

2007-2008 KINGS COUNTY GRAND JURY



Kings County Old Courthouse 1896-1979

FINAL REPORT

**Kings County Grand Jury
1400 West Lacey Blvd.
Hanford, CA 93230**

<http://www.countyofkings.com/grand%20jury/index.htm>

Table of Contents

Letter from Foreperson 4

Letter from the Presiding Judge..... 3

2007-2008 Kings County Grand Jury 5

2007-2008Grand Jury Members 6

Formation and Organization Of the Kings County Grand Jury 7

Responses to Grand Jury Reports 2007-2008 Compliance Review 9

The Making of a Grand Jury Report.....11

LAW AND SAFETY COMMITTEE.....13

Juvenile Hall/boot Camp14

Lemoore City Police19

Corcoran Police Department21

Kings County Sheriff Avenal Sub- Station.....23

Kings County Main Jail25

LOCAL GOVERNMENT COMMITTEE.....31

Hanford Abandoned Vehicle Abatement.....32

City of Lemoore’s Administration of the Americans with Disabilities Act.....42

Kettleman City Community Services District.....56

Kings County Behavioral Health Administration69

Kings County Information Technology Department.....	87
HEALTH AND EDUCATION COMMITTEE	97
Hanford Elementary School District	98
Transportation of Special Needs Students	107
2007-2008 Kings County Grand Jury Final Report Responses	115
RESPONSES TO 2006-2007 GRAND JURY REPORTS.....	116
Bird Nuisance	116
Juvenile Hall/Boot Camp	120
City of Corcoran - Storm Drain Fees.....	124
Kings County Elections Department - Residency.....	126
City of Hanford Public Works.....	129
Hanford Joint Union School District High	133
Hanford Joint Union School District High	133
San Joaquin Valley Power Authority Community Choice Aggregation Program .	139
Kings County Grand Jury Complaint Form.....	144
2006-2007 GRAND JURY VISITS	147

Letter from Foreperson



COUNTY OF KINGS
GRAND JURY
P.O. BOX 1562
HANFORD, CALIFORNIA 93232

June 30, 2008

The Honorable Louis F. Bissig
Advising Judge to the Grand Jury
Kings County Superior Court
1400 West Lacey Blvd.
Hanford, California 93230

Dear Judge Bissig:

In compliance with Penal Code Section 933, the Kings County Grand Jury is pleased to submit to you, as the designee of the presiding judge, its 2007-2008 Final Report. These reports have been written and compiled diligently, impartially and to the best of our ability with dedication to the furtherance of the general good.

The outset of the 2007-2008 Grand Jury proved to be quite challenging. Our initial jury body included only two jurors having prior grand jury experience and no carry-over jurors were impaneled. We began our term late and with little knowledge of our functions and the laws that applied to our work.

We soon learned about, and then attended, training provided by the California Grand Jurors' Association. This training was found, by all jurors, to be informative and extremely valuable. It gave us a much better understanding of our duties as jurors.

In a short time, we were all working toward a common goal to serve our community to the best of our ability. We proceeded to make careful and complete examinations of several departments within the county and incorporated cities. Additionally, we examined and reported on two community service districts, a school district and a joint powers agency.

Many of these examinations were the result of concerned citizens who initiated complaints and inquiries about issues meaningful not only to themselves, but to those who pay taxes and benefit from those taxes. We regret that we were not able to report on all issues

brought to our attention. Nonetheless, complaints received late in our term will be sent on, by request to the judge, to the 2008-2009 Grand Jury.

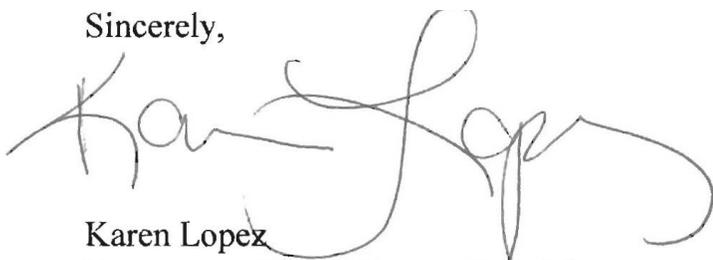
As a full body, we requested that all of our reports be released prior to the end of the term. Our feeling was that releasing reports as they were completed may have more impact and media coverage. Also, this process would provide the opportunity to incorporate responses received into our final publication. I thank you, Judge Bissig, for allowing us to proceed in this way.

Early on, it was not apparent to us the amount of assistance we could have or should have requested from both the District Attorney's Office and the County Counsel. These resources were not fully utilized until later in our term.

We would like to thank Mr. Michael Reinhart, Chief Trial Attorney, for his advise and direction. He was always friendly, approachable and willing to help. A special thanks goes to Mr. Peter Moock, County Counsel. Once we requested his assistance and realized the wealth of information and guidance which had been available to us, we refused to release him from our grasp.

Last, but definitely not least, I thank all the members of the 2007-2008 Grand Jury for their support, patience, dedication and teamwork. The amount of time freely given, and the professionalism of all involved, is commendable. I am impressed by their commitment, appreciative for the experience, and honored to have been a part of this Grand Jury. I trust that each one of us will see positive change because of our efforts.

Sincerely,

A handwritten signature in cursive script, appearing to read "Karen Lopez". The signature is written in black ink and is positioned above the typed name.

Karen Lopez
Foreperson, Kings County Grand Jury

Letter from the Presiding Judge



Peter M. Schultz
Presiding Judge of the Superior Court
State of California
County of Kings

June 18, 2008

To: Kings County Grand Jury and Affected Governmental
Agencies and Officers

The 2007-2008 Kings County Grand Jury has submitted the enclosed reports to the Presiding Judge and/or his designee of the Superior Court in accordance with Section 933 of the California Penal Code. The enclosed reports were submitted and are hereby accepted as the final reports of the Grand Jury concerning these areas of inquiry.

The agencies and elected officials who are affected by the enclosed reports are each hereby notified that they are required to comment to the Presiding Judge and/or his designee concerning these findings and recommendations as they pertain to the subject agency or elected official. Comments are due on behalf of each elected county officer or agency head that has responsibility for the agencies and functions described in these reports within 60 days from this date. The governing bodies of the public agencies affected by the reports have a 90 day time limit within which to submit comments pursuant to Penal Code Section 933(c). In addition, a copy of each response shall be placed on file with the clerk of the public agency on whose behalf the response is made.

Those having questions concerning their responsibilities to respond to the Grand Jury's recommendations should contact County Counsel or their agency's general counsel.

The Judges of the Superior Court wish to express our sincere appreciation for the long hours of service given by members of the 2007-2008 Grand Jury, with special thanks to their Foreperson, Karen Lopez. Selfless dedication to public service such as that demonstrated by this Grand Jury is crucial to the survival of the institution of the Grand Jury, which is itself an important part of the checks and balances necessary for our democracy to function.

Sincerely,

Peter Schultz
Presiding Judge of the Superior Court

PMS/hh

Kings County Superior Court
1426 South Drive
Hanford, CA 93230

2007-2008 Kings County Grand Jury



2007-2008 Grand Jury Members

Karen Lopez	Foreperson
Bod Dodd	Foreperson <i>Pro Tempore</i>
Ashley Haynes	Recording Secretary
Eldora Trigueiro	Corresponding Secretary
John Daley	Sergent at Arms/Committee Chair
Dan Mitchell	Treasurer
Sandy Baker	
Jim Christian	Committee Chair
Jim Clark	
Louise Collins	
Donald Corder	
Barbara Evans	Committee Chair
Raul Gomez	
Jess Hermosillo	
Julia Jameson	
Shirley White	
Corina Wilkens	
Gerry Young	Committee Chair

Formation and Organization Of the Kings County Grand Jury

California Constitution, Article I, Section 23, provides that “one or more grand juries shall be drawn and summoned at least once a year in each county.” The law governing Grand Jury formation, authority, powers and proceedings, is found in Part 2, Title 4, of the California Penal Code, Sections 888 – 939.91.

The Kings County Grand Jury is a body comprised of qualified persons drawn from the citizens of the county, who have volunteered or been selected at random and nominated by the judge of the Superior Court. After June 30 of each year, a new Grand Jury of 19 such individuals is selected by lot and impaneled and sworn by the Superior Court. The new Grand Jury is a distinct and separate entity and must establish its own organization and rules of procedure. By law, any action taken by the Grand Jury must be authorized by 12 of the 19 jurors.

The Grand Jury is sworn to inquire of “public offenses committed or triable within the county,” and to investigate or inquire into “county matters of civil concern.” Its civil authority extends to reviews of the functions and operations of the county, and of cities, school and special districts and specified private nonprofit organizations within the County of Kings.

The Grand Jury has four standing committees that carry out investigations: Health and Education, Local Government, County Government and Law and Public Safety. An “ad hoc” committee may be established to consider a subject which transcends more than none of the standing committees. In addition, there are two “in house” committees: Complaint Committee and Edit and Review Committee. The Edit and Review Committee is responsible for the accuracy of the current year’s reports. The Complaint Committee reviews all incoming complaints to determine relevance and forwards valid complaints to the appropriate standing committee.

Any public disclosure by a grand juror of any evidence obtained before the Grand Jury in the course of an investigation is punishable as a misdemeanor, except in the case of a proper order of the Superior Court. Complaints, as well as testimony given to the Grand Jury by a witness, are held in the strictest confidence. Similarly, witnesses are prohibited from disclosing any proceedings of the Grand Jury.

