the administrative team is guiding the school on the right path after a decade of mismanagment.

Again, thank you for the feedback,

Sincerely,


Monica Romero
School Board President

RECEIVED
10-19-12

FINDINGS

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AGREE

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6. Some Board Members have not attended school board training which includes provisions of The Brown Act.

PARTIALLY AGREE:

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RECOMMENDATIONS

1. The Superintendent of WUSD adhere to all components of the Brown Act.

IMPLEMENTED

2. Board members read and adhere to the board by-laws and operating procedures.

IMPLEMENTED

3. Each and every board member attend training available for school board members as soon as possible after election and every two years thereafter.

IMPLEMENTED

4. Board members and school administrators should receive additional training on Government Code 1090 regarding conflict of interest.

IMPLEMENTED

5. A more consistent manner of reimbursement for hourly employees be enacted and hourly time sheets be more closely monitored for errors in requests for payment.
IMPLEMENTED



County of Tulare

September 18, 2012

BOARD OF SUPERVISORS

Allen R. Ishida
District One

Pete Vander Pool
District Two

Phillip A. Cox
District Three

J. Steven Worthley
District Four

Mike Ennis
District Five

*

BOARD STAFF

Juleta Martinez

Allison Pierce

Tammie Weyker

*

CLERK OF THE BOARD

Michelle Bakdwin
Chief Clerk

*

Administration Bldg.
2800 West Burnell
Visalia, CA 93291

TEL: (559) 636-3000
FAX: (559) 733-6888

The Honorable Lloyd L. Hicks
Tulare County Superior Court, Room 303
221 South Mooney Boulevard
Visalia, CA 93291

Dear Judge Hicks:

On behalf of the Board of Supervisors, the following is the Board's response to the 2011/2012 Tulare County Grand Jury Report titled *Lack of Oversight of Tulare County Special Districts*.

Finding 1

The directors of some special districts are elected by voters within the district (e.g. memorial districts).

Response: The Board of Supervisors agrees with this finding.

Finding 2

The directors of other special districts are elected by land owners within the district (e.g. irrigation districts).

Response: The Board of Supervisors agrees with this finding.

Finding 3

The Board of Supervisors appoints the directors of certain special districts (e.g. water works districts and cemetery districts). Also, the Board of Supervisors appoints directors to special districts when the number of elected directors remaining on the board constitutes less than a quorum, but it cannot appoint more than the number necessary to make a quorum.

Response: The Board of Supervisors partially agrees with this finding. First, the Board of Supervisors does appoint the directors of certain special districts (e.g., county waterworks districts (Wat. Code, § 55000 et seq.) and cemetery districts (Health & Saf. Code, § 9000 et seq.)).

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9-21-12

Second, Government Code section 1780 does authorize the Board of Supervisors to appoint directors to (elected) special districts when the number of elected directors remaining on the board constitutes less than a quorum.

However, the finding is incomplete. Government Code section 1780 requires the district secretary or a remaining member of the (elected) district board to request that the Board of Supervisors take action to fill the vacancy or vacancies needed to reach a quorum. The Board of Supervisors can do nothing without this request. In addition, the Board of Supervisors also has the option under this statute of calling an election to fill the vacancy or vacancies needed to provide the district board with a quorum.

The finding is also incomplete because it omits the far more common situation where the remaining members of a special district's elected board still constitute a quorum. Government Code section 1780 also provides that in this situation, the board of the district has 60 days to make an appointment or call an election. If the board fails to do so, and if the district informs the Board of Supervisors, then the Board of Supervisors has 30 days to make an appointment or call an election. If the district board does not inform the Board of Supervisors in a timely manner, the Board of Supervisors has no power to appoint or order an election to fill the vacancy.

Finding 4

The Maddy Act (§§54970 – 54974) provides for the creation of a Local Appointments List by the Board of Supervisors. It does not provide a procedure for the recruitment of individuals to be considered for appointment as directors of special districts.

Response: The Board of Supervisors partially agrees with this finding. First, Finding 4 is relevant only to Finding 3. The Board includes in both the yearly list and in the posting of unexpected vacancies required by the Maddy Act those positions which the Board always appoints (such as cemetery district boards). The Maddy Act does not apply to vacancies in elected positions such as those described in Findings 1 and 2. Filling vacancies on elected special district boards is governed by Government Code section 1780.

Second, the Maddy Act does require some publicity regarding the availability of the appointive positions. Government Code section 54973 provides that the yearly list must be made available to the public both at the Clerk's office and at the public library with the largest service population. The Board complies with this requirement. Government Code section 53974 provides that a special vacancy notice regarding unscheduled vacancies must be posted at the Clerk's office, in the same library as the yearly list, and in other places as directed by the Board. The Board also complies with this requirement.

Finding 5

Government Code §56375 gives Local Agency Formation Commission (LAFCO) the authority to initiate proposals for the consolidation, dissolution, merger, or reorganization that includes any of these changes of organization.

Response: The Board of Supervisors agrees with this finding.

Finding 6

Staffed with one half time executive officer, LAFCO also has one full time staff analyst, and other part time employees including a clerk who performs LAFCO duties 10% of the time.

Response: This finding is not in the purview of the Tulare County Board of Supervisors.

Finding 7

There are 115 special districts in Tulare County. Of these, 92 are considered principal districts for which LAFCO is responsible. The remaining 23 are primarily located in adjoining counties and those counties are responsible for these districts.

Response: This finding is not in the purview of the Tulare County Board of Supervisors.

Finding 8

Government Code §26909 requires each special district in the county to undergo an annual or biannual audit of its accounts and records for the County Auditor.

Response: The Board of Supervisors agrees with this finding, but notes that the finding is incomplete. Government Code section 26909 also authorizes a special district to request, and the Board of Supervisors to approve, that the annual audit be replaced by a five-year audit, by an audit at such intervals as recommended by the County Auditor, at least once every five years, or by a financial review. Government Code section 26909 also provides that a special district is exempt from the requirement of an annual audit if the financial statements are audited by the State to satisfy Federal audit requirements.

Finding 9

In 2011, 29 special districts experienced an operation loss or decrease in assets. In addition 11 special districts failed to perform any audits for one or more years. This shows a disturbing shortcoming in the operation of a significant number of the special districts in Tulare County.

Response: This finding is not in the purview of the Tulare County Board of Supervisors.

Finding 10

Since July 8, 2011, the Grand Jury has received seven complaints from citizens regarding special districts, each of which raised significant issues regarding their governance and operation.

Response: This finding is not in the purview of the Tulare County Board of Supervisors.

Finding 11

Special districts in the community of Alpaugh include the Tulare County Waterworks No.1, the Alpaugh Irrigation District, the Alpaugh Joint Powers Authority, and the South Tulare County Memorial District. Significant problems with their operation and governance exist.

Response: The Board of Supervisors partially agrees with this finding. The Board appoints individuals to serve as the Board of Directors of Tulare County Waterworks District No. 1, which in turn, appoints individuals to serve on the Alpaugh Joint Powers Authority. The Board passed a resolution in May 2012 to form the Alpaugh Community Services District (CSD) and submitted an application to LAFCO which was subsequently approved. The CSD is on the November 2012 ballot and, if it passes, would dissolve Tulare County Waterworks District No. 1 and the Alpaugh Joint Powers Authority, return irrigation water only to the purview of the Alpaugh Irrigation District, and provide domestic water through the newly formed CSD.

The finding regarding the South Tulare County Memorial District is not in the purview of the Tulare County Board of Supervisors.

Finding 12

Government Code §8546.10 became effective January 1, 2012 giving the State Auditor the authority to establish a high-risk local government agency audit program. It is too early to know if this program will be used to evaluate whether criminal charges should be filed against any special district.

Response: The Board of Supervisors partially agrees with this finding.

New Government Code section 8546.10 was enacted effective January 1, 2012, and it does give the State Auditor the authority to establish a high-risk local government agency audit program. However, the statute does not provide for criminal consequences, so it is too speculative to state anything in regard to use of a future audit for any purpose.

Finding 13

The California Special Districts Association provides its members with extensive education materials including workshops, course modules and webinars on various aspects of the governance and operation of special districts.

Response: This finding is not in the purview of the Tulare County Board of Supervisors.

Recommendations

1. *The Board of Supervisors should:*

- a) *place the matter of the shortcomings in the audits of special districts on its agenda for discussion upon being advised of these issues by the Auditor-Controller/Treasurer-Tax Collector.*

Response: This recommendation will be implemented, in that it will be referred to the Tulare County Auditor-Controller for action. Per Government Code section 26909, these audits are in the purview of the Auditor.

- b) *increase the budget of the grand jury enabling it to hire investigative and forensic auditing services. This would provide the grand jury with resources to more thoroughly investigate the shortcomings in the operation and governance of special districts in Tulare County.*

Response: This recommendation will not be implemented, as it is not warranted. Government Code section 26909 establishes the audit responsibilities with the County Auditor. Increasing the Grand Jury resources to allow for auditing services would likely lead to the duplication of expenditures. The recommendation is also not currently fiscally feasible.

- c) *recommend LAFCO adopt an annual budget permitting it to hire additional full time personnel. This would enable LAFCO to monitor the operation and governance of special districts. Then LAFCO could act to encourage the boards to make changes that would permit the special districts to operate more effectively. Where boards fail or are unable to operate the districts effectively, LAFCO could act to dissolve or reorganize the district.*

Response: This recommendation cannot be implemented by the Board of Supervisors. It is not in the purview of the Board of Supervisors to direct LAFCO budgeting and staffing management decisions.

- d) *develop a procedure for recruiting individuals for appointment to the boards of special districts in addition to the requirements of the Maddy Act (§§54970 – 54974).*

Response: The recommendation will not be implemented for the appointment of members to the board of an elected special district. First, the Maddy Act does not apply to these appointments. Second, the Board of Supervisors can only make such an appointment at the request of the district, and usually this authority exists for too short a time (30 days) to allow for a general recruitment procedure.

As stated in the response to Finding 4, the Board of Supervisors provides publicity as required by law regarding the availability of positions on the boards of appointed special districts.

Sincerely,



Allen Ishida, Chairman
Tulare County Board of Supervisors

CC: Tulare County Grand Jury ✓



August 21, 2012

David Serpa, Foreman
Tulare County Grand Jury
5963 South Mooney Boulevard
Visalia, California 93277

Dear Foreman Serpa:

The City of Porterville and the City Manager's Office is in receipt of the Tulare County Grand Jury Report related to your review of the City's "Measure H". Please accept this correspondence as the required response on behalf of both the City Council and the City Manager to the Report.

In response to Finding #1 of the Report, that "the measure did not provide for a 'Sunset Clause' or a date for ending the tax," the City AGREES with the finding.

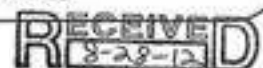
In response to Finding #2 of the Report, that "the measure provides for up to 15% of the funds to be used for 'Literacy Programs'," the City AGREES with the finding. Pursuant to the adopting Ordinance the voters approved with the measure, "the use of no more than 15% of the revenue generated from the special tax" may be used for the "restoration and maintenance of literacy programs due to the established connection between illiteracy and crime."