Any individual may file a complaint with the Kings County Grand Jury. A Kings County Complaint Form may be obtained:

in this report.

at <http://www.countyofkings.com/grand%20jury/index.htm>.

at a public library.

by calling the Grand Jury office at 559-582-3211, Extension 2892.

Responses to Grand Jury Reports 2007-2008 Compliance Review

The Kings County Civil Grand Jury is impaneled annually to act as the public's watchdog by investigating and reporting on the affairs of local government. They may also look into complaints brought by citizens who are concerned by perceived governmental irregularities.

Grand Juries issue reports and California law requires responses from governing bodies, including the Board of Supervisors, city and county governments, special districts and certain non-profit corporations. This ensures that their functions are performed in a lawful, economical and efficient manner.

Findings and recommendations that develop from these investigations are usually contained in reports released at the end of the Grand Jury fiscal year which runs from July 1 thru June 30 each year.

Responses to these reports must be made within certain time constraints and in accordance with specific formats pursuant to the California Penal Code Section 933 and 933.05. Depending on the release date of the report, not all responses are received by the end of the Grand Jury term.

For each Grand Jury finding, the responding person or entity shall indicate one of the following:

1. The respondent agrees with the finding.
2. The respondent disagrees wholly or partially with the finding, with supportive explanation.

For each Grand Jury recommendation, the responding person or entity shall indicate one of the following:

1. The recommendation has been implemented.
2. The recommendation has not been implemented, but will be implemented in the future, with a time frame for implementation.
3. The recommendation requires further analysis, with an explanation, and a time frame if it is to be implemented later.

4. The recommendation will not be implemented because it is unwarranted or unreasonable, with supportive explanation.

Many of the responding entities place their response to the Grand Jury report on the consent calendar of the agenda. As a consequence, there is no encouragement for public discussion concerning the Grand Jury report.

The Making of a Grand Jury Report

On June 30 of each year, the Kings County Grand Jury issues their Final Report, a compilation of all the reports issued during its tenure. Although each Grand Jury establishes its own organization and rules of procedure, the process by which a Grand Jury report is formulated is a tradition carried over from year to year. The process closely adhered to by the current Grand Jury is described here.

The subject of a Grand Jury report may derive from a citizen complaint, an idea self generated by a committee, or “upon some selective basis” as provided by law. Each complaint is assigned according to subject matter to a committee, where it is initially examined to determine if a potential problem exists that justifies opening an investigation.

Once a committee has decided to open an investigation, it must secure the approval of the full Grand Jury to continue. If the investigation is approved, the committee chairperson assigns the task to an “investigative subcommittee” consisting of two or more members of the committee. This subcommittee is then responsible for collecting documentary and testimonial evidence and writing a draft report. The progress of the investigation is reviewed periodically by whole committee and the full Grand Jury.

When the investigation is complete, the subcommittee drafts a report detailing the material facts, findings and recommendations for remedial action. The draft is reviewed and revised as necessary by the committee to ensure that it complies with all substance and format prerequisites of a Grand Jury report. The draft report is then forwarded to the Edit and Review Committee for further review and analysis.

All findings and recommendations of Grand Jury reports are based on the review of documents, other pertinent evidence and interviews. Each interview is attended by a minimum of two grand jurors. However, the Grand Jury is precluded by law from disclosing such evidence except upon the specific approval of the presiding judge, or other judge appointed by the presiding judge of the Superior Court (Penal Code Section 911, 924.1(a), 929), or the identity of witnesses except upon an order of the court for narrowly defined purposes (Penal Code 924.2, 929). Hence, Grand Jury reports are not based on conjecture or opinion, but on documentary evidence and testimony.

Ultimately, the proposed report is transferred to the full Grand Jury for review. The Grand Jury has full authority, by a vote of 12 or more of the 19 jurors, to approve, revise or reject the proposed report. It is then returned to the committee for processing. If the report is approved, it is forwarded to the county counsel for review as to compliance with legal requirements, and then sent to the Grand Jury's advisor judge for jurisdictional review. Their approval does not connote an agreement with the substance or merit of the report, or with its findings or recommendations. After approval, the report is released.

Hence, every member of the Grand Jury is directly involved in the formulation of a report. It is product of the entity as a whole, and not the work of any individual juror or committee. The 2007-2008 Kings County Grand Jury is satisfied that the reports contained in this volume are fully qualified for publication. Copies of Grand Jury Reports are available at at <http://www.countyofkings.com/grand%20jury/index.htm>., and can be accessed through the Kings County Public Library.



Old Kings County Jail

LAW AND SAFETY COMMITTEE

Juvenile Hall/Boot Camp

ISSUE: Observation and informational tour:

The Grand Jury visited the Juvenile Hall and Boot Camp on November 2, 2007.

WHY THE GRAND JURY INVESTIGATED:

The Grand Jury is required through mandated law to visit/tour jail and prisons in the county.

AUTHORITY:

California Penal Code Section 919.

METHOD OF INVESTIGATION:

On site visit and interviews with staff.

KINGS COUNTY JUVENILE HALL

OBSERVATION AND FACTS:

INFORMATIONAL TOUR:

The Grand Jury made an inspection tour of Kings County Juvenile Hall and Boot Camp on November 2, 2007. The Kings County Juvenile Hall is used as a detention facility to hold minors who have committed a criminal violation in addition to those who are being processed through the Juvenile Court. The tour was conducted by the Interim Supervising Probation Officer and Senior Group Supervisor. It should be noted that all proceedings for minors are closed to the general public.

All juvenile detainees are referred to as wards. The judge has the discretionary authority to send the wards to Juvenile Hall or directly to Boot Camp. The maximum capacity of the facility is 15 females and 35 males. On the day of the tour there were 10 female and 25 male wards. Their parents or guardians are responsible for the \$22.00 per day fee that is charged for their incarceration.

All wards are given a physical exam within the first 96 hours of detention, although their policy and procedure manual states 72 hours. A medical clearance is given by a registered nurse who is contracted through California Forensic Medical Group. A doctor comes in once a week for follow up on the nurse's recommendations.

There is a staff of 65 full time and part time employees. Each shift consists of a minimum of one supervisor and six officers or more according to population. This includes staffing at Boot Camp.

The cells were clean and equipped with a bed, chrome toilet and emergency button to alert staff. There are padded cells available for at risk wards. Fire drills are incorporated into their safety routine. The safety and security of all wards is a priority with staff.

Staff stated that fire drills are scheduled quarterly. However, the department does take advantage of the false alarms. The Grand Jury was impressed by the maintenance of the buildings and grounds performed by the wards. Major clean-up is on Saturday.

All wards must attend an on site school which is provided for grade levels K-12. They are given a grade placement exam by a specialist from the Kings County Office of Education before entering and exiting school. We were informed by staff that most of the wards advanced two to three grade levels while incarcerated. They must attend school 240 minutes per day, Monday through Friday. A staff member must be present at all times in the classroom, in addition to the instructor.

BOOT CAMP

A tour was made of the Kings County Boot Camp. We were informed that sentencing/behavior in Juvenile Hall determines which wards will earn the privilege to be accepted into this program, although some are sentenced directly by the Judge. Ages 14-18 are eligible. Wards transferred to Boot Camp are called cadets. The stay in Boot Camp is ninety days to one year. Cadets participate in the same educational program as the juvenile wards. Cadets participate in a vigorous physical fitness outdoor/indoor program. In addition, they participate in various recreational activities. Visitation, counseling and other programs which are deemed appropriate by staff are available. Cadets are placed in an atmosphere that promotes trust, respect and self-accountability. Boot Camp standards work on a reward/punishment system for cadets. Punishment may include a return to Juvenile Hall, and a reward may include promotion to a leadership role.

Cadets are issued a Kings County Boot Camp Cadet Handbook and Cadet Manual on which they are tested. They are on an honor system and reside in an unlocked facility. Female and male cadets are housed in separate barracks. Military type discipline is used. Boot Camp is a physically and psychologically challenging program that requires constant supervision.

Fire drills are scheduled quarterly but separate from Juvenile Hall. It is noted that the cadets are involved in community clean-up and graffiti removal. The handbook teaches

cadets to “take responsibility for your actions”. Staff indicated that at present time Kings County does not have anything in place to determine the success rate of this program. The Grand Jury is aware that other counties do have and use a method of tracking their success rate. Based on our interviews, we were informed that the Kings County Boot Camp has been observed by several counties and used as a model when setting up their programs.

A positive program introduced to the wards/cadets is YMAX, which is a substance abuse program used for in-custody and out-patient juveniles ages 14-18. This program teaches life and social skills, to aid and assist youth, with the intention of creating lasting skills, to enable them to have a stronger foundation of healthy life style and well being. Their motto states: “Failure is not an option”.

FINDING:

There is not a follow-up program on the success rate for Boot Camp.

RECOMMENDATION:

Implement a tracking system to determine a success rate.

RESPONSE REQUIREMENT:

Penal Code Sections 933 and 933.05 requires the specific responses to both the finding and recommendation contained in this report be submitted to the Presiding Judge of the Superior Court of Kings County.

Kings County Board of Supervisors (90 days)



COUNTY OF KINGS BOARD OF SUPERVISORS

KINGS COUNTY GOVERNMENT CENTER
1400 W. LACEY BOULEVARD, HANFORD, CA 93230
(559) 582-3211, EXT. 2362, FAX: (559) 585-8047
Web Site: <http://www.countyofkings.com>

JOE NEVES
STRATFORD & LEMOORE - DISTRICT I

JON RACHFORD
CORCORAN & AVENAL - DISTRICT II

TONY OLIVEIRA
NORTH HANFORD & NORTH LEMOORE - DISTRICT III

TONY BARBA
HANFORD & ARMONA - DISTRICT IV

ALENE TAYLOR
HANFORD - DISTRICT V

June 17, 2008

Honorable Peter M. Shultz
Kings County Superior Court
1426 South Drive
Hanford, CA 93230

Dear Judge Shultz:

In accordance with Section 933 of the California Penal Code, this letter is the Kings County Board of Supervisors' response to the Grand Jury Report entitled, "Juvenile Hall/Bootcamp," received by the County on March 26, 2008.

Under the Findings Section of the Report the Grand Jury states:

1. There is not a follow-up program on the success rate for Boot Camp.

We agree with this finding.

Under the Recommendations Section of the Report the Grand Jury states:

1. Implement a tracking system to determine a success rate.

The Probation Department implemented a tracking system as of June 1st, 2008. The tracking system allows the Department to perform comparisons of its programs, determines its programs' success rate, and tracks recidivism rates.

Sincerely

Joe Neves
Chairman, Board of Supervisors



**KINGS COUNTY
PROBATION**

STEVE BRUM
Interim Chief Probation Officer
~~XXXXXXXXXXXXXXXXXXXX~~
~~XXXXXXXXXXXXXXXXXXXX~~

**1424 FORUM DRIVE
HANFORD, CA 93230**

**TELEPHONE
(559) 582-3211
EXT. 1-2850**

**FAX
(559) 583-1467**

To: Honorable Judge Peter M. Schultz
Presiding Superior Court Judge
Kings County Government Center
1400 W. Lacey Blvd.
Hanford, CA 93230

From: Steve Brum
Interim Chief Probation Officer

Date: May 6, 2008

Subject: Response to 2007/2008 Grand Jury Report

**Kings County Probation
Grand Jury Recommendations:**

1. Implement a tracking system at the Boot Camp to determine a success rate.

Response:

The Probation Officer agrees with this recommendation and will work with the I.T. Department to set up a tracking system for those minors completing the Boot Camp Programs. Rates will be tracked for six month and twelve month after release.

There are two discrepancies regarding the Kings Juvenile Center. Title 15 Section 1432(A) states that all booked minors will be given a medical exam within 96 hours of booking. The KJC manual states that we will give each minor a physical exam within 72 hours, exceeding the requirement by 24 hours.

The second area is a misunderstanding regarding padded cells. The Kings Juvenile Center does not have a padded cell in the facility. The Kings Juvenile Center has never used a padded cell since opening in 1981.

SB/dj

Lemoore City Police

Why the Grand Jury Investigated:

The Grand Jury may at anytime investigate any city agency.

Authority

California Penal Code Section 925a.

Method of Investigation

Interviews with staff and an onsite visit were conducted with the Lemoore City Police personnel.

Informational Tour

An informational tour of the Lemoore Police Department was conducted on November 9, 2007. We met with the Police Chief and the Commander. The Chief has been in law enforcement for 26 years. She has been in her present position for seven years.

The department has one sergeant and three officers on duty at all times. They work 12-hour shifts. There are two school resource officers, one at Liberty Middle School and one at Lemoore High School.

Officers rotate shifts every four months. All are required to have an additional 24 hours of training in a two year period. Probationary period is one year. The Chief expressed her concern regarding the turnover rate of officers.

The facility is neat, clean and includes a child friendly waiting/interview room. The department has no holding cells; therefore, some detainees are cited and released. Other detainees are taken directly to the Kings County Jail.

Officers are provided with cell phones on each watch. At the time of our visit we were informed that they were unable to complete their reports on their unit's (vehicles) computers. An average of two to three hours a shift is spent writing reports in the department.

The Lemoore Police Department has a very good relationship with Lemoore Naval Air Station. The department has taken advantage of acquiring surplus navy equipment that can be utilized.

Recommendations

None

Response

None required

Corcoran Police Department

Why the Grand Jury Investigated

The Grand Jury may at anytime investigate any city agency.

Authority

California Penal Code Section 925a.

Method of Investigation

Interviews with staff and an onsite visit were conducted with the Corcoran Police Department.

Informational Tour

An informational tour of the Corcoran Police Department was made November 13, 2007. We were met by the Chief of Police who has been with the department eight years. The Chief stated his concerns regarding the overwhelming drug issues in his community. He sits on a committee consisting of state and local officials to discuss early intervention methods. At the time of our interview, there was not a drug intervention program in place.

The department has 20 sworn officers and 10 support staff, which includes one school resource officer, one gang task force officer and one narcotics officer. Officers are recruited from Police Officers Standard Training programs including College of the Sequoias. Other forms of recruitment are major publications and other agencies. When officers are accepted by the police department, they have a one year probationary period. Also included in the department is a K-9 unit which is utilized by Corcoran Police Department, Corcoran State Prison and Kings County Sheriffs Department.

Police vehicles are equipped with computers. All officers are issued cell phones to be used for emergency and community contacts.

Kings County Sheriffs Department, Corcoran Police Department and Corcoran State Prison work well together. Corcoran State Prison and Corcoran Police Department often train and exchange critical knowledge, latest task tools and skills. Kings County Deputies and Corcoran Police mutually assist and respond to calls related to emergencies and incidents occurring in Corcoran and surrounding areas.

The department has holding cells with a capacity of 20 detainees, allowing them to be held for up to 24 hours.

The Chief and his officers are involved in community affairs, especially with youth programs.

Recommendations

None

Response

None required.

Kings County Sheriff Avenal Sub- Station

Why the Grand Jury Investigated

The Grand Jury may at anytime investigate any county agency.

Authority:

California Penal Code Section 925a.

Method of Investigation:

Interviews with staff and an onsite visit were conducted with the Avenal Sub-Station personnel.

Informational Tour:

An informational tour of the Avenal sub-station was conducted on December 3, 2007. We were greeted by the watch commander. They presently have three deputies on duty. One corporal, two deputies and one sergeant work 12-hour shifts.

It should be noted; at the time of our visit the Juvenile Service Officer covers the city during the weekdays and he also performs the duties of the school resource officer. His salary is equally divided between the City of Avenal and Avenal School District. Most of the officers assigned to the sub-station are very involved in community services during normal daily duties and off duty hours.

During our tour questions were asked regarding problems or needs that might assist with efficient operations of the staff and deputies. Staff stated no officer cell phones are issued and computer equipment is 12 years old. When officers are unavailable due to vacation or attending training, they must rely on reserve officers or deputies to fill a vacancy with overtime.

They expressed concerns regarding increased crime associated with gang activity.

Finding:

1. No officer cell phones are issued.
2. Computers are 12 years old.

Recommendation:

1. All officers should be issued cell phones to be used for emergency and community contacts.
2. Update computers

Response Requirement

Penal Code Sections 933 and 933.05 requires that specific responses to both the findings and recommendations contained in this report be submitted to the Presiding Judge of the Kings County Superior Court within 90 days from date of receipt as indicated by Kings County Board of Supervisors.

Kings County Main Jail

Why the Grand Jury Investigated

The Grand Jury may at anytime investigate any county agency.

Authority

California Penal Code Section 919b.

Method of Investigation

Interviews with staff and an onsite visit were conducted with the Kings County Sheriff.

Informational Tour

The Grand Jury toured the new Kings County Jail facility on October 3, 2007. We were greeted in the reception area by the Sheriff, Assistant Sheriff and a Sergeant. We observed cameras that are installed to monitor the entire facility. Inmate visits can be viewed from this area. All visits with inmates are by video only. There is no physical contact by visitor and inmate. They are given one hour a week visitation with family.

At the time of our visit, we were informed that there is a shortage of room at the jail. The Sheriff expressed the critical need to expand the facility. There were 63 inmates sleeping on the floor, even though some cells were vacant. The reason for empty cells, is to separate gang members. The jail capacity is 361 inmates. Most inmates are waiting to go to trial. There are 30 to 40 arraigned each day. In addition, some are waiting to be transported to State Prison. An inmate can be sentenced up to one year in county jail. High profile cases can take as long as two years for a jury trial. Approximately 500 misdemeanor cases are offered alternative sentences, such as house arrest, which is electronic monitoring (with ankle bracelets) and week-end sentences.

There is no office space in the new jail for administration; therefore, the Sheriff must use the old administration office located in the former jail. \$30 million of State money is needed for the expansion of the jail to meet current needs. The use of the old Kings County Jail is not feasible due to deteriorating conditions.

The jail facility is built with housing units consisting of 16 cells per pod. There is one pod used for females. There is a multipurpose/rehabilitation room, which includes computers, interview rooms and law library.

The Grand Jury toured the kitchen at the former Branch Jail. The facility was neat, clean and well organized. Approximately 1500 meals a day are prepared and transported to the Main Jail, Boot Camp and Juvenile Hall. The menus are monitored by a dietitian from the Kings County Health Department.