In response to Finding #3 of the Report, that "the measure provides that the Public Safety Expenditure plan may be amended by a majority vote of the City Council," the City AGREES with the finding.

In response to Finding #4 of the Report, that "the measure provides that the Oversight Committee members be appointed by the City Council," the City AGREES with the finding.

In response to Finding #5 of the Report, that "a new Fire Station was the only capital expense outlined in the ballot measure," the City AGREES with the finding, though it should be noted that the ballot contained an Impartial Analysis provided by the City Attorney, which stated that the measure "proposes to raise revenue for the purpose of funding police, fire and public safety facilities," and the adopting Ordinance the voters approved with the measure identified among the specific purposes of Measure H the funding of public safety facilities, including both police and/or fire.

City Manager's Office
291 North Main Street, Porterville, California 93257
(559) 782-7466 Fax (559) 715-4013 Email: mgr-Office@ci.porterville.ca.us



2012-2013 Tulare County Grand Jury
Page 2 of 3
August 21, 2012

In response to Finding #6 of the Report, that "the City has reimbursed Measure H for items that were determined not to be in the scope of the expenditures authorized," the City AGREES with the finding, which includes \$28,989.24 for expenses related to planning activities for a new library in the 2009-2010 Fiscal Year, and \$3,736.19 for expenses of a Kinder Program in the 2010-2011 Fiscal Year.

In response to Finding #7 of the Report, that "the City Council should have provided a better description of the goals of the measure to allow voters better understanding", the City AGREES with the finding that the ballot question wording could have been improved. California Election Code 13247 limits ballot measure questions to seventy-five (75) words and can only be a summary or highlights of the measure. Recognizing the limitations of the ballot measure question and information provided to voters, the City Council authorized the City Attorney to provide an Impartial Analysis to be contained in the ballot, which more broadly explained the goals and objectives of the measure.

In response to Recommendation #1 of the Report, that "'Literacy Programs' needs a more specific definition," the City has already IMPLEMENTED the recommendation, the City Council having directed the City's Library & Literacy Commission to submit a definition of "Literacy" to be used in consideration of appropriation of Measure H funds in support of Literacy. The definition of "Literacy" submitted by the Commission, and approved by the Council on October 4, 2011, is as follows: *Literacy is the ability to identify, understand, interpret, create, communicate, compute and use printed, written, and various formats of materials associated with varying contexts.* This definition of "Literacy" was then presented and accepted by the Oversight Committee.

In response to Recommendation #2 of the Report, that "the 'Public Safety Expenditure Plan' should be approved by the Oversight Committee," the City has already IMPLEMENTED the recommendation, with the proposed Measure H budget reviewed by the Oversight Committee both before and after the City Council's consideration and adoption.

In response to Recommendation #3 of the Report, that "large expenditures should have prior review by the Oversight Committee," the City has already IMPLEMENTED the recommendation, which is consistent with Recommendation #2; the proposed Measure H budget is reviewed by the Oversight Committee both before and after the City Council's consideration and adoption.

In response to Recommendation #4 of the Report, that "the City Council justify the funding of a 'Public Safety Station' instead of the Fire Station authorized by Measure H,"

2012-2013 Tulare County Grand Jury
Page 3 of 3
August 21, 2012

the City has IMPLEMENTED the recommendation in this response. The City recognizes the ballot measure question specifically identified the building of a "Fire Station", though the Impartial Analysis provided by the City Attorney included in the ballot, as well as the adopting Ordinance the voters approved with the measure, both identified among the specific purposes of Measure H the funding of public safety facilities, including both police and/or fire. By similar comparison, the ballot measure question does not mention the use of funds for Literacy purposes, however, the Impartial Analysis provided by the City Attorney included in the ballot, as well as the adopting Ordinance the voters approved with the measure, both identify the potential use of funds for the restoration and maintenance of Literacy programs. The "Public Safety Station" currently under design is primarily a "Fire Station," both in consideration of the square footage devoted to fire operations, as well as the personnel expected to serve at the facility. Given the planned Station's location on the Highway 190 corridor and close proximity to Highway 65, as well the large commercial and industrial developments in the area of the Station, it was the City's determination that including a police component to the Station would both increase efficiency of services (i.e. response times), as well as be more fiscally responsible than building a separate police facility (acquisition of land, cost of infrastructure, etc.), especially considering the measure explicitly authorized the funding of new public safety facilities, including both police and/or fire.

In response to Recommendation #5 of the Report, that "the City Council should provide a ballot measure description for future measures that accurately describes the intent especially regarding capital expense," the City intends to IMPLEMENT the recommendation. While there is no measure currently being considered by the City or so anticipated, the City will endeavor to fully inform the voters should a future measure be considered.

Thank you for your time and consideration in the acceptance of this letter of response.

Sincerely,



Virginia R. Gurrola
Mayor



John D. Lollis
City Manager

Cc: Honorable Judge Lloyd L. Hicks
Tulare County Board of Supervisors

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WOODVILLE UNION SCHOOL DISTRICT
16563 Road 168, Porterville, CA 93257
(559) 686-9712 - (559) 685-0875 - fax

Dr. Dago Garcia, Superintendent

Alicia Franco, Business Manager

Sherri King, Administrative Assistant

Board Members

Monica Romero, President

Amanda Medina, Clerk

Fabiola Guerrero

Miguel Gullen

Maria Lopez

Tulare County Grand Jury
5963 South Mooney Boulevard
Visalia, CA. 93277

July 3, 2012

Dear Grand Jury Members,

This correspondence is in response to the Grand Jury Report delivered to my office on 6/25/2012 by Mr. Rowland.

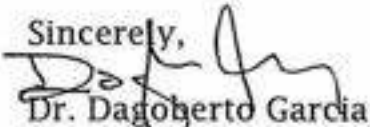
Woodville Union School District appreciates and values the feedback the findings and recommendations this report suggested.

We are pleased to inform you that all of the recommendations have already been implemented. The finding as your report indicated found some 'conflicts' but the facts revealed that 'no such violations' occurred.

Our administrative staff has been working extremely hard to fix, correct and put Woodville Union on the right path after a decade of mismanagment.

Again, thank you for the feedback,

Sincerely,


Dr. Dago Garcia
Superintendent

RECEIVED
7-11-2012

FINDINGS

1. On July, 20, 2011, a WUSD Board member applied for a teaching position with the district.
AGREE

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

3. on July 31, 2011 (a Sunday) the Interim Superintendent offered the open teaching position to the school board member.
PARTIALLY AGREE

On July 31, 2011 the candidate received an 'offer' for employment pending her resignation from the board. On August 1, 2011 the board members submitted her resignation from the board. On August 9, 2011, one day after school personnel returned, the former board member was officially approved by the board. On August 10, 2011 the new teacher received keys and all pertinent materials to begin the school year.

4. Employee time sheets authorized for payment by the Superintendent for 2011 appear unreliable. Hourly employees submit for reimbursement, time sheets that reflect double payment and payments for days on holidays and weekends.

PARTIALLY AGREE:

On July 4th, 2011 there were 8 employees that worked providing meals to Woodville students. I, the Superintendent, approved payment of all timesheets on July 15th, 2011. The decision to work on 4th of July was made by the cafeteria manager without approval from the Superintendent.

The superintendent approved payment of only the employees 'regular summer' hourly rate. A month later, the kitchen manager complained, to the business manager, about the July 4th payment. The business manager went ahead and paid the employees the additional 'holiday' compensation, by law employees who work on federal legal holidays are entitled to double pay.

The technology person who also worked on July 4th, 2011 was paid at his hourly rate of \$32.50/hr. The individual was hired as an 'hourly employee' by the previous administration. The individual was employed to work at his own leisure and could come in and out of the school at any time. The 4th of July time was attributed to computers and phone lines not working for the cafeteria.

Time sheets are usually turned in on the 15th of each month.

At this point, the cafeteria manager is no longer employed by our district. Woodville Union had revamped its timesheet system to the point where all timesheets, payments and overtime are approved by Superintendent. The new cafeteria manager will not open the cafeteria on July 4th and will make certain that no employees work more than their assigned hours.

The technology person has been put on a yearly salary and his hours are now set. He is no longer allowed to 'come and go' except in case of technological emergencies. All extra time, over time or any other time must be approved in advance by the Superintendent.

5. On January 11, 2012 the Superintendent changed the date and location of the Board of Trustees meeting without consent or notification of a majority of the Board members.

PARTIALLY AGREE:

EXPLANATION; Only the time was changed from 6 p.m. to 5 p.m. Date and location stayed the same. All board members received verbal and written notification 72 hours in advance, in accordance to Brown Act. All five board members showed up on time. The decision to change the time without formal board approval was wrong. At the previous board meeting two board members voiced their concern about teachers and communities not coming to the meetings due to darkness and fog. A suggestion was made to start earlier. No formal action was taken.

6. Some Board Members have not attended school board training which includes provisions of The Brown Act.

PARTIALLY AGREE:

The district administration has done the following to encourage board members to attend training sessions:

Trainings were mentioned at the following Board meetings:

11/8/11 Board Meeting

11/16/11 - 2011 Fall Institute Flyer.

2/23/12 - School Board Appreciation Dinner "Save the Date" postcard.

CSBA 2011-2012 Calendar of Events Printout, which included the 11/30/12 CSBA Annual Conference in San Diego. I drove two board members to attend this conference.

12/6/11 Board Meeting

2012 CSBA Leadership Development Brochure, included workshops & dates.

2/7/12 Board Meeting

2/23/12 School Board Appreciation Dinner postcard.

Two board members have been attending the Masters In Governance training:

10/5/12 Rancho Cucamonga Collective Bargaining training.

9/15/12 Visalia Community Relations training.

10/13/12 Visalia Governance Integration training.

RECOMMENDATIONS

1. The Superintendent of WUSD adhere to all components of the Brown Act.

IMPLEMENTED

2. Board members read and adhere to the board by-laws and operating procedures.

IMPLEMENTED

3. Each and every board member attend training available for school board members as soon as possible after election and every two years thereafter.

IMPLEMENTED

TULARE COUNTY GRAND JURY REPORT 2012-2013

4. Board members and school administrators should receive additional training on Government Code 1090 regarding conflict of interest.

IMPLEMENTED

5. A more consistent manner of reimbursement for hourly employees be enacted and hourly time sheets be more closely monitored for errors in requests for payment.

IMPLEMENTED

RECEIVED
7-1-2013

ADMINISTRATION

EDUCATION

SCHOOL BOND MEASURES

BACKGROUND

The Tulare County Grand Jury attempted to publish a report regarding school bond measures that were proposed for the November 2012 election. Due to possible litigation, the Grand Jury was unable to publish a report.