At the time of our visit we were informed that there were 235 employees in the Sheriff's Department, of which 85 were staffed at the Kings County Jail. The jail budget is approximately \$9.3 million, of this amount \$6.7 million is for salaries and employee benefits. Approximately \$2.5 million is appropriated for services and supplies, (reimbursed by the State). The Board of Supervisors authorizes all positions that are filled in the Sheriff's Department. Applicants must apply through Human Resources (personnel) office.

The health care of the inmates is important to the department. Inmates are required to submit a request for all medical and dental needs. The nurse is responsible for assessing each inmate's medical needs which are then addressed and treated by the assigned doctor. The doctor's visit varies Monday-Friday, one day a week. Saturdays are set aside for the dental needs provided to inmates. Medical staff work 24 hours a day, seven days a week. Emergencies are taken to Hanford Community Medical Center.

Comments

As of the writing of this report \$30 million has been set aside by Assembly Bill 900 for Phase II expansion of the new Kings County Jail. The total expansion is estimated to cost \$45 million which will include a clinic, infirmary, mental health services, a new kitchen, and an administrative office. The county will have to make up the difference with impact fees and debt issuance.

Kings County must meet California State Prison needs by running rehabilitation programs that will effectively assimilate prisoners back into society. This award is contingent upon further review and validation by the State. Kings County also has to come up with \$1.5 million and meet some California State Prison needs requirement. The Correction Standards Authority board will meet in September 2008 to finalize the AB900 grant award.

Recommendations

None

Response

None required.

California Substance Abuse Treatment Facility And State Prison at Corcoran

Why the Grand Jury Investigated

The Grand Jury shall inquire into the condition and management of the public prisons within the county.

Authority

California Penal Code Section 919b.

Method of Investigation

The Grand Jury toured the California Substance Abuse Treatment Facility and state Prison at Corcoran, (CSATF/SP) on March 28, 2008.

Informational Tour

CSATF/SP, Corcoran was opened August 1997, and covers 280 acres. We were informed CSATF/SP Corcoran is the largest drug rehabilitation program in the world. The Grand Jury was given a Wardens welcome. We had presentations by Investigative Services Unit, Institution Gang Investigator, Health Care Services, education and Vocations Department, Inmate Appeals Office, Food Services and Prison Industry Authority (PIA).

The primary mission of the CSATF/SP at Corcoran is to provide for the control and treatment of those inmates committed to the California Department of Corrections and Rehabilitation by the courts. In conjunction with this mission, the prison will provide viable work and training programs for the general inmate population as well as provide a “therapeutic community” substance abuse treatment complex for 1,753 Level II inmates. The administrative segregation portion of this prison will provide safe and secure facilities to house the inmate population who, through their prior actions, have proven to be a threat to the security of the institution and/or the safety of staff or other inmates.

Inmate Programs

The Prison Industry Authority is statewide. This is the manufacturing arm of the prison. CSATF/SP Corcoran packages peanut butter, jelly, bread and cookies. These products are sold to other prisons throughout the State. Inmates earn 35 to 95 cents per hour. Fifty percent of their wages go for restitution, court costs and victim funds. The rest is applied to their personal account.

Vocational training such as air conditioning, refrigeration, auto body, auto paint, building maintenance and other training is offered. Much of this training offers certificates of completion which can be used in civilian life for gainful employment.

Academic programs offer Adult Basic Education to High School/College program and Independent Study. It was stated that it is the largest accredited Adult School Program in the State of California. They are offered Drug Treatment/Diversion, Alcoholics Anonymous, Anger Management, Parenting and Religious services (preference) programs and Arts. An after care program is provided by Walden House, Inc. and Phoenix House for re-entry into society.

Medical Services

Medical services include an emergency room, a 38 bed acute care and a 14 bed mental crisis hospital. The former six chair dialysis center has been increased to 25 chairs. Medical needs and therapies that cannot be administered in the institution are sent to Mercy Hospital in Bakersfield, which services seven other prisons. HIV positive patients are sent to Vacaville State Prison. Five hundred inmates use wheelchairs. Doctors' visits average 700 a week. Mental health providers are on site or on call 24/7. A Magnetic Resonance Imaging (MRI) mobile unit is brought in four days a week. Pharmacists and pharmaceutical technicians administer medications to the inmates. The pharmacy fills an average of 2000 prescriptions per day. Dental and optical services are provided four days a week.

Visiting days are Friday, Saturday, Sunday, and designated holidays from 8:00 am to 3:00 pm.

As of Fiscal Year 2005/2006, the following statistics apply:

Number of Custody staff:	1,116
Number of support services staff:	670
Total number of staff:	1,786
Annual operating budget:	\$230 million

Comments

The Grand Jury found the emergency room to be unorganized, unsanitary and would not be acceptable to the general public.

Recommendations

None

Response

None



Lemoore City Hall



Hanford Civic Auditorium

LOCAL GOVERNMENT COMMITTEE

Hanford Abandoned Vehicle Abatement

Issue

Is the City of Hanford providing an effective Abandoned Vehicle Abatement (AVA) code enforcement program?

Reason for Investigation

The Grand Jury received a complaint concerning apparent non-operative vehicles parked in a residential area within the City of Hanford.

Method of Investigation

Grand Jury members toured random areas of the city and confirmed apparent non-operative vehicles were located in numerous neighborhoods. This information led to extensive research of state, county, city municipal codes and ordinances. Interviews were conducted with Hanford Code Enforcement officials as well as code enforcement officials from another city, known to be administering an effective vehicle abatement program. The Kings County Association of Governments (KCAG) and Kings County Abandoned Vehicle Abatement Service Authority (KCAVASA) were also interviewed in regards to their management of the program for Kings County.

Authority

Our authority is pursuant to California Penal Code Section 925a.

Background and Facts

State of California AVA Program

The State of California publishes the “Abandoned Vehicle Abatement Handbook”¹. The purpose of this handbook is to provide uniform guidelines for the establishment of abandoned vehicle abatement programs at the local level.

The guidelines for vehicle abatement are set up by the California Highway Patrol which must approve any program set up by a county authority before submission to the State Controllers Office (SCO). The SCO will contact the Department of Motor Vehicles (DMV) for fund appropriation to the county service authority.

¹<http://www.chp.ca.gov/html/vehabate.html>

The statewide AVA program is financed by an additional \$1.00 fee attached to each vehicle registration in California.

Kings County AVA Program

The Kings County AVA program is administrated by KCAVASA² thru a contract with KCAG as its service authority. KCAG is a joint powers agency whose member agencies include the cities of Avenal, Corcoran, Hanford, Lemoore and the County of Kings.

- The AVA Program was established for the purpose of removing unsightly and potentially dangerous abandoned vehicles from private and public property. Each agency is responsible for evaluating vehicles to determine whether a vehicle qualifies for abatement under the AVA Program. When conducting an initial investigation of a complaint of an abandoned vehicle, the employee should handle the complaint in accordance with the following:
- Mark the vehicle for removal pursuant to a county and/or city ordinance established pursuant to Section 22660 CVC. A vehicle parked on private or public property qualifies for abatement under local ordinance. Notifications to the property owner and registered vehicle owner shall be conducted in compliance with local ordinance. The abatement of a vehicle tagged under this section qualifies as an abatement pursuant to Section 22710(f) CVC.
- Mark the vehicle for violation of a local ordinance, which prohibits a vehicle from being parked or left standing upon a highway for 72 or more consecutive hours. A vehicle so marked is not deemed abandoned under the authority of an AVA Program adopted pursuant to Section 22710 CVC and does not qualify as an abandoned vehicle for abatement purposes. However, an agency may charge the AVA Program for the time spent on conducting the initial investigation into a complaint of an abandoned vehicle

City of Hanford AVA Program

Hanford Municipal Code Section 10.68.010³ amplifies the vehicle code (VC).

²<http://www.countyofkings.com/kcag/AVA/Avaprdr4.pdf>

³The accumulation and storage of abandoned, wrecked, dismantled or inoperative vehicles or parts thereof on private or public property, not including highways, is

The City of Hanford Building Department receives complaints in person, by phone, fax, letter or e-mail. The complaints are entered into a computer for tracking, given a case number, and assigned to a code enforcement officer. An officer responds to the address to verify information, record facts, and take photographs of the violation. The procedure then requires a letter (Hanford Form 40)⁴ and/or a warning sticker (Hanford Form 41) be applied to the vehicle.

Hanford Code Enforcement uses the same criteria as defined by KCAVASA. If a vehicle lacks an engine, transmission, wheels, tires, doors, windshield, or any other part or equipment necessary to operate safely on the highways it could be considered to be an abandoned vehicle. Other items that help give an indication of an abandoned vehicle are:

cobwebs under the vehicle.

vehicle on blocks or jack stands.

trash in or about the vehicle.

out of date registration.

All cities in the KCAG which participate in the AVA are currently reimbursed by the state through the county on the basis of 1.5 hours at \$47.00 per hour for the initial work and a

found to create a condition tending to reduce the value of private property, to promote blight and deterioration, to invite plundering, to create fire hazards, to constitute an attractive nuisance creating a hazard to the health and safety of minors, to create a harborage for rodents and insects and to be injurious to the health, safety and general welfare. Therefore, the presence of an abandoned, wrecked, dismantled or inoperative vehicle or part thereof, on private or public property, not including highways, except as expressly hereinafter permitted, is declared to constitute a public nuisance which may be abated as such in accordance with the provisions of this chapter. (Ord. 96-25 § 1 (part), 1996)

(99-04, Amended, 04/20/1999)

⁴Enclosure (1)

voluntary abatement by the owner. If the owner does not voluntarily abate the vehicle and the city does; the city is reimbursed for an additional 1.5 hours labor, tow charges at an agreed upon rate, and a \$5.00 processing fee for the DMV paperwork. There is no cap on the amount a city can be reimbursed for towing by KCAVASA.

The cities or county may also be reimbursed for the cost of any equipment or supplies including: vehicles used for abatement, computer programs, digital cameras, and educational materials for the public. Any amount over \$2,500, utilized for other than personnel and tow expenses, must be pre-approved by KCAVASA.

The City of Hanford abated 74 vehicles during the last recorded full year. Fifty-six vehicles were abated voluntarily, while the other eighteen were towed by the city. Hanford's average reimbursement per abated vehicle was \$102.78. The information pertaining to KCAG's last quarter can be found in their December 6, 2006 agenda under Kings County Abandoned Vehicle Abatement Service Authority⁵.

The records indicate that none of the cities or the county had expended all of the monies allocated to them by KCAVASA.

Hanford Building Department

In addition to the AVA code enforcement, the Hanford Building Department is responsible for a multitude of tasks. These tasks consist of: issuing building permits; business licenses; certificates of occupancy; conducting building inspections; general code enforcement; public right of way violations; sign enforcement and smoking enforcement. At the time of this report, we were informed, the City of Hanford has hired an additional code enforcement officer. This new position will significantly aid the code enforcement workload and greatly benefit the Department.

Findings and Recommendations

Finding 1. The Hanford AVA program is mostly driven by complaints filed with the Hanford Building Department. This type of program is known as reactive.

Recommendation 1. The City of Hanford should implement a proactive AVA program where the Building Department has dialogue and works closely with other city departments. The police, fire department and public works field personnel could provide

⁵ <http://www.countyofkings.com/kcag/agendas.htm>

an extra set of eyes in the community and could report concerns to the building department.

Finding 2. A sample survey was conducted of the general public which indicated a lack of understanding of the Abandoned Vehicle Abatement program.

Finding 3. Hanford has a total of \$63,300 in the vehicle abatement program and is utilizing only approximately 30% of the money allocated to them.

Recommendation 2-3. The City of Hanford should better utilize funds from the AVA program and initiate a public education program. Hanford should create informational brochures/inserts in both English and Spanish consisting of: city codes and ordinances; exceptions to the code; information on how to comply with the codes; and who to contact for assistance. This could lead to more vehicles being abated. These brochures/inserts could be distributed by code enforcement officers, mailed with the utility bill or distributed in the Hanford Sentinel.

Finding 4. Hanford Form 40, states: “We have received complaints regarding the inoperative vehicle located at ...”.

Recommendation 4. As the code enforcement officer is required to verify the code violation before any procedure can be started, it is recommended that this statement be changed by removing any reference to receiving complaints. This should improve feelings within neighborhoods and improve public assistance.

Finding 5. A photograph is taken of the code violation for the record.

Recommendation 5. Change Hanford Form 40, or use another form, to include a copy of the photograph of the code violation as part of the form. This would provide a visual indication of the violation to the property owner if not the vehicle owner.

Finding 6. No personal contact is indicated between the code enforcement officer and the property owner and/or vehicle owner prior to issuing the letter or affixing a tag to the vehicle.

Recommendation 6. At the time of verification, the code enforcement officer should attempt to make contact with the property occupant. The informational brochure could be left with the property occupant, or at the door, if the officer gets no response. (Informational brochure from Recommendation 2)

Response Requirement

Penal Code Sections 933 and 933.05 requires that specific responses to both the findings and recommendations contained in this report be submitted to the Presiding Judge of the Kings County Superior Court within 90 days from date of receipt as indicated by Hanford City Council.



**COMMUNITY DEVELOPMENT DEPARTMENT
BUILDING DIVISION – CODE ENFORCEMENT**

NOTIFICATION OF INOPERATIVE VEHICLE

**CASE NO.
VEHICLE:**

Property Owner:

Vehicle Owner:

Hanford, CA 93230

Dear Sir or Madam:

We have received complaints regarding the inoperative vehicle located at **<Property_Address> <Direction> <Street>**. This is in violation of the Hanford Municipal Code, Title 10, Chapter 10.68 which declares the storage of inoperative vehicles to be a public nuisance.

An inoperative vehicle is defined as any vehicle that has any of the following parts missing: engine, radiator, transmission, driveshaft, fuel tank, or has less than four (4) wheels or tires; or cannot be started and caused to move under its own power a distance of at least two hundred (200) yards within twenty four (24) hours.

The Hanford Zoning Ordinance provides for the storage of inoperative vehicles as follows:

Section 17.38.020 A-3: In any residential district, all motor vehicles incapable of movement under their own power, other than in cases of emergency, shall be stored in an entirely enclosed space, garage, or carport. Vehicles with custom fitted covers may be stored in an open area when it does not create a nuisance or safety problem as determined by the Community Development Department, cause complaints from neighbors, or violate any section of the Hanford Municipal Code. Repair of vehicles owned by the residents of the property and storage of parts are to be within an enclosed garage or carport if no garage exists. Repair of vehicles not owned by the residents of the property is prohibited. Vehicle repair and storage of parts are prohibited in a driveway and front yard areas.

In the interest of attractive and safe community surroundings, the City of Hanford respectfully requests that you take the necessary steps to bring your property into compliance with the Municipal Code. Your prompt attention to this matter will benefit you and the community in general.

A follow up inspection will be made in approximately ten (10) days from the date of this letter.

Should you have any questions, please contact Code Compliance at the City of Hanford, Building Division, 317 N. Douty Street, Hanford, CA 93230 or phone (559) 585-7167 or (559) 585-2581. Thank you for your cooperation.

DATED:

Ruth Belmonte, Code Compliance Officer

LEGAL OWNER:

Enclosure (1)

City of **HANFORD**

CALIFORNIA 93230
CITY OFFICES 319 NORTH DOUTY STREET



MAYOR
JOAQUIN D. GONZALES
VICE MAYOR
DAN CHIN
COUNCIL MEMBERS
DAVID G. AYERS
MARCELYN M. BUFORD
DAVE THOMAS
CITY MANAGER
GARY W. MISENHIMER

May 5, 2008

Honorable Judge Thomas DeSantos
Kings County Superior Court
1426 South Drive
Hanford, CA 93230

Your Honor:

In accordance with Section 933(c) of the California Penal Code, this constitutes the City of Hanford Community Development Department's response to the Final Grand Jury Report concerning Hanford Abandoned Vehicle Abatement.

The following are responses to the attached Grand Jury Report:

Finding 1: The city agrees with this finding.

Recommendation 1: The city's existing code enforcement policy is one of being complaint driven regarding code compliance violations. Proactive code enforcement is a policy determination that carries with it significant cost increase implications that are not supported by sufficient revenue to offset expenses. Accordingly, like most other California jurisdictions, the city's policy determination is to remain complaint based on code enforcement while striving to effect quality and efficient response to those complaints.

Finding 2: The city has no information concerning this survey.

Finding 3: The city agrees with this finding.

Recommendation 2-3: The city is currently considering a number of ways in which to inform and educate the public on all code compliance issues. The city has hired an additional code enforcement officer to address code compliance complaints.

Finding 4: The city agrees with this finding.

Recommendation 4: Hanford Form 40 has been changed to eliminate the reference to "received complaints".

Finding 5: The city agrees with this finding.

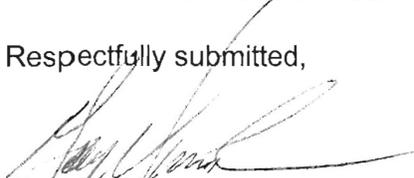
ADMINISTRATION 559.585.2515 • PERSONNEL 559.585.2520 • FACILITIES 559.505.0505

Recommendation 5: Hanford Form 40 has been modified to include a copy of the photograph of the vehicle in violation.

Finding 6: This Grand Jury finding is incorrect.

Recommendation: At the time of investigation, the Code Compliance Officer does try to make contact with the property and/or vehicle owner.

Respectfully submitted,



Gary W. Misenhimer
City Manager

GWM:km

cc: City Council Members
City Attorney
Building Official
City Clerk

City of Lemoore's Administration of the Americans with Disabilities Act

Issue

Is the City of Lemoore providing an effective program of compliance with the Americans with Disabilities Act and other similar state legislation?

Why the Grand Jury Investigated

Complaints were received regarding the many asserted violations of the City of Lemoore's compliance with the Americans with Disabilities Act and similar state legislation protecting the rights of disabled persons.

Authority

The Grand Jury's authority is pursuant to California Penal Code Section 925a.

Method of Investigation

Interviews were conducted with Lemoore City officials and complainants. Numerous documents, federal and state codes, official letters and computer resources were studied. Field observations were made in the City of Lemoore.

Background and Facts

The Americans with Disabilities Act (42 USC section 12101 et seq.; the "ADA") was enacted by the United States Federal Government in 1990 and became effective in January 1992. Among many provisions of this law is the issue that all public facilities and commercial properties shall be accessible by persons with various disabilities. Under Title II of the ADA, generally structural changes to existing public buildings should have been made by January 1995. Revisions and case law have expanded many details for the effective enforcement of this law. Violations of this law are prosecuted through federal courts or the United States Department of Justice.