During past elections, Tulare County School Districts placed bond proposals on the ballots for voters to decide. At the discretion of the school boards, the proceeds from these bonds could be used for anything relating to the education of the students. The bond measures presented to the voters did not include interest, fees or other costs associated with those bonds.

REASON FOR INVESTIGATION

The 2012-2013 Tulare County Grand Jury investigated the manner in which school bond measures were presented to the voters prior to elections.

PROCEDURES FOLLOWED

1. Interviewed relevant witnesses
2. Reviewed relevant documentation

FACTS

1. School bond measures passed by county voters in November 2012 are NOT included in this report.
2. There are no laws requiring disclosure of the total bond indebtedness of school districts.
3. Prior to the November 2012 election, Tulare County School Districts had accumulated a total-value bond indebtedness of \$653,604,365. This figure includes additional fees, taxes and associated costs of the original bonds.
4. Only homeowners are assessed additional fees on their property taxes for each approved bond until paid.
5. There are 91 active school bonds that have been issued between 1998 and 2012 in Tulare County. The last of these bonds will not mature until approximately 2048.
6. Information as published in the November 2012 Voters Election Ballot Pamphlet, had information using only the face value of the bonds and did not include interest, fees or other costs that will be incurred with those bonds.

FINDINGS/CONCLUSIONS

1. Voters do not receive adequate information to make informed decisions when voting on school bonds. Future generations of homeowners or property owners, will be required to pay these bonds and all associated costs derived from their issuance and sale.
2. Failure to provide complete monetary information to the electorate of Tulare County prior to any bond election may demonstrate a lack of good financial stewardship.
3. While current practices are not illegal, they may be potentially harmful monetarily to future generations of property owners.

RECOMMENDATIONS

1. That the Tulare County Board of Education provide an estimate of the potential costs of proposed bonds to the Auditor-Controller prior to the publication of voter pamphlets.
2. That the Auditor-Controller publish information regarding the estimated total amounts of the projected bond indebtedness in the Voter Ballot Information Pamphlets and in the local media prior to any election.

RESPONSES REQUIRED

Tulare County Board Of Education
Tulare County Auditor-Controller

HEALTH & WELFARE

INDIGENT BURIAL PROGRAM

BACKGROUND

On December 1, 2008, the Tulare County Board of Supervisors adopted Resolution No. 2008-0902 regarding an Indigent Burial Policy. Pursuant to the California Welfare and Institutions Code §17009, the County may provide for the cremation/burial of those persons lawfully residing within the County who die without funds, and may provide for the maintenance of the graves of such dead.

REASON FOR INVESTIGATION

California Penal Code §925 mandates the Grand Jury to investigate and report on the operations, accounts, and records of the officers, departments, and/or functions of the county.

PROCEDURES FOLLOWED

1. Visited Traver Indigent Cemetery
2. Interviewed relevant witnesses
3. Reviewed relevant documents

FACTS

1. An Information Notice will be made available to all applicants of General Relief Indigent Burial benefits. For purposes of this report, indigent is defined as lacking finances for burial costs. Such notice shall advise the applicant of what the program benefit provides and what it does not provide. Any family member, concerned citizen, or the Coroner's office may apply for an indigent burial. Anyone in need may apply. A 100% poverty level of the whole household income is required for county services. Applications for this service are available in English and Spanish from Health & Human Service Agency, Tulare Works, all Funeral homes, Coroner's Office, Welfare offices and Veterans offices.
2. A social worker reviews the application, and if no responsible party can be found, the county will pay for the burial. Once the application has been approved, the funeral home will have the body cremated. Cremation reduces the body to ashes (these are called cremains). The applicant may pick up the cremains from the County Coroner's Office. The cost to Tulare County is \$700 per burial. Approximately 130-160 people a year are buried in this cemetery. This costs Tulare County taxpayers approximately \$91,000 a year.
3. Tulare County will cover all cremation and burial expenses for the indigent. Crematory services are available in Visalia, Porterville, Lindsay, Tulare and Dinuba. The Coroner will hold all unclaimed cremains for 30 days which allows a responsible party (family or friend) time to claim them. If unclaimed, the cremains will later be interred in a plot at Traver Indigent Cemetery. The cremains can be claimed after interment, (whether days, months, or years later) if a claimant pays for the opening and closing of the grave and the \$700 county costs.

4. No viewings, no ceremonies, or any other services are allowed for the indigent burial. If these rules are broken, no payments will be made by the County. The person requesting the burial will then be responsible for any funeral or mortuary services costs.
5. Tulare County will not pay for a grave marker but will provide a numbered plot marker for the interment site in Traver Indigent Cemetery. This information is given to the family, no individual markers are allowed. If the decedent owns a burial plot in Tulare County, that plot may be used instead of one at Traver Cemetery.
6. All Veterans remains may be released to the Veterans Service Office for transfer to the nearest National Cemetery. The County will file with any other agency and/or person for reimbursement of the County monies whenever appropriate, or the decedent will be buried in the Veterans section in Traver Cemetery. All Veterans buried in Traver Cemetery are provided a grave marker. Native Americans may have their cremains buried in a sacred Tribal Burial Ground of their ancestry in the reservation cemetery.
7. No signs were posted for visiting hours or a phone number for information, and no one was available with whom to speak at the site. However, visitors are welcome to call (559) 897-2426 at the cemetery district, and they will go and unlock the gates for them. Additionally, they will assist the visitor with locating a specific plot if requested.
8. The Traver Cemetery is a dirt field with a chain link fence around it. The chain link fences are full of dried flowers. During our visit, all gates were locked, one side of the fence was rolled up, and dogs were roaming inside.

FINDINGS/CONCLUSIONS

1. Family and/or friends were unable to visit the grave-sites of their loved ones as the gates were locked and there was no posting of visiting hours/dates, and no contact telephone number(s). However, since the research and writing of this report, this condition has been corrected.
2. The cemetery appears to be nothing more than an unkempt dirt lot with a damaged fence and dogs running loose. The lack of a maintained landscape implies the lack of caring and/or respect to family and friends who have lost a loved one.

RECOMMENDATIONS

1. That the County landscape and maintain the cemetery grounds.
2. That the County repair and maintain the surrounding fence enclosure.
3. That the County ensure visiting hours, dates, and contact information are always available to visitors, and to monitor and maintain the cemetery signage.

RESPONSES REQUIRED

- Tulare County Board of Supervisors

KAWEAH DELTA MENTAL HEALTH HOSPITAL

BACKGROUND

On December 14, 1999, the County of Tulare entered into an agreement with the Kaweah Delta Health Care District. The purpose of Agreement Number 19959 is to provide mental health services to the residents of Tulare County. This agreement also amended the agreement to increase rates as required by the State Department of Mental Health for fiscal year 1999-2000. Agreement 19959 was again amended on September 25, 2012 to increase rates retroactively from 2006.

In 2004, the California voters approved Prop 63, now known as the California Mental Health Services Act (MHSA). MHSA provides increased funding, personnel and other resources to support county mental health programs and monitor progress toward statewide goals for children, transition age youth, adults, older adults and families. The act addresses a broad continuum of prevention, early intervention and service needs and the necessary infrastructure, technology and training elements that will effectively support this system.

REASON FOR INVESTIGATION

California Penal Code §925 mandates the Grand Jury to investigate and report on the operations, accounts, and records of the offices, departments, and/or functions of the County.

PROCEDURES FOLLOWED

1. Members of the 2012-2013 Tulare County Grand Jury toured the Kaweah Delta Mental Health Hospital/Facility
2. Interviewed relevant witnesses
3. Reviewed relevant documents

FACTS

1. The Kaweah Delta Mental Health Hospital (KDMH) is licensed for 63 adult acute inpatient psychiatric beds and is currently using 48 of those beds.
2. KDMH provides secured adult (18 years of age and older) acute inpatient psychiatric services.
3. KDMH provides required counseling services for patients, including both individual and group sessions.
4. KDMH average daily census is 46.
5. KDMH average length of stay is 7 days, some patients may need to stay longer.

6. KDMH provides services to individuals who are asking for help and as patients who are involuntarily admitted under California Welfare & Institution Codes §5150 and §5250.
7. KDMH referrals are almost exclusively from Emergency Departments, Crisis Centers, and IMD's (locked sub-acute psychiatric facilities) from throughout the Central Valley.
8. KDMH houses jail inmates for evaluations.
9. Tulare County is experiencing a shortage of psychiatrists. KDMH is working toward becoming a training facility for psychologists and psychiatrists. Further, in approximately one year, resident interns (physicians in training to be psychiatrists) will be trained at KDMH.
10. All visitors must sign a confidentiality statement. In accordance with the California Welfare and Institutions Code, psychiatric patients who are hospitalized for treatment are entitled to protection from unnecessary disclosure of their illness and/or hospitalization. By signing this statement a visitor understands and agrees not to disclose any pertinent information to anyone.

FINDINGS/CONCLUSIONS

1. It appears that KDMH provides its patients adequate mental health services. There are additional mental health resources in Tulare County.
2. KDMH provides psychiatric and counseling services, both individual and group sessions, for person 18 years of age and older.
3. The shortage of psychiatrists in Tulare County is a concern. Should KDMH become successful in implementing the training program as mentioned in fact number 9 above, the shortage of psychiatrists and psychologists should be alleviated.

RECOMMENDATIONS

1. Continue all efforts to become a training facility for future psychologists and psychiatrists.

RESPONSES REQUIRED

Kaweah Delta Mental Health Hospital

TULARE COUNTY DRUG COURT ADDENDUM

The Tulare County Superior Court, as a branch of the State of California, is outside the jurisdiction of the Grand Jury. The Grand Jury is limited to investigating County, city, and local agency matters of civic concern.

The following is not a Grand Jury “Report” and was not the result of an investigation. Because of the Drug Court’s impact on local agencies, including law enforcement, the jail, District Attorney and Public Defender, the Grand Jury determined that it should educate itself about Drug Court in order to better evaluate the affected local agencies.

The Grand Jury determined that the citizens of Tulare County would also benefit from an understanding of the operation of Drug Court and therefore we have attached this addendum as an information item only.

Presiding Judge Glade Roper of the Tulare County Superior Court Porterville Branch and Presiding Judge Gary Paden of the Tulare County Superior Court Visalia Branch have authorized the Grand Jury to use their names in this addendum.

DRUG COURT HISTORY

In 1989, Dade County Florida established the first Drug Court as a judicial response to the increasing numbers of drug use, drug-related crimes and jail overcrowding. They combined the coercive powers of the judiciary with drug treatment programs to resolve the criminal action by helping defendants withdraw from drugs and keep them drug free.

Drug Courts are limited to nonviolent defendants arrested for drug-only offenses, such as possession and transportation of drugs, intoxication, and possession of paraphernalia. Typically excluded are offenses involving drug sales, violence, or a victim other than the person using drugs.

The Honorable Judge Glade F. Roper of the Porterville Superior Court founded the first Drug Court in Tulare County and it continues to grow and evolve under his direct supervision. Sharing his vision, the Honorable Judge Gary L. Paden of the Visalia Superior Court adjudicates the Visalia Drug Court Program. Both men are jurists who are especially motivated and who build rapport with the clients.