According to California State Attorney General, some California disability access provisions date back to the early 1970's. The California statutes include four main legislative acts known as the Unruh Civil Rights Act (Government Code sections 51 and 51.1; the "Unruh Act"), the Disabled Persons Act (Government Code sections 54 et seq.),

California Health and Safety Code sections 19955 et seq, Government Code sections 4450 et seq, and the Fair Employment and Housing Act (Government Code sections 12900 et seq; the "FEHA"). All of these acts expand on the issue of accessibility to all public venues for people with various disabilities. More recent state legislation and case law have expanded and clarified the original provisions. Although California State and local officials do not have the statutory authority under federal law to directly enforce the federal ADA access regulations, some of the California State law provides that a violation of State law which is also a violation of federal law may be enforced under the State law provisions (see, for instance, Civil Code sections 51 and 54). Penalties for violations of the ADA and some of the State law provisions may include injunctive relief, reasonable attorney fees, fines, punitive damages multipliers and investigation and witness expenses if private property cooperation is not forthcoming under certain circumstances.

In addition to the above cited state law provisions, the Ralph M. Brown Act (Government Code sections 54950 et seq.; the "Brown Act") prohibits a local agency legislative body from holding a meeting in any facility which is inaccessible to disabled persons. Violations of this act may be brought before a superior court by a district attorney or any interested party. Remedies are usually confined to mandating a correction of the issue in the near future. However, intentional violations of the Brown Act may include much more onerous penalties, including possible criminal prosecution.

The Unruh Act, the Disabled Persons Act and the FEHA focus on providing full and equal access to all facilities and services for physically disabled persons. Although not all regulations are applied to every condition, some parts of these acts impact public as well as private property. They govern new construction as well as existing facilities. Regulations are detailed for all business establishments, including, but not limited to, most private rental properties. Included in the detailed regulations are many exclusions and exceptions. A claim of violation of these laws may be pursued variously by the Attorney General, district attorney, city attorney, the county counsel, or by any aggrieved party through the State Department of Fair Employment and Housing (the "DFEH") or through prosecution of a private lawsuit.

According to California Health and Safety Code section 19955 and Government Code section 4450, the Office of the State Architect shall adopt regulations applicable to all public accommodations and facilities constructed with private funds, and those regulations shall impose standards for accessibility by the physically disabled no less strict than the regulations adopted by the Federal Government under the ADA. This includes offices, restaurants, churches, retail stores, and venues to which the public is invited ("Public Accommodations"). Physical barriers in existing public accommodations must be removed if readily achievable. These state statutory provisions assign city building officials with the responsibility of enforcing these provisions within their jurisdictions (see

California Health and Safety Code sections 19957.5 and 19958.)

The laws described above and subsequent case law and regulations adopted pursuant to those laws establish requirements that (1) city building departments adopt provisions for new building permits to include compliance with all applicable state and federal disabled accessibility laws and regulations, and (2) that cities produce a formal, written transition plan (the "Transition Plan") for meeting the accessibility requirements by July 1992. The Transition Plan must establish a program (including budget dollars and a time line) to convert public facilities (including sidewalks) to comply with applicable state and federal disabled accessibility standards. There have been successful litigations against cities and counties by the California State Attorney General for failure to comply with the applicable accessibility requirements and to affect a comprehensive Transition Plan. The state and federal accessibility laws and regulations also require that the disabled community be involved in developing the Transition Plan. Judgments rendered against public entities include requiring local public agencies to establish formal complaint and response procedures, including procedures for filing exception applications, employee training for disabled accessibility issues, systematic evaluation and audit of enforcing disabled accessibility laws, and eliminating violations at public facilities.

The City of Lemoore (the "City") is not exempt from state and federal disabled accessibility laws and regulations. Although various interviewed City officials have some differing interpretation of the applicable regulations, all believed the City Building Department is properly executing its responsibility to approve new building permits that comply with disabled accessibility requirements. Most believe some progress was being made to bring City facilities into compliance with disabled accessibility requirements. Other than sidewalk curb cuts, City officials believe there are no current violations. However, one major deficiency in the City of Lemoore is lack of the timely production of a lawfully prepared and adopted Transition Plan. City staff made a presentation to the City Council on August 28, 2003, that the Transition Plan would be completed by January 2004. On January 8, 2008, a presentation was made by City staff indicating the Transition Plan would be in place by the end of 2008. While the Grand Jury understands some new focus to produce a Transition Plan is in progress, it is also obvious that the plan has not been vigorously pursued for several years and has not been adopted at the time of this research.

The City has initiated several projects providing revisions to city facilities that bring it into compliance with applicable state and federal disabled accessibility requirements. There is currently a \$100,000 commitment in the 2007/2008 Lemoore City Redevelopment Agency budget to use toward high priority retrofits. These retrofits are aimed at new accessibility compliant sidewalk curb cuts at street intersections. There may be as much as \$75,000 still available in that budget item. The City estimates that it could cost over

\$1,000,000 to upgrade all existing intersections to the applicable statutory and regulatory standards. City officials expressed their concern for the enormous task of providing sufficient funds to continue constructing sidewalk curb cuts accessible to the disabled, complying with other needed compliance standards and keeping pace with the seemingly ever changing regulations.

Virtually all private commercial and multi-family residential properties are subject to some provisions in the disabled accessibility laws and regulations. Aside from the City withholding a building permit or a certificate of occupancy for non-compliance with an applicable accessibility law or regulation, the only ultimate recourse for private property non-compliance is a lawsuit. Legal actions can (but are not required) to be initiated by aggrieved private citizens, city attorneys, county district attorneys, state attorney generals and federal officials. City officials stated that lawsuits can be expensive. The City is reluctant to commit the required resources to litigate what could be a continuous stream of violations on private property. Lemoore City officials express no knowledge of their responsibility to enforce the provisions of the California Health and Safety Code regarding public accommodations.

City officials indicate they have no liability, even though the City: 1) approves a building permit application; 2) then the building is built; 3) then the City approves the construction; 4) then either the permit does not conform to applicable accessibility requirements or the building is not built to such standards; 5) and the completed building is signed off by the City building department. Without property owner cooperation or appropriate City enforcement, there is no recourse but for someone to file a lawsuit to require compliance with the applicable standards.

City officials indicated that if a private property has no sidewalks, the City cannot require the owner to build the missing sidewalks. While the City has the authority to construct the sidewalks and place a lien on the subject property for that expense, this step is rarely taken. Maintenance of an existing sidewalk is the adjoining property owner's responsibility, except where public facilities such as utility poles and underground vaults are present.

Interviews of complainants indicated some confusion as to what was a legitimate complaint of a violation of a state or federal disabled accessibility requirement. There is further confusion as to how such a violation could be corrected and what role the City has in enforcing some areas of the applicable law. One specific complaint received by the Grand Jury describes a street condition that was observed to be easily corrected with minimal commitment by the City Public Works street maintenance crew. No evidence was found that this complaint was expressed to City officials. Complainants indicated that previous complaints to the City received inadequate responses or no response at all. The

City acknowledged there is not a complaint process including forms, log, tracking or response system.

Information received indicates increasing numbers of elderly and disabled persons are seeking access to public venues and sidewalks. Some of these persons have difficulty crossing a traffic signaled intersection in the time allotted by the crossing light sequence. The City has confirmed that they have the responsibility to maintain and adjust the traffic signals within the City limits. The Grand Jury conducted tests on the pace of disabled walking persons and the speed of disabled persons using scooter transportation. Several signaled intersections were timed to determine the minimum crosswalk time allowed before the signal changed. The volume of car traffic impacts the sequence time and low car traffic renders the shortest crosswalk time. The observed minimum light change time allowed varied from 18 to 23 seconds. This was determined to be an insufficient time for disabled or elderly persons to safely complete the crossing.

Findings and Recommendations

Finding 1. The City of Lemoore has not included the disabled community in developing and producing the Transition Plan as required by federal and state law.

Recommendation 1. The City of Lemoore should immediately include the disabled community in developing and producing the required Transition Plan.

Finding 2. The City of Lemoore has not acknowledged its required role in enforcing the ADA provisions set out in the California Health and Safety Codes.

Recommendation 2. The City should reassess its role in enforcing these code provisions.

Finding 3. Some issues raised by complainants are not necessarily the prime responsibility of the City. This exhibits the need for accurate knowledge and better communication with the general public and the disabled community, and between the City of Lemoore and all affected parties.

Recommendation 3a. Assist the community of disabled persons in forming an advisory group to better filter and prioritize legitimate complaints to the City.

Recommendation 3b. Prepare a brochure to inform the citizens and business owners of the broad impact of the state and federal disabled accessibility laws.

Finding 4. There is no City process as to when, where and to whom an ADA-type

complaint can be delivered, logged and receive a response.

Recommendation 4. Establish and make known to the public a simple complaint process that includes the receiving authority, logs for the receipt and response to the complainant.

Finding 5. Many traffic signals in the City are programmed with insufficient crosswalk time to allow most disabled or elderly pedestrians to safely cross streets.

Recommendation 5. Reassess the needs of both pedestrians and vehicle traffic, and adjust the traffic light sequence for the safety of pedestrians.

Response Requirement

Penal Code Sections 933 and 933.05 requires that specific responses to both the findings and recommendations contained in this report be submitted to the Presiding Judge of the Kings County Superior Court within 90 days from date of receipt as indicated by Lemoore City Council.