The Tulare County Adult Drug Court is a Post Plea/Post Adjudication that began operation in 1996. The Drug Court is designed to provide a structured recovery-based alternative program for the substance abuse offender and is funded by the program’s participants. The philosophy of the effort stresses strong direct judicial involvement with rapid consequences for dishonesty or illegal activity, personal responsibility for behavior, family participation, and employment/training for maximum rehabilitative potential. Of great importance, too, is the development of the ability to learn to trust and to be trustworthy, also the development of self- worth in the program participants.

FACTS

1. The Porterville and Visalia Courts are just two (2) of the more than two-thousand Drug Courts in the nation.
2. Tulare County Adult Drug Court began March 16, 1996 with three defendants.
3. Over 2,000 people have since graduated from the program.
4. Participants plead guilty to get into the program, meaning trial costs are avoided, usually about \$5,000 per trial. Those trial costs may include some or all of the following:
 - a. Jury pool
 - b. Law enforcement officers sitting in court
 - c. Lab analyst
 - d. Witnesses
 - e. Prosecutor
 - f. Defense attorney
 - g. Court reporter transcript fees
 - h. Bailiff, court clerk, judge, interpreter, other court staff
5. Participants must pay the cost of treatment and testing, average \$60 per week for a minimum of 78 weeks, or \$4,680.
6. Most people take about 90 weeks to complete the program at a cost to them of \$5,400.
7. Participants are drug tested randomly at least twice per week.
8. Participants attend three hours per week in group therapy and one and one-half hours in individual counseling per week, and must attend 12-step fellowships four times per week.
9. Participants must complete high school or earn a GED to graduate from Drug Court.
10. Participants must be employed or in a full-time educational program to graduate.
11. Graduates openly credit this program with giving them their lives back. They highly praise the judges who are tough but fair. They were given a chance and the tools that would at last set them free from the road of personal destruction.
12. Cost of one year in a state prison is approximately \$50,000.
13. Cost of one year in a county jail is approximately \$25,000.
14. Approximately 75% of state prisoners are back in court for a violation of parole.
15. Approximately 70% of parolees will be back in state prison within 18 months of release.

16. After the first three years of operation, only 5% of Drug Court graduates committed a new criminal offense.
17. An independent study by NPN Research of Portland, Oregon, found that arrest rates of Drug Court graduates were reduced by 24%.
18. Taxpayers realized a total cost savings of more than \$9 million based on the courts, which were part of the study alone. With an estimated 90 Adult Drug Courts in California, taxpayers can expect to save more than \$90 million annually.
19. In a four-year study in California, the average re-arrest rate of Drug Court graduates was 17%, compared to 29% of all Drug Court participants and 41% of those subject to the traditional court process.
20. In the majority of Drug Courts studied, the net “investment” was less than \$3,000 per participant, with most costs tied to probation and treatment programs. The average savings from fewer re-arrests of Drug Court participants was \$121,000 per participant.
21. For most criminal justice system agencies, the cost invested in Drug Courts was less than the cost of traditional court processing. This can be attributed to case-processing efficiencies that Drug Courts allow.
22. It is strongly indicated that Drug Courts and associated rehabilitation programs are the most successful to date for helping participants in recovery become free from the addiction of drugs and/or alcohol.
23. Tulare County is fortunate to have the Honorable Judges Roper and Paden presiding over the Porterville and Visalia Drug Courts. Their expertise and skilled assessment of people help guide program participants in the right direction. Program participants can be incarcerated for repeated infractions of the rules or failure to progress. They are strongly admonished for early failures, yet they receive stronger encouragements and the reassurance that they are most certainly worthy of a successful, drug free life.

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JUSTICE

HOLDING CELLS

BACKGROUND

Holding cells in Tulare County jails are used as temporary areas to detain persons who have been arrested and are awaiting transportation to another jail facility or to a court for trial. The Tulare County Sheriff's Headquarters (Main Jail) in Visalia is one of the ten holding cells located in the county. The others are as follows:

Dinuba Police Department	Porterville Police Department
Exeter Police Department	Porterville Sheriff's Substation
Lindsay Police Department	Tulare Police Department
Pixley Sheriff's Substation	Visalia Police Department
Woodlake Police Department	

REASON FOR INVESTIGATION

California Penal Code §919 (b) mandates the Grand Jury to inquire into the conditions and management of the public prisons within the county. Because of a history of suicides in some of the holding cells, the 2012-2013 Tulare County Grand Jury decided to inspect these facilities, looking at overall conditions, safety, and management.

PROCEDURES FOLLOWED

1. Inspected the holding cell facilities within Tulare County
2. Interviewed relevant witnesses

FACTS

1. Dinuba Police Department:
 - a. There are three holding cells. Each cell has a stainless steel toilet, sink, security camera, and intercom.
 - b. There are two booking cages with a restroom/shower within close proximity.
 - c. Juveniles, if placed in a cell, have a door to that cell left open; otherwise, the juveniles are placed in the staff area near an officer.
 - d. Rival gang members are kept separated.
 - e. Female detainees are kept in cell number three, out of the sight of male detainees.
 - f. When detainees are held for more than four hours, a meal will be purchased from a nearby fast food restaurant.
 - g. Once booked, detainees are transported to the Main Jail.
 - h. City personnel clean the cells on a daily basis.
2. Exeter police Department:
 - a. There are two holding cells, separated by a solid wall.

- b. A janitorial service cleans the facility three times a week.
 - c. Detainees are transported to the Main Jail for booking within forty-five minutes of arrival.
 - d. Juveniles are not kept in the cells. They remain in the cell area, next to an officer until they are transported to the Juvenile Detention Facility.
 - e. There are security cameras within the holding cell area.
3. Lindsay Police Department:
- a. There is one holding cell.
 - b. City maintenance personnel clean the cell Monday through Friday.
 - c. Court ordered community service workers clean the cell on weekends.
 - d. The cell is inspected prior to and after a detainee has been placed in it.
 - e. Juveniles are placed in the cell with the door open.
 - f. Male detainees are placed in the holding cell. Females are kept in a separate room handcuffed to a bench until transported to Bob Wiley Detention Facility (BWDF).
 - g. There are no security cameras within the cell area.
4. Pixley Sheriff's Substation:
- a. There is one holding cell.
 - b. Detainees are normally transported within 30 minutes of arrival to the Porterville Sheriff's Substation, the Visalia Main Jail, or the BWDF.
 - c. There is no security camera in the holding cell area.
5. Porterville Police Department:
- a. There are four holding cells.
 - b. City maintenance personnel clean the cells daily.
 - c. One cell has a toilet; the remaining three cells are in the booking area with a toilet facility in close proximity.
 - d. All of the cells have security cameras.
 - e. Following fingerprinting and booking procedures, the detainees are transported to the Porterville Sheriff's Substation, or if the substation is full, to the Main Jail.
 - f. Females are transported to the BWDF for booking.
 - g. Detainees deemed mentally unstable are transported to the local hospital. They are restrained and under continuous watch until evaluated by Tulare County Mental Health.
6. Porterville Sheriff's Substation:
- a. There are six holding cells, and each cell has a three-person capacity.
 - b. Detainees are responsible for cleaning the holding cells.
 - c. The cells are used for detainees pending transport and court appearances.
 - d. Detainees held for court appearances are provided a sack lunch.
 - e. There are no security cameras in the cell area.
7. Tulare Police Station:
- a. There are three holding cells consisting of two booking cages and one interrogation room.
 - b. Each cell has a security camera.

- c. The cells are inspected before, during and after each shift, and prior to placing a detainee in a cell.
 - d. City maintenance personnel clean the cells daily.
8. Tulare County Sheriff's Headquarters (Main Jail):
- a. There are seven holding cells: a three-in-one booking cage, a safe room (used to safeguard a detainee who may injure himself), a large cell, and two small cells.
 - b. The two small cells are used for detainees pending release or being held for pending court appearances.
 - c. When the booking cages are at capacity, the large cell and two smaller cells are used for those detainees awaiting the booking process.
 - d. There are two security cameras: one is outside of and facing the booking cage; the other is inside the large cell.
 - e. The safety room has a thick rubber-like covering on the walls and a similar yet thinner covering on the floor.
 - f. Detainees are responsible for daily cleaning of the cells.
 - g. Women detainees are always taken to BWDF for processing.
 - h. BWDF provides detainees breakfast and sack lunches every day.
9. Visalia Police Department:
- a. There are two holding cells.
 - b. City personnel clean the cells daily.
 - c. Each cell has a security camera, solid concrete bench, toilet, and combination sink/drinking fountain.
 - d. Juveniles are not kept in the cells. They remain in the cell area, next to an officer until they are transported to the Juvenile Detention Facility or picked up by an authorized adult, e.g., parent, guardian, etc....
 - e. If meals are needed for detainees, an officer will go to a nearby fast food restaurant.
10. Woodlake Police Department:
- a. There is one holding cell with a security camera.
 - b. Detainees are immediately transported to the Main Jail for booking.
 - c. On duty officers are responsible for keeping the cell area clean.
 - d. Once a week, city maintenance personnel will thoroughly clean the cell.

FINDINGS/CONCLUSIONS

1. City personnel are used for cleaning six of the holding cell facilities; they are as follows:
- | | |
|-------------|----------|
| Dinuba | Tulare |
| Lindsay | Visalia |
| Porterville | Woodlake |
2. Exeter uses a private janitorial service to clean on Monday, Wednesday, and Friday.
3. In addition to using city personnel, Lindsay uses court ordered community service workers.

4. Those facilities having security cameras are able to monitor detainees as needed.
5. Three facilities, the Lindsay Police Department, Porterville Sheriff's Substation, and Pixley Sheriff's Substation do not have security cameras.

RECOMMENDATIONS

1. That all law enforcement facilities use court ordered community service citizens for daily cleaning of the holding cell areas. Not using city personnel as a janitorial service is financially beneficial to the local governments. However, the Grand Jury is aware that implementation of this recommendation may require meeting and conferring with the affected bargaining units.
2. That the Porterville Sheriff's Substation, Lindsay Police Department and Pixley Sheriff's Substation install security cameras.
3. That to adequately view all of its detainees, the Tulare County Sheriff's Headquarters (Main Jail) should install additional security cameras.

RESPONSES REQUIRED

Dinuba Police Department
Exeter Police Department
Lindsay Police Department
Porterville Police Department
Tulare County Sheriff's Headquarters
Visalia Police Department
Woodlake Police Department

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

**TULARE COUNTY PROBATION
JUVENILE DETENTION FACILITY**

BACKGROUND

Tulare County's Probation Department oversees several probation programs, one of which is the Juvenile Detention Facility located north of Visalia at Tulare County's Justice Center. The facility operates 24 hours per day, 365 days a year.

REASON FOR INVESTIGATION

California Penal Code §919 (b) mandates the Grand Jury to inquire into the conditions and management of public prisons within the county.

During the course of several years, Tulare County's Grand Juries received numerous complaints from Bob Wiley Detention Facility inmates. Subsequently, those complaints resulted in numerous yearly reports which included recommended changes to the facility's conditions and operations. Those recommendations resulted in major improvements in the facility's operations and conditions. The Grand Jury visited the Bob Wiley Detention Facility and have verified the operational and conditions improvements, therefore a report will not be written.

This year, the 2012-2013 Tulare County Grand Jury turned its attention to the Tulare County's Juvenile Detention Facility for investigation and reporting.

PROCEDURES FOLLOWED

1. A Grand Jury Committee toured the County Probation Juvenile Detention Facility.
2. Interviewed relevant witnesses

FACTS

1. An arresting officer taking a juvenile to the detention facility must have an Application for Petition (synopsis of why the juvenile was arrested).
2. Juveniles are taken to the B.I.R. (Booking, Intake and Release) area of the facility.
3. Once the juveniles are booked, they are either held at the facility for felony arrests or are released to a responsible adult for misdemeanor arrests.
4. Juveniles held at the facility continue through the intake process, which takes approximately two hours to complete. At this time they are evaluated for health, drug usage, gang affiliation, etc.

5. An on-duty nurse examines the juveniles for communicable parasites such as scabies and/or lice and takes their vitals such as pulse, heart rate. The nurse will also ask questions that may help determine mental health issues in addition to prescription and/or illegal drug usage.
6. On average, a juvenile taken to the facility is between the ages of 15 and 17. However, a small population of juveniles between the ages of 12 and 14 does exist.
7. Those below the age of 12 are released to a responsible adult. Those arrested for a violent offense, such as murder, will be held at the facility. However, consent must be obtained from the facility administrator or an on duty supervisor before those juveniles can be held.
8. At the time the Grand Jury toured the facility, there were 94 male, 12 female juveniles in detention and 12 full time staff members.
9. Medical:
 - a. There are eight rotating nurses on duty 24/7 and three rotating Physician Assistants (PA) who visit the facility every day.
 - b. There are three medical examination rooms, a dental examination/treatment room and should it be needed, a padded room (for those having mental health issues and/or drug induced behavioral episodes).
 - c. Should a juvenile need medical care, a call slip is sent to the on duty nurse. After the juvenile has been examined, the nurse will either contact the PA for further evaluation or send the juvenile back to his/her unit with care instructions and if required, send the juvenile to the hospital.
10. The classroom instructor on duty at the time of our tour specialized in English and computer skills.
11. Computer skills may include learning how to look for and apply for employment.
12. Educational visual aids such as posters may be used in the classroom.
13. Most of the juveniles have a high energy level, because of this; they consume approximately 850 calories per meal.
14. Kitchen:
 - a. The kitchen area appeared to be clean and free of insects.
 - b. The freezer and walk-in cooler areas were well organized and clean.
 - c. There were several uncovered trays of hamburger patties and a possible dessert prepared for the next meal.

FINDINGS/CONCLUSIONS

1. The Juvenile Detention Facility appears to be well staffed and the needs of the juveniles are addressed adequately.
2. Foods prepared in advance of a meal are at risk of contamination from dust, vermin or other forms of

contamination when that food is not properly stored. California Health & Safety Code §114047 (d) states food shall be protected from contamination by storing the food in a clean, dry location.. Opening the cooler door may give the wayward fly an opportunity to land on the uncovered foods.

RECOMMENDATION

1. Prepare and store food in a manner that is compliant with state standards.

RESPONSES REQUIRED

- Tulare County Board of Supervisors
- Tulare County Probation Department

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WAR OF THE HORSES

BACKGROUND

On March 9, 2012, Tulare County Animal Control (TCAC) received a citizen's complaint concerning neglected horses that were located outside the Porterville city limits. The citizen claimed the horses were unusually thin and one horse was injured. On March 12, an Animal Control Officer responded to the location of the horses. His findings, based upon a Henneke Rating Scale (see Attachment), were that the horses were actually a little over weight and they had plenty of water. No food was stored on the property due to thefts.

This initial contact with TCAC was just the beginning of a long process. Concerned citizens called TCAC on a daily basis in addition to the Porterville Police Department (PPD) and Porterville Animal control (PAC). There were calls from as far away as Los Angeles and Sacramento. Each time a call was received, TCAC responded and checked on the welfare of these horses.

In early March 2012, the PPD and PAC dispatched an officer to check on the welfare of the horses. It was determined that the horses were in general good health. All of the responding officers witnessed citizens feeding the horses.

On May 1, 2012, the Porterville Recorder wrote an article concerning the neglect of these horses and the apparent lack of care for them.

REASON FOR INVESTIGATION

The 2012-2013 Tulare County Grand Jury received a citizen's complaint concerning the horses mentioned in the background.

PROCEDURES FOLLOWED

1. Interviewed relevant witnesses
2. Reviewed relevant documents

FACTS

1. There were numerous citizen calls to TCAC, PPD and PAC.
2. TCAC, PPD and PAC all responded to check on the welfare of the horses.
3. It was determined that some of the horses were of normal weight and others were slightly overweight.
4. An injured horse was apparently cut on a barbed wire fence after it had been spooked. A veterinarian was called, and the horse was treated for its injuries.
5. The horses were moved to an undisclosed location within Tulare County.
6. According to TCAC, the facility now housing the horses is of exceptional quality.

7. On November 1, 2012, TCAC received a new, unrelated complaint concerning two horses and three ponies located outside the Porterville city limits that were allegedly being neglected.
8. The claim was that one of the horses was thin, the ponies had overgrown hooves, and one pony had a severely injured back leg.
9. Responding to the call, TCAC found that one horse rated a number two on the Henneke Rating Scale (see attachment), and the ponies had severely overgrown hooves. The injured pony was in need of immediate veterinary care.
10. It was determined that the horses were being fed. The feed would have been adequate had the horses been on a grazing pasture.
11. The ponies were all slightly overweight.
12. A veterinarian examined the animals and provided counseling on proper care.
13. Two ponies had their hooves trimmed. The injured pony was euthanized due to a broken leg.

FINDINGS/CONCLUSIONS

1. Tulare County Animal Control received calls daily regarding the first group of horses. They checked on the welfare of the horses daily. TCAC is to be commended for diligently checking on the same horses after each call.
2. Tulare County Animal Control has jurisdictional control over these animals.
3. Porterville Police and Porterville Animal Control responded to concerns that were out of their jurisdiction.
4. There is no cooperative agreement for Porterville to respond to Tulare County Animal Control issues.

RECOMMENDATIONS

1. Porterville Police and Porterville Animal Control refer all county issues to Tulare County Animal Control or the Sheriff's Department.
2. Without a cooperative agreement with the County of Tulare, the Porterville Police Department and Porterville Animal Control should not respond to animal control issues not in their jurisdiction.

REQUEST FOR RESPONSES

- * Porterville Animal Control
- * Porterville City Council
- * Porterville Police Department

SPECIAL REPORT

BCS

A USEFUL TOOL

Don Henneke's nine-point scale takes the guesswork out of evaluating equine body fat levels.

The body condition score (BCS) system offers an objective method of estimating a horse's body fat levels.

Developed 25 years ago by Don Henneke, PhD, as part of his doctoral research, the BCS scale ranges from 1 (poor) to 9 (obese). Horses are scored based on visual and hands-on appraisal of six body areas where fat tends to accumulate in a predictable pattern (see diagram below).

At right is an illustrated guide to the BCS system. Each score is accompanied by the notable physical attributes described in Henneke's original BCS research. The key terms used include:

- **crease**—a "gutter" over the spine created by fat buildup on either side of the bone.

- **hooks**—the pelvic (hip) bones that jut out to the side of a horse's rump.

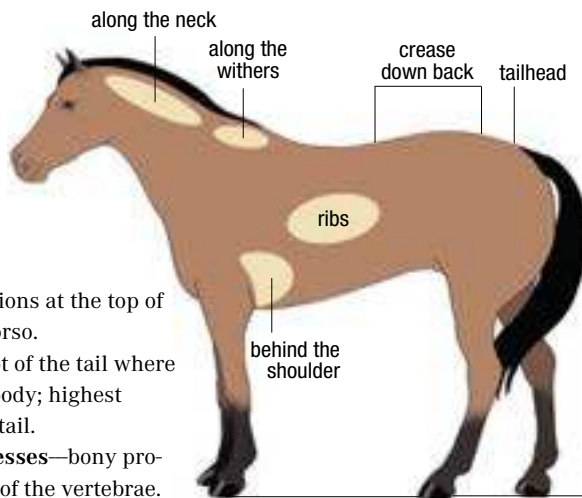
- **pins**—pelvic bones near the tail that poke out the back of a horse's rump.

- **spinous processes**—bony protrusions at the top of the vertebrae of the torso.

- **tailhead**—the root of the tail where it blends in with the body; highest movable point on the tail.

- **transverse processes**—bony protrusions on each side of the vertebrae.

PHOTOS COURTESY, DON HENNEKE, PH.D.; ILLUSTRATION BY CELIA STRAIN



Score: 1 (Poor)

- Extreme emaciation.
- Spinous processes, ribs, tailhead, and hooks and pins are prominent.
- Bone structure of withers, shoulder and neck is easily noticeable.
- No fatty tissue can be felt.



Score: 2 (Very thin)

- Emaciated.
- Thin layer of fat over base of spinous processes.
- Transverse processes of lumbar vertebrae feel rounded.
- Spinous processes, ribs, tailhead, and hooks and pins are prominent.
- Withers, shoulders and neck structures are faintly discernable.

GETTING FAT: Horses develop body fat in a predictable pattern, starting behind the shoulder, moving back over the ribs, up over the rump and finally along the back forward to the neck and head. A horse's BCS is based on an appraisal of fat accumulation in these areas.



Score: 6 (Moderate to fleshy)

- May have slight crease down back.
- Fat over ribs feels soft and spongy.
- Fat around tailhead feels soft.
- Fat beginning to be deposited along sides of the withers, behind the shoulders and along the sides of the neck.



Score: 3 (Thin)

- Fat about halfway up spinous processes; transverse processes cannot be felt.
- Thin fat layer over ribs.
- Spinous processes and ribs are easily discernable.
- Tailhead prominent, but individual vertebrae cannot be visually identified.
- Hook bones appear rounded but not easily discernable.
- Pin bones not distinguishable.
- Withers, shoulders and neck are accentuated.



Score: 4 (Moderately thin)

- Ridge along back.
- Faint outline of ribs discernable.
- Tailhead prominence depends on conformation; fat can be felt around it.
- Hook bones not discernable.
- Withers, shoulders and neck are not obviously thin.



Score: 5 (Moderate)

- Back is level.
- Ribs cannot be visually distinguished but can be easily felt.
- Fat around tailhead beginning to feel spongy.
- Withers appear rounded over spinous processes.
- Shoulders and neck blend smoothly into body.