Mayor
John Murray
Mayor Pro Tem
John Grego
Councilmembers
Mary Hornsby
Ed Martin
Willard Rodarmel



**Office of the
City Manager**

119 Fox Street
Lemoore • CA 93245
Phone • (559) 924-6700
FAX • (559) 924-9003

Presiding Superior Court Judge
Kings County Government Center
1400 West Lacey Blvd.
Hanford, CA 93230

Your Honor,

The City of Lemoore has received the Grand Jury Report 2007-2008. One of the sections relates to the Grand Jury's review of the City of Lemoore's compliance with the Americans with Disabilities Act. In keeping with Penal Code Sections 933 and 933.05 that require specific responses to both findings and recommendations the Mayor and City Council of the City of Lemoore respectfully submit the following responses to the Presiding Judge of the Kings County Superior Court.

**Investigation of Compliance with the Americans with Disabilities Act
Response to Findings and Recommendations**

Finding 1. The City of Lemoore has not included the disabled community in developing and producing the [ADA] Transition Plan as required by federal and state law.

Response to Finding 1: The respondent partially disagrees with the finding. On February 5, 2008, the Lemoore City Council adopted Resolution 2008-03 (attached), expressing its commitment to comply with the Americans With Disabilities Act by setting forth a process to achieve compliance. It directed City staff to complete the Transition Plan. The City is in the stage of preparing technical background information for developing the Transition Plan which we believe will provide a meaningful platform for the disabled community's participation in the process. The City is committed to have public participation, and specifically the disabled community's participation in the development of the Transition Plan.

Recommendation 1. The City of Lemoore should immediately include the disabled community in developing and producing the required Transition Plan.

Response to Recommendation 1.: The recommendation has not yet been implemented but the City expects to implement it by August 31, 2008. An Accessibility Advisory Committee will be formed by August 31, 2008 to help develop and produce the required Transition Plan. As noted above in the response to Finding 1, the City is in the process of

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developing technical background information. Much of the preliminary work associated with identifying facility accessibility needs requires performance by trained personnel, as the state of California has exacting design standards for accessibility. The City's Building Inspection Division is the ideal source for these personnel. Once the City has determined the majority of modifications necessary to meet minimum requirements, input from the public will be sought for additional modification, as well as for input, assistance, and comments in prioritizing the modifications and development of the Transition Plan. The City will not deem a Transition Plan complete without significant public participation. Resolution 2008-03 specifically directs staff to seek and consider public input on the Transition Plan.

Finding 2. The City of Lemoore has not acknowledged its required role in enforcing the ADA provisions set out in the California Health and Safety Codes.

Response to Finding 2.: The respondent disagrees with the finding. The City administration and governing body have always held the position that all federal and state laws related to disability access should be adhered to by the City.

Recommendation 2. The City should reassess its role in enforcing these code provisions.

Response to Recommendation 2: The recommendation has been implemented. Appropriate staff has reviewed the legislation to ensure that required enforcement provisions are being met. Discretionary enforcement provisions will be reviewed and evaluated by administration and policy set by the governing body.

Finding 3. Some issues raised by complainants are not necessarily the prime responsibility of the City. This exhibits the need for accurate knowledge and better communication with the general public and the disabled community, and between the City of Lemoore and all affected parties.

Response to Finding 3.: The respondent agrees wholly with the finding. Government Code Section 4455 states:

“The Department of Rehabilitation shall be responsible for educating the public and working with officials of cities, [...], and other interested parties in order to encourage and help them make all buildings, facilities, and improved areas accessible to and usable by handicapped persons for purposes of rehabilitation, employment, business, recreation, and all other aspects of normal living.”

As it relates to disability access, the City of Lemoore continues to re-evaluate, and improve where needed, its efforts to communicate with the public. Please see Responses to Recommendations 3a, 3b, and Finding 4 for additional information.

Recommendation 3a. Assist the community of disabled persons in forming an advisory committee to better filter and prioritize legitimate complaints to the City.

Response to Recommendation 3a.: The recommendation has not yet been implemented, but will be implemented by August 31, 2008.. Additionally, an advisory

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committee could be the primary public group to assist with the evaluation and prioritization of facility modifications considered in the creation of the ADA Transition Plan.

Recommendation 3b. Prepare a brochure to inform the citizens and business owners of the broad impact of the state and federal disabled accessibility laws.

Response to Recommendation 3b.: This recommendation will be implemented by December 31, 2008. It should first be noted numerous resources such as brochures, manuals, and electronic media are available free of charge through the Department of Justice and the CA Division of the State Architect (to name a few) to help educate the public about their legal responsibilities. Numerous not-for-profit agencies exist for the express purpose of educating the public about disability access and to provide disabled-rights advocacy. Nonetheless, the City of Lemoore will provide such materials as appropriate to citizens and business owners.

Finding 4. There is no City process as to when, where, and to whom and ADA-type complaint can be delivered, logged and receive a response.

Response to Finding 4.: The respondent disagrees wholly with the finding. We concede, however, that at the time the Findings and Recommendations were received, such a process did not exist formally.

Recommendation 4. Establish and make known to the public a simple complaint process that includes the receiving authority, logs for the receipt and response to the complainant.

Response to Recommendation 4.: The recommendation has been implemented. At the regular meeting of the Lemoore City Council held on April 1, 2008, the Lemoore City Council adopted by Resolution 2008-03 its Notice Under The Americans With Disabilities Act and the City Of Lemoore Grievance Procedure Under The Americans With Disabilities Act. The City Clerk posted both in a highly-traveled area of the Lemoore City Hall. The Notice and Grievance Procedure are attached as Exhibits A & B.

Finding 5. Many traffic signals in the City are programmed with insufficient crosswalk time to allow most disabled or elderly pedestrians to safely cross streets.

Response to Finding 5.: The respondent neither agrees nor disagrees with the finding. The City of Lemoore sets crosswalk time to standards provided by the California Department of Transportation. Whether these times are sufficient for an individual with mobility-related disabilities is difficult to determine. A motorized scooter that travels at walking speed should not be negatively affected by current crosswalk times; a person using a walker may have difficulty crossing during the programmed times.

RESOLUTION NO. 2008-03

A RESOLUTION OF THE CITY OF LEMOORE EXPRESSING ITS COMMITMENT TO COMPLY WITH THE AMERICANS WITH DISABILITIES ACT AND SETTING FORTH A PROCESS TO ACHIEVE COMPLIANCE

At a Regular Meeting of the City Council of the City of Lemoore duly called and held on February 5, 2008 at 7:30 p.m. on said day, it was moved by Council Member _____HORNSBY_____, seconded by Council Member _____MARTIN_____ and carried that the following Resolution be adopted:

WHEREAS, the Americans with Disabilities Act of 1990 (ADA) 42 U.S.C. Section 12101 et. seq. became effective on January 26, 1992 ; and

WHEREAS, access to civic life is a fundamental goal of the Americans with Disabilities Act; and

WHEREAS, Title II of the ADA (42 U.S.C. Section 12132; 28 C.F.R. Section 35.130) requires state and local governments to make their programs, services, and activities accessible to persons with disabilities; and

WHEREAS, the accessibility requirements apply not only to physical access at government facilities, programs, and events, but also to policy changes that governmental entities must make to ensure that persons with disabilities can take part in, and benefit from, the programs and services of state and local governments; and

WHEREAS, on June 15, 2006, the City Council considered an ADA Self Evaluation Update completed by City staff which listed the various City facilities needing to be upgraded for ADA accessibility with public right of way accessibility being the most financially significant; and

WHEREAS, the City has required the installation of curb ramps as part of any newly-constructed intersections and/or sidewalks as required by the ADA; and

WHEREAS, there are a number of curb ramps constructed prior to adoption of the ADA that do not include curb ramps or which include curb ramps which need remediation; and

WHEREAS, immediate remediation and installation of all needed curb ramps would impose an undue financial burden on the City; and

WHEREAS, the City of Lemoore has made various efforts over the years to achieve compliance including the following:

- a. Completing the ADA Self Evaluation Study listed above;

be filed and available to members of the public in the City Clerk's Office. It shall also be posted on the City's website.

- e. In enacting new policies, practices, or procedures including resolutions and ordinances, the City shall be cognizant of the need to ensure that the policies, practices or procedures do not have an adverse impact on persons with disabilities. If it is determined that current policies, practices, or procedures including resolutions and ordinances have an adverse impact on persons with disabilities, reasonable accommodations will be made including, but not limited to, reasonable modifications to the policies, practices, or procedures.
- f. The City reaffirms its policy of ensuring that ADA-compliant curb ramps will be provided at any intersection having curbs or other barriers to entry on a sidewalk whenever a street, road, or highway is constructed or altered.
- g. The City reaffirms its policy of ensuring that ADA-compliant curb ramps will be provided at all newly constructed or altered sidewalks and walkways where they intersect a street, road, or highway, including mid-block crossings.
- h. Contracts for services by architects, engineers, and contractors involved in building and altering highways, streets, roads, sidewalks, other walkways, transportation stops, and curb ramps will include a provision specifically requiring compliance with Title II of the ADA and ADA standards.
- i. City staff is directed to provide reports on compliance with this resolution every ninety days. Once a Transition Plan is adopted, City staff shall provide regular reports on meeting Transition Plan goals.