Score: 7 (Fleshy)

- May have crease down back.
- Individual ribs can be felt, with noticeable filling between ribs with fat.
- Fat around tailhead is soft.
- Fat deposited along withers, behind shoulders and along neck.



Score: 8 (Fat)

- Crease down back.
- Difficult to feel ribs.
- Fat around tailhead very soft.
- Area along withers filled with fat.
- Area behind shoulder filled in flush.
- Noticeable thickening of neck.
- Fat deposited along inner buttocks.



Score: 9 (Extremely fat)

- Obvious crease down back.
- Patchy fat appearing over ribs.
- Bulging fat around tailhead, along withers, behind shoulders and along neck.
- Fat along inner buttocks may rub together.
- Flank filled in flush.

LAND USE

**MEDICAL MARIJUANA
CITY ORDINANCES**

BACKGROUND

In Nov. 1996, voters passed Prop 215, and it was codified¹ as California Health and Safety Code §11362.5.

Proposition 215 (Prop 215), the California Compassionate Use Act, allows a patient suffering from certain conditions, as well as his primary caregiver, the right to lawfully possess and grow marijuana if approved by a California physician. Approved conditions include cancer, glaucoma, migraines, chronic pain, arthritis, and AIDS.

Included in Prop 215 is a provision that protects physicians from punishment relating to the recommendation of marijuana use to patients for medical purposes. Also included is protection from prosecution for a patient or the patient’s primary caregiver for possession and/or cultivation of medical marijuana.

To clear up certain implementation issues surrounding Prop 215 and formulate a voluntary system to protect patients from arrest, Senate Bill (SB) #420 was signed into law on October 13, 2003, became effective on January 1, 2004 and was codified.

California Health and Safety Code §11362.83 allows cities or other local governing boards to adopt and enforce ordinances that are consistent with Prop 215 and SB 420.

On October 2, 2011, a second SB #420 was signed into law and codified as Health and Safety Code §11357.5. Prior laws made possession of marijuana for sale a felony. This new law now states a person who sells, dispenses, distributes or offers to sell, dispense, or distribute marijuana is guilty of a misdemeanor punishable by county jail imprisonment up to six (6) months, or a fine not to exceed one thousand dollars (\$1,000), or both fine and imprisonment.

REASON FOR INVESTIGATION

Due to controversies between Federal Regulations and California Health and Safety Codes, the 2012-2013 Tulare County Grand Jury decided to investigate and report on Medical Marijuana Cultivation (farming) within the county’s incorporated cities that are as follows:

Dinuba	Porterville
Exeter	Tulare
Farmersville	Visalia
Lindsay	Woodlake

¹ Codified: to reduce (laws) to a code

PROCEDURES FOLLOWED

1. Reviewed relevant documentation
2. Interviewed relevant witnesses

FACTS

1. The following information has been provided by the cities listed.
2. DINUBA:
 - a. Does have an ordinance for Medical Marijuana (MM)
 - b. Does not have a permit process
 - c. Allows persons with a medical card to cultivate MM
 - d. Persons in any residential zone may cultivate six (6) mature plants or twelve (12) immature plants or, if recommended by a physician, up to twenty-four (24) plants, whether mature or immature for MM.
 - e. The number of persons cultivating MM within the city is unknown.
3. EXETER:
 - f. Does not have an ordinance allowing MM cultivation
 - g. Does not have a permit process
 - h. Does not know of any MM cultivation within its city
 - i. Refers all MM related issues that are in violation of local, state, or federal regulation to its Zoning Department.
4. FARMERSVILLE:
 - a. Has an ordinance allowing MM cultivation
 - b. Has a permit application process
 - c. Does not permit more than eighteen (18) plants
5. LINDSAY:
 - a. Has an ordinance for MM cultivation
 - b. Does not have a permit process
 - c. Is aware of one MM cultivation within its city limits and found it to be in compliance with the recommended issue
 - d. Prohibits the use of any land within city limits from being used in any manner that is a violation of state, federal or local regulations per Municipal Code §18.01.090.
6. PORTERVILLE:
 - a. Does not have an ordinance for MM cultivation
 - b. Does not have a permit process
 - c. Reports approximately seventy-five (75) residences cultivating or farming MM within its city limits
 - d. Most of these residences have between ten (10) and twenty (20) plants. However there are some with as many as ninety-nine (99) plants.

7. TULARE:
 - a. Does not have an ordinance for MM cultivation
 - b. Does not have a permit process
 - c. Is not aware of any such cultivation or farms within its city limits
 - d. Zoning ordinances would need to be amended to allow the growing of such crops and would be restricted to agriculture-industrial zoning districts.

8. VISALIA:
 - a. Has an ordinance for MM cultivation
 - b. Does not have a permit process
 - c. Has identified locations where marijuana is being cultivated under the auspice of MM cultivation.
 - d. Approximately one hundred (100) locations were identified as being in violation of the city ordinance. These violations included cultivation outside an enclosed structure, exceeding the one hundred (100) square footage allowance or both structure and footage allowances.
 - e. Notices of violation were sent to those out of compliance with the city ordinance and approximately eighty (80) have corrected the violations.

9. WOODLAKE:
 - a. Has an ordinance for MM cultivation;
 - b. Has a permit process
 - c. Allows the cultivation of up to twelve (12) plants
 - d. There are sixteen (16) identified MM cultivations; seven (7) have been issued notices of violations.

FINDINGS/CONCLUSIONS

1. Farmersville and Woodlake are the only cities to have both an ordinance for MM cultivation and a permit requirement.
2. Dinuba and Visalia are the only cities to have an ordinance only for MM cultivation.
3. The cities of Exeter, Lindsay and Porterville do not have a MM ordinance.
4. The cities of Dinuba, Exeter, Porterville, and Visalia do not have a MM permit requirement.
5. Dinuba is unaware of the number of MM cultivations within its city. Without this knowledge, it is impossible to track those who are cultivating marijuana legally from those who are not.
6. Regardless of whether a city has an ordinance for MM cultivations, California Health and Safety Code §11362.5, allows patients and their caregivers to possess and grow Medical Marijuana.
7. Without a MM permit requirement and an MM cultivation ordinance, it is impossible for the cities to keep track of legal MM cultivations.

RECOMMENDATIONS

1. All of the incorporated cities within the county need a permit requirement and an ordinance covering MM cultivation.
2. All of the cities need to establish a uniform MM cultivation ordinance.

RESPONSES REQUIRED

- * Dinuba City Council
- * Exeter City Council
- * Farmerville City Council
- * Lindsay City Council
- * Porterville City Council
- * Tulare City Council
- * Visalia City Council
- * Woodlake City Council

POTHOLES

BACKGROUND

On November 7, 2006, the voters of Tulare County approved Measure “R”, imposing a 1/2 cent sales tax for transportation within the incorporated and unincorporated areas of Tulare County for the next 30 years. During this 30-year period, Measure “R” would generate slightly more than \$652 million dollars for Tulare County’s transportation needs.

REASON FOR INVESTIGATION

California Penal Code §925 mandates the Grand Jury to investigate and report on the operations, accounts, and records of the officers, departments, and/or functions of the county.

Of particular concern to the 2012-2013 Tulare County Grand Jury is pothole repairs as this appeared to be the driving force behind voter approval of Measure “R”.

PROCEDURES FOLLOWED

1. Interviewed relevant witnesses
2. Obtained and reviewed relevant documents

FACTS

1. Addressing major regional transportation needs in Tulare County and representing diverse community interests, the Tulare County Association of Governments (TCAG) and nine member agencies (Dinuba, Exeter, Farmersville, Lindsay, Porterville, Tulare, Visalia, Woodlake and the County of Tulare) developed an expenditure plan for Measure “R” funds and distributed those funds into the following programs:
 - Administration and Planning Program (1% or \$6.5 million)
 - Local Transportation Programs (35% or \$228.4 million)
 - Regional Transportation Programs (50% or \$326.4 million)
 - Transit/Bike/Environmental Programs (14% or \$91.3 million)
2. Administration and Planning Program funds are used to develop funding allocation requirements, to prepare an Annual Transportation Measure Report, to contract for an independent audit and to administer and conduct specified activities identified in the other three programs listed above.
3. Local Transportation Program (LTP) funds help the cities and County meet scheduled maintenance needs and rehabilitate their aging transportation system. Each city and the County have the flexibility to prioritize needs within their community. Potential uses for these funds are as follows:
 - a. Pothole repair
 - b. Street repair
 - c. Bridge repair or replacement
 - d. Traffic signals

4. Regional Transportation Program funds are used for things such as adding additional driving lanes, improving freeway interchanges and improving and/or reconstructing major commute corridors.
5. Transit/Bike/Environmental Program funds are used to expand public transit programs and to construct bike lanes.
6. The County receives between \$3.7 and \$4.5 million per year as its share of LTP funds. The City of Visalia receives approximately \$3 million a year.
7. Tulare County and City of Visalia, have no specifically earmarked monies for the repair of potholes.
8. The County has four road repair crews and four supervisors for pothole repair, while the City of Visalia has an eight-man crew and two supervisors.
9. Repair crews are dispatched for pothole repair only after a citizen complaint. Supervisors will patrol the area for any additional potholes in need of repairs.
10. On April 25, members of the Grand Jury visited the Atwell Island Solar Plant outside of Alpaugh. Rd 40, which leads to the Solar Plant, has a posted 15 mile per hour rough road speed limit. However, the road is badly deteriorated and riddled with potholes. Driving the posted speed limit is impossible. The potholes are a foot or more deep.

FINDINGS/CONCLUSIONS

1. Tulare County and the City of Visalia receive a small percentage of Measure “R” funds.
2. Apparently all monies received for the LTP are allocated to road lane construction, safety improvements, traffic lights, etc. Maintenance, which includes pothole repair of currently built infrastructures, has the lowest priority and continue to deteriorate.
3. Potholes appear to be of little import to local governments. Some of the potholes are deep enough to pose a safety hazard.
4. Due to the severe state of Rd 40, driving the 15 mile per hour speed limit is dangerous. The potholes are bad enough that there is a high probability of severely damaging vehicles and could cause personal injury.

RECOMMENDATIONS

1. While it is important to improve transportation and safety needs within the County and cities, of equal importance is rehabilitation and maintenance, which includes pothole repair, of aging infrastructure. Some monies should be allocated specifically for pothole repair.
2. Citizens of the County are urged to report potholes to their local road maintenance department.

3. Rehabilitation and/or repairing the potholes to Rd 40 may not be feasible, as this appears to be a road rarely traveled. At the very least Rd 40 should be graded and topped with gravel.

RESPONSES REQUIRED

- City of Visalia
- Tulare County Road Maintenance Department
- Tulare County Board of Supervisors
- Tulare County Association of Governments

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SPECIAL DISTRICTS

**ALPAUGH, A CENSUS-DESIGNATED PLACE,
AND ITS WATER SITUATION**

BACKGROUND

Alpaugh is a census-designated place in the southwest end of Tulare County.