Passed and adopted at a Regular Meeting of the City Council of the City of Lemoore held on February 5, 2008, by the following votes:

AYES: HORNSBY, MARTIN, GREGO, MURRAY

NOES: NONE

ABSTAINING: NONE

ABSENT: RODARMEL

APPROVED:


John F. Murray, Mayor

ATTEST:

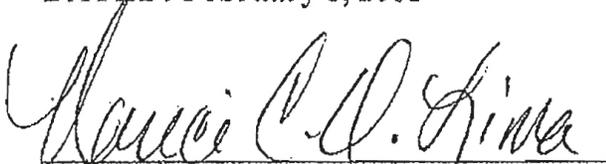

Nanci C.O. Lima, City Clerk

CERTIFICATE

STATE OF CALIFORNIA)
COUNTY OF KINGS) ss.
CITY OF LEMOORE)

I, Nanci C.O. Lima, City Clerk of the City of Lemoore, do hereby certify the foregoing Resolution of the City Council of Lemoore was duly passed and adopted at a Regular Meeting of the City Council held on February 5, 2008.

DATED: February 6, 2008



Nanci C.O. Lima, City Clerk

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT

In accordance with the requirements of title II of the Americans with Disabilities Act of 1990 ("ADA"), the City of Lemoore will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

Employment: The City of Lemoore does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under title I of the ADA.

Effective Communication: The City of Lemoore will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the City of Lemoore's programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

Modifications to Policies and Procedures: The City of Lemoore will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities. For example, individuals with service animals are welcomed in City of Lemoore offices, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of the City of Lemoore, should contact the office of the City's ADA Coordinator as soon as possible but no later than 48 hours before the scheduled event.

The ADA does not require the City of Lemoore to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

Complaints that a program, service, or activity of the City of Lemoore is not accessible to persons with disabilities should be directed to the City's ADA Coordinator.

The City of Lemoore will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons with mobility-related disabilities.

**ADA Coordinator
City of Lemoore
119 Fox Street
Lemoore, CA 93245
(559) 924-6700
ADA@lemoore.com**

City of Lemoore Grievance Procedure under The Americans with Disabilities Act

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 ("ADA"). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the City of Lemoore. The City's Personnel System Guidelines govern employment-related complaints of disability discrimination.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint, will be made available for persons with disabilities upon request.

The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than 30 calendar days after the alleged violation to:

**ADA Coordinator
City of Lemoore
119 Fox Street
Lemoore, CA 93245
(559) 924-6700
ADA@lemoore.com**

Within 15 calendar days after receipt of the complaint, the ADA Coordinator or his/her designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, the ADA Coordinator or his/her designee will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of the City of Lemoore and offer options for substantive resolution of the complaint.

If the response by the ADA Coordinator or his/her designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the City Manager or his/her designee.

Within 15 calendar days after receipt of the appeal, the City Manager or his/her designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the City Manager or his/her designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

All written complaints received by the ADA Coordinator or his/her designee, appeals to the City Manager or his/her designee, and responses from these two offices will be retained by the City of Lemoore for at least three years.

Kettleman City Community Services District

Why the Grand Jury Investigated:

The Grand Jury may at any time investigate any unit of local government.

Authority:

California Penal Code Section 933.5.

Method of Investigation:

Interviews were held with Kettleman City Community Service District (District) staff on February 12 and April 1, 2008; attendance at a Board of Directors meeting on February 19, 2008; and an interview with the consulting engineer to the District on March 11, 2008.

Background:

The District staff consists of two office personnel, two field personnel and some occasional part time help. In addition, the attorney and the engineer for the District are under retainer.

A general discussion of duties and responsibilities indicated that the authorized functions of the District are to furnish water, sanitary sewer and solid waste disposal service to the residents. The District also maintains and administers the community park in Kettleman City. Other services, such as fire protection, police, street maintenance and library, are furnished by Kings County.

Water is currently supplied by two wells, which do not have sufficient capacity to meet the District's needs, nor does the supply meet State drinking water standards. Water treatment currently consists of an aeration process and chlorination. In order to improve the quality of drinking water, the District anticipates the treatment and use of approximately 900 acre feet of Kings County's allocation of California Aqueduct water. The Board of Supervisors of Kings County has indicated support of this transfer of its water rights as have other users to which this right had been allocated. Contract

documents for this anticipated transfer have not been written. The District has applied to the California Department of Health for \$5 million in funding for this plan under the Safe Drinking Water State Revolving Fund. The total anticipated cost of the water improvement project is \$10.7 million of which Kings County's contribution would involve \$2.7 million for the contributed California Aqueduct water (over time) and a \$3 million combination of grant and loan funds (source yet to be identified) through the Kings County Redevelopment Agency. Upon completion of the total project, it is anticipated that water flow and pressure for fire protection and other water quality problems in the District will be solved for the foreseeable future.

Sanitary sewage treatment is barely adequate. A preliminary application has been filed with the State Water Resources Control Board for revolving loan funds to expand the existing treatment facilities. However, the first priority is to solve the water quality and adequacy problem. In spite of being a low income area, the monthly water and sanitary sewer fees paid by residents within the District are the highest in Kings County, primarily because of the small number of users.

Finding:

Kettleman City Community Services District is in urgent need of making improvements to the water and sanitary sewer systems.

Recommendation:

The Board of Directors should continue its efforts to obtain water from the California Aqueduct and to obtain funds for treatment.

Response Requirement

Penal Code Sections 933 and 933.05 requires that specific responses to both the findings and recommendations contained in this report be submitted by Kettleman City Community Service District to the Presiding Judge of the Kings County Superior Court within 90 days from date of receipt.

Home Garden Community Services District

Why the Grand Jury Investigated

The Grand Jury may at any time examine the books and records of any special-purpose assessing or taxing district and may investigate and report upon the method or system of performing the duties of such district.

Authority

California Penal Code Section 933.5.

Method of Investigation

Interviews were conducted with the Home Garden Community Services District (the "District") Board of Directors (the "Board"), staff and consultants. The Grand Jury reviewed District documents including resolutions, ordinances, minutes and the applicable provisions of the California Government Code. In addition, the Grand Jury attended two District Board meetings.

Background

The District was formed on January 19, 1959, by the Kings County Board of Supervisors after an election in which 61 voters participated. This election also selected the first five directors for the District. The District was formed to provide water, sewer and trash removal, and these services continue today. Street lights have since been added to District services. The District, like many other agencies in the valley distributing water, is struggling with the ever changing regulations for water quality and is installing a new arsenic filtration system which should be online by the end of this year.

The District operates with five elected Board members, an office manager and one part-time assistant, one water master and a part-time assistant. Consultants retained by the District include the legal counsel, testing lab and an engineer for the water treatment plant construction.

As a community services district formed under California law, the District is subject to the provisions of Government Code section 61000 et seq.

Policies and Training

Government Code section 61040 requires the District Board to establish policies for the operation of the District. There is no indication that many of these policies have been put in place and recorded for the District.

Government Code sections 61060 and 61068 allow the Board to attend and participate in training sessions and conferences to assist it in governing the District. There is no evidence presented in interviews or District documents that training has been provided for the Board. The California Special Districts Association can provide this training. Upon recommendation of the District's legal counsel the Board did not choose to join the association.

Rules and Bylaws

Government Code sections 61045 and 61063 require the Board to adopt rules or bylaws for its proceedings and to adopt administrative, fiscal, personnel and bidding/purchasing policies to govern the operation of the District. The District does not have rules or bylaws for its operation, and there is no indication that the policies required have been put in place or recorded in the resolutions or minutes for the District. There is not a general manager to implement them.

When asked for a copy of the Bylaws or rules of operation, the District provided a "procedure manual" which includes copies of District decisions concerning service fees, employee compensation and other matters of District operations which were not specifically Bylaws. This manual includes a history of resolutions adopted and does not address the issue of Bylaws. Interviews indicated a lack of understanding of the requirement for Bylaws or rules of operation. District Resolution No. 42 adopted on February 19, 1968, does cover some items normally included in Bylaws but has not been modified and may be outdated.

General Manager

Government Code sections 61002, 61040, 61050, 61051 and other pertinent sections require the Board to appoint a general manager, who shall be responsible for implementation of the District's policies and day-to-day operation of the District.

Interviews revealed confusion among the Board as to whether anyone was actually appointed as general manager. Although the District operates without the required general manager, District Resolution No. 42, dated February 19, 1968, vests the legal counsel with some of the general manager functions.

Treasurer

Under the provisions of Government Code sections 61050, 61052 and 61053, the Board is required to designate a treasurer and, if any person other than the County Treasurer acts as the District's Treasurer, that District Treasurer shall be bonded. Government Code section 61066 allows the Board to require employees and/or officers to be bonded.

The District originally appointed the Kings County Treasurer as the District's treasurer. The Kings County Treasurer functions as the depository for District funds not currently needed. Other District funds are deposited in a local bank. In addition, the day to day treasurer functions are not being performed by an appointed treasurer or by the County Treasurer. No requested documents were provided indicating the Board had made an appointment of a treasurer other than the County Treasurer. None of the district officers or employees are bonded to handle the District's funds.

In addition to providing legal services for the District, the District's legal counsel also performs some of the functions of the treasurer. District Resolution No. 42 indicates the legal counsel should provide some of the services normally provided by a treasurer. Acting as treasurer, the legal counsel maintains the books for the District and makes