According to the 2010 census Alpaugh has a population of 1,026 citizens. The racial makeup of Alpaugh as recorded in 2010 was three hundred eighty-one (381) Caucasians, four (4) African Americans, eleven (11) Native Americans, four (4) Asians, five hundred ninety-seven (597) other races, twenty-nine (29) mixed. Hispanic and Latino persons accounted for eight hundred sixty-seven (867) of this total, and there was no data for undocumented workers.

In February 1919, the Alpaugh Irrigation District (AID) was created as a water supplier to those residing outside the boundaries of Alpaugh. A few months later a non-profit distribution entity, Tulare County Waterworks District #1 (TCWD#1) was created to supply water to those within the boundaries of Alpaugh.

In November 2003, the Alpaugh Joint Powers Authority (AJPA) was created as a separate independent-governing agency. AJPA was to be responsible for all operations and maintenance of AID's and TCWD's domestic water system.

The 2011-2012 Tulare County Grand Jury received numerous citizen complaints concerning finances, Brown Act violations etc, of AID, TCWD and AJPA. The investigation of all three agencies was so extensive that the complaints and all documents received were passed on to the 2012-2013 Grand Jury for further investigation.

While this report is long, it is an accumulation of 2 years worth of investigations. For you the reader, to fully understand the issues at hand, the events as they unfolded have been written. There were hundreds of man hours and fifteen (15) thousand pages and more that were used for this report.

REASON FOR INVESTIGATION

As mentioned in the Background, the 2012-2013 Tulare County Grand Jury continued the 2011-2012 Grand Jury investigation and received additional citizen complaints concerning AID, TCWD#1 and AJPA.

PROCEDURES FOLLOWED

1. Members of the 2011-2012 and 2012-2013 Grand Juries attended numerous AID, TCWD#1 and AJPA board meetings.
2. Interviewed numerous relevant witnesses.
3. Reviewed relevant documents

4. For assistance and guidance, members of the Grand Jury interviewed personnel from various Tulare County agencies.

FACTS (selected)

January 26, 1999

A special meeting of the Tulare County Waterworks District#1 (TCWD#1) was held.

A presentation of the concept for the proposed water system improvements was analyzed. Various grants were discussed as well as the requirements by the United States Department of Agriculture (USDA) that would be needed in order for the community to receive funding. This included a minimum water bill requirement of \$30 per month. A possible \$5,000 grant from the Weill Foundation for a preliminary engineering report was also discussed.

June 6, 2000

A Public meeting was held at 6:00 p.m. changing the water user's fee to a "parcel" fee.

July 11, 2000

What became known as "special tax/Measure M" went to ballot. It required a 2/3 voter approval. It was rejected by the voters.

November 2000

Proposition "M" was rewritten by attorneys and presented to the electorate using the name of a local activist and a TCWD#1 board member. It was presented as "Tax Measure R." (Measure R). The measure again needed a 2/3 voter approval. It passed by one vote. The highlights of "Measure R" are:

1. The \$120 tax will affect people served only by TCWD#1. (People inside Alpaugh)
2. The tax will be on each parcel, not each lot.
3. The tax will be used for the purposes of acquiring water improvements, including but not limited to replacing water pipelines, increasing water pressure and fire flow, and providing water services to the residents of Alpaugh.
4. A federal loan and a grant is to be obtained from USDA-Rural Utilities Services to cover an estimated improvements cost of \$1,200,000, with a possibility of additional grants and loans in the future.
5. The special tax cannot be increased without an election approving such an increase by a two-thirds vote of the people.
6. The special tax will be used for the above loan and for any capital improvements in Alpaugh, including general operation and maintenance expenses of the District to operate and maintain the water system and to comply with federal and state regulations.
7. The tax will replace the annual water user fee to the District of \$70 per landowner for water hookups.

8. “The special tax will be used for the purpose of acquiring water improvements, including but not limited to replacing water pipelines, increasing water pressure and fire flow, and provide water services to the residents of Alpaugh.” Additionally, the District shall pay for the annual payment to the loan from USDA from Measure R funds. Further, the monies from the special tax shall be used to pay the principal and the interest on the loan.

August 2002

Arsenic levels exceeding 86 parts-per-billion (normal 50 ppb) were discovered in Alpaugh’s well.

September 2002

Senate Bill 621 was signed into law providing much needed help for Alpaugh by appropriation of \$2,100,000 from the Department of Water Resources (DWR). This money would be appropriated from bond funds made available for infrastructure rehabilitation projects and for allocation to the TCWD#1 and the AID for the repair and replacement of the domestic water supply and treatment systems owned and maintained by the two Districts.

February 10, 2003

AID enters into legal services associated with the submission of an application to the USDA for a grant of \$611,100 for the construction of a domestic water well and related improvements, as well as for legal services related to a “grant agreement.”

March 5, 2003

TCWD#1 and AID form the Alpaugh Joint Power Authority (AJPA) and sign a “joint exercise of powers agreement.”

Highlights of the Agreement:

Purpose: to provide for the operation and maintenance of the domestic water system supplying water to the residents of each of the districts and other functions under the Agreement.

Section 5.04:

This section deals with the contribution of each member (AID and TCWD#1) towards the Authority (AJPA), including any funds that each member agency received and/or improvements due to such funds, pursuant to Senate Bill 621 and approved by the State Legislature in 2002.

TCWD#1 will contribute:

1. A new well
2. The replacement of the water distribution lines
3. Any storage tanks and treatment facilities
4. A pump station.

Section 5.05:

a) Pursuant to Section 5.04 the future funding (in the form of a grant and a loan) which should be received from the USDA after the passing of Proposition “R” in 2000, by the TCWD#1, shall be transferred to the Authority (AJPA) and all improvements shall be held in the name of the Authority (AJPA).

- b) The Board of Directors of the AJPA shall have control of the special tax, which shall be used for the payment of the loan portion of any loan with the USDA.
- c) If the proceeds received from Measure R exceed the annual payment for the loan with USDA, the Board of Directors of the TCWD#1 shall have sole discretion in the use of such excess funds.
- d) In no event shall any of the proceeds from the special tax (Measure R) be used for the operation and maintenance of the water system.

June 9, 2003:

At its regular meeting, the Board of AJPA decided to collect \$55 per month for the ex-Alpaugh Irrigation District (AID) users while TCWD#1 customers were paying \$45 per month. The AJPA Board Meeting minutes of June 9, 2003 clearly show the \$10 as a loan. Item “g” of the minutes states “Collection of \$55 per month for AID users, \$10 to be returned to AID for payment of engineering fees until December 31, 2003. Chairperson... motioned to charge the AID customers \$55 per month through December 31, 2003 and return the \$10 to AID for the engineering fees owed. Director... seconded. 5-1.”

July 2003-December 2003:

The AID customers of the AJPA are now contributing an extra \$10 dollars per month for “engineering assistance” to the AID. The money contributed, it is believed, will be reimbursed to the AJPA and through them to the ex-customers of AID once AID receives the grant from their February 10, 2003 application for \$611,100.

September 12, 2003:

An application for Federal Assistance by the AJPA was submitted. An estimated funding of \$4,033,000 is requested: from the Federal government \$1,933,000 and from the State \$2,100,000.

December 16, 2003

An Agreement for “Water or Waste System Grant” was signed for a grant for \$611,100 between the USDA and AID.

January 12, 2004

The Board of AJPA with 4 in favor 1 opposed and 1 absent voted and decided abruptly to continue a \$55 “water fee” only for the AID customers of the AJPA, retroactive to January 1, 2004. This extra \$10 per month payment in comparison to the TCWD#1 customers of the AJPA, were to be placed in a “reserve account.” This action was not on the official agenda for the meeting.

The minutes of the board meeting stated, “The additional \$10 per month to be collected from the AID customers was to be used for their proportionate share of the loan repayment, debt service reserve fund and capital reserves. Unfortunately, the surcharge has not been used for those purposes since the AJPA had numerous start-up costs that needed to be funded. Instead, the \$10 has been placed in the general fund for the water enterprise and used for the operation and maintenance of the water system.”

April 12, 2004

A financial agreement is signed between AJPA and USDA-Rural Utilities Service, for supplying AJPA with \$4,033,000 in grants and a loan. The money will come from a \$483,250 (RUS loan) and two grants for \$1,449,750 (RUS grant) and a \$2,100,000 (State DWR grant). The USDA under its agreement provisions requires financial disclosure and has the right to investigate for the “proper” disbursal of loans and grants.

June 2, 2004:

Questions were asked where the exact portion of the \$10 paid by the AID customers of AJPA should be allocated. Those questions were to determine what portion would be paid to capital outlay and which to construction reserves.

June 14, 2004:

The annual payment to the loan by both members of AJPA (AID and TCWD#1) amounts to \$25,800 due on June 14 annually for forty (40) years with a 4.375% per annum interest. An additional 10% reserve account of \$2,580 must be created according to Resolution No. 05-1-2004 (Letter of Conditions/January 14, 2004), and (Resolution No. 04-1-2004, April 12, 2004).

Additionally, the same Resolution of TCWD#1 approved financing to the AJPA and authorized execution of a special tax disposition agreement.

Under Section 1 of the disposition agreement: “In calculating the amount owed by the Waterworks District, the Authority shall take into account any amounts that will be applied to the debt service and reserve account requirements by the Authority from the rates and charges paid by water customers.” The portion of payment to the principal and interest and to the reserve account by each of the parties of AJPA, under section 5.05, is determined to be approximately \$19,400 for TCWD#1 and \$6,400 for AID. There were several attempts by AJPA to determine the fairest amount for both AID and TCWD#1 before the above was determined. Based on these calculations, the water rates remain \$45 for AJPA and \$55 for the AID customers of AJPA. Additionally, the TCWD#1 people have had to continue to pay the additional \$120 per year under Measure R.

September 2004

Questions regarding the limitations of payments from Measure R money towards the USDA loan begin surfacing. The payment of \$25,800 towards the loan is to be made according to the number of water connections. The per connection fee amounts to approximately \$55 per year.

July 12, 2006

From the draft minutes of the regular meeting of AJPA dated July 12, 2006, questions began arising about the extra \$10 per month increase voted by the Board of AJPA to the customers of the AID, since these customers had no vote on this issue. AID customers believed there was improper notice of the January 12, 2004 rate increase of \$45 to \$55. It was not an item on the agenda for AJPA to increase their rates. The AJPA Board had the right to increase the water rates with at least four affirmative votes. However, there is no article that allows them to increase rates on only one of the two members of the AJPA.

2007-2008 Grand Jury Report

The 2007-2008 Grand Jury published a report entitled, “Alpaugh Measure R.” The report was in response to citizen complaints.

November 15, 2008 TCWD#1 Letter

TCWD#1 asked AJPA to (1) fully fund the debt reserve as required by the agreement. (2) Hold \$25,000 from the \$75,000 they paid on April 1, 2008, until further notice. (3) Use the remaining balance to pay towards the principal of the loan.

April 1, 2010 TCWD#1 Letter

An open letter is used by TCWD#1 showing their payment history. According to this payment history, TCWD#1 paid in 2005, 2006 and 2007 \$25,800 in each year. They paid two payments of \$25,800 in 2008 and a total of \$75,000 in payments in 2009. Article VI of the Alpaugh Joint Powers Agreement of March 5, 2003 states: "Section 6.01. Contributions. The Members may in appropriate circumstances and strictly at the Members option only: (a) make contributions from their treasuries for the purposes set forth herein, (b) make payments of public funds to defray the cost of such purposes, (c) make advances of public funds for such purposes, such advances to be repaid as provided herein,..."

FINDINGS/CONCLUSION

This history of payments shows a clear violation of section 5.05 of the Agreement referring to the portion of the payment from TCWD#1 to AJPA for the loan.

March 11, 2012 Letter from TCWD

The purpose of this letter to AJPA was to request the balance of the reserve account that should have been created by the AJPA per requirements of the terms of the USDA loan. This was the second request for this information sent by TCWD#1.

November 6, 2012

The people of Alpaugh voted for the creation of an Alpaugh Community Services District (ACSD) to replace TCWD#1 and AJPA. AID continues its normal operation to provide water for irrigation of fields.

November/December 2012

Alpaugh Community Services District requested fund in an amount approximate to ten thousand dollars for a forensic audit of all the existing records of AID, AJPA and TCWD#1.

FINDINGS/CONCLUSIONS

1. After the discovery of high levels of arsenic in the well in the late 1990's, action was required to clean up the situation. In order to achieve their goals and receive grants and loans from various sources, drill for wells and replace water systems, to create new infrastructure for water distribution, etc., the AID and the TCWD#1 were asked to form an Authority that became known as AJPA. It was created through an Agreement, Amendments, and Resolutions. The language used in the Agreement and Resolutions is problematic, especially the final sentence of section 5.05 combined with Measure R and the fact that AJPA is using money from Measure R to benefit customers not belonging to TCWD#1. Such terms appear to conflict with Measure R.
2. There is a serious lack of proper training for the members of the boards and oversight/supervision of the Districts and the Authority by LAFCO, and LAFCO Commissioners.

3. The lack of supervision of AJPA by the two “parent” districts, (AID and TCWD#1) has made doing the people’s business and working for the betterment of the District impossible. The distrust between the ex-customers of the AID and the TCWD#1 must be addressed and resolved.
4. There are many unanswered questions regarding special “reserve” money and the different water rates in place between the ex-customers of the TCWD#1 and AID. It also appears that the \$10 extra paid every month (\$120 per year) by the AID customers was charged by the AJPA in order to offset the \$120 that the TCWD#1 was charged since Measure R passed in 2000. Not all the money collected went towards the payment of the USDA loan (which is \$25,800 per year). According to one account, approximately 487 payees are paying \$120 per year and total \$58,440. This money is being collected by AJPA and TCWD#1.
5. Given the fact that AJPA collected about \$16,000 from AID customers, but AJPA did not pay their share on the USDA loan until after 2010, and they never created the reserve account of 10% as required by the USDA. The question arises as to the disbursement of these funds. No explanation has been provided regarding the monies that were to be placed into a reserve fund. Additionally, TCWD#1 was collecting money in excess of the required amount to pay the loan payment. All three entities, AID, TCWD#1, and AJPA over a period of ten plus years collected between loans, grants, propositions and measures close to \$6,000,000 or more.
6. Alpaugh today has a new Community Service District (CSD) responsible for the distribution of good potable water to people previously belonging to TCWD#1 and the AID. It appears that the problematic unequal payments from the AJPA now transfer to the newly formed Alpaugh CSD. Participation of the entire electorate is needed to resolve the following crucial issues:
 - a. \$10 monthly emergency engineering fees
 - b. Future monthly water billing payments
 - c. Taxation issues concerning the USDA loan (Measure “R” plus the extra \$10 monthly fee-tax by those of the previous AJPA belonging to AID).

RECOMMENDATIONS

None

RESPONSES REQUIRED

None

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FISCAL CONTROL OF REVOLVING ACCOUNTS

BACKGROUND

Past Grand Juries have published reports concerning financial aspects of Tulare County's Special Districts. This report discusses the existence of bank accounts held by special districts in the County, which are in excess of statutory limits and are in apparent violation of state law.

REASONS FOR INVESTIGATION

California Government Code §933.5 allows the 2012-2013 Tulare County Grand Jury to examine and report on the books and records of any special purpose or taxing district.

Of particular concern to the Grand Jury is the possible misuse of public funds due to the lack of compliance with state law.

PROCEDURES FOLLOWED

1. Interviewed relevant witnesses
2. Obtained and reviewed relevant documentation

FACTS

1. California Government Code §53952 (a) allows the governing board of a special district, by resolution, to provide for the establishment of a revolving fund in an amount not to exceed \$1,000 to make change and pay small bills directly.
2. In addition to the authority granted by Government Code §53952 (a), subdivision (b) allows a special district, by resolution, to provide for the establishment of a revolving fund in an amount not to exceed 110% of 1/12th of the district's adopted budget for that fiscal year.
3. Military and Veterans Code §1200 requires Memorial Districts to have their monies paid by the County Treasurer only upon warrants drawn by the County Auditor.
4. There are five special districts within Tulare County which maintained separate and independent accounts in excess of statutory limits: Dinuba Memorial District, South Tulare County Memorial District, Sultana community Service District, Terra Bella Memorial District and Tulare Memorial District.
5. In all instances, the responding special districts appeared to have difficulty in establishing either when or whether any specific resolutions were adopted by their governing boards, which authorized a bank account for each respective special district. Three special districts have held their accounts for over twenty years without such apparent authorization. Another special district only recently approved a

resolution creating the revolving account retroactively. In another instance, there was no record of a resolution creating a revolving account whatsoever for the responding special district, which had overdrawn its account held by the County Treasurer and established a separate business account at a local bank in 2008.

6. In all instances, the responding special districts provided information regarding the designation of the persons authorized by the individual special districts to sign checks on behalf of the special district.

FINDINGS/CONCLUSIONS

1. It cannot be said why those special districts subject to this report maintained separate and independent accounts in excess of statutory limits. Nonetheless, the County Treasurer is and remains the sole legal repository of special district funds with the exceptions of the small revolving accounts provided for under state law.
2. Under California Law, special district funds are held in separate accounts on behalf of each district by the County Treasurer. Special district funds are easily transferable to the special districts from the County Treasurer through the process of regular warrants (paper) or by electronic funds transfers (EFT or “Electronic Warrants”). This process may also further assist special districts in internal control procedures due to two separate accountings of district funds at county and district level, as well as significantly lessen the opportunity for fraud, misappropriation or embezzlement at the district level.

RECOMMENDATIONS

1. That the Tulare County Board of Supervisors direct County Counsel to send an advisory statement on behalf of the Tulare County Auditor/Treasurer to all special districts established within Tulare County requesting their compliance with state law regarding any independent and unauthorized banking. If necessary, appropriate measures should be taken to bring said special districts into compliance.
2. That the Tulare County Auditor/Treasurer establish training policies and procedures which facilitate the needs of the special districts and lessen problems with day-to-day business expenses of the special districts.
3. That members of the various governing boards of all special districts within Tulare County seek and receive additional instruction and training so as to avoid recurring violations of state law such as those described in this report.

REQUIRED RESPONSES

Dinuba Memorial District
South Tulare County Memorial District
Sultana Community Service District
Terra Bella Memorial District
Tulare County Auditor/Treasurer
Tulare County Board of Supervisors

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GRAND JURY FORMS

Citizen Complaints

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

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

Submission of Complaint

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

Content of Complaint

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

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

Confidentiality

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

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

Citizen Complaint Form

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

Tulare County Grand Jury

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

Date: _____

1. YOUR PERSONAL INFORMATION:

Name: _____ Res. Phone _____

Res. Address (City/Zip) _____

Work Location _____ Bus. Phone _____

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

Name/Agency: _____

Location or Address: _____

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

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

Agency and Location Approximate Date of Contact

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

(Attach Additional Sheets if Necessary)

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

6. PERSONS YOU THINK SHOULD BE CONTACTED:

Name and Occupation: _____

Address: _____

Reason to Contact: _____

Name and Occupation: _____

Address: _____

Reason to Contact: _____

Name and Occupation: _____

Address: _____

Reason to Contact: _____

7. ACTION WHICH YOU BELIEVE WE SHOULD TAKE:

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

DUTIES OF THE CIVIL GRAND JURY

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

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

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

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

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

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

2014 – 2015

TULARE COUNTY CIVIL GRAND JURY QUESTIONNAIRE

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

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

- Are you a citizen of the United States?
Are you eighteen years of age or older?
Have you been a resident of Tulare County for at least one year prior to the date of this application?
Are you in possession of your natural faculties? Are you of ordinary intelligence and of sound judgment and fair character?
Do you possess a sufficient knowledge of the English language?

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

- Are you serving as a trial juror in any court of this State? If Yes, County
Have you been discharged as a grand juror in any court of this State within one year prior to the date of this application? If Yes, County
Have you ever been convicted of malfeasance in office or any felony or other high crime?
Are you currently serving as an elected public official?

- Check one: I am interested in serving on the Tulare County Civil Grand Jury for the fiscal year 2014-2015 and I understand the time commitment required.
I am unable to serve on the Grand Jury in 2014-2015.
I am unavailable at this time, but would like to be considered for term 2015~2016.

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

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

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

- Age range, please check the appropriate box: 18-25 26-34 35-44 45-54 55-64 65-74 75 and over
Gender: Male Female
Please indicate your ethnic origin by circling one of the following (may select more than one):
American Indian or Alaska Native Asian Black or African American Hispanic/Latino
Native Hawaiian or other Pacific Islander White Other (please specify)
Decline to Answer

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

THIS QUESTIONNAIRE IS TO ASSIST THE JUDGES OF THE SUPERIOR COURT IN COMPLETING A LIST OF NOMINEES WHICH FAIRLY REPRESENTS A CROSS-SECTION OF OUR COMMUNITY.

TULARE COUNTY GRAND JURY REPORT 2012-2013

SOME OF THE QUESTIONS THAT MAY SEEM PERSONAL ARE NECESSARY IN ORDER TO ASSURE THE JUDGES THAT THE GROUP THEY NOMINATE, FROM WHICH THE FINAL NAMES WILL BE DRAWN, REPRESENTS VARIOUS AGE GROUPS, ECONOMIC, SOCIAL AND ETHNIC BACKGROUNDS.

PLEASE PRINT LEGIBLY

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

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

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

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

TULARE COUNTY GRAND JURY REPORT 2012-2013

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

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

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

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

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

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

Or Fax to: (559) 737-4290

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

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

Signed: _____

Date: _____

PLEASE RETURN THIS QUESTIONNAIRE NO LATER THAN: April 29, 2014

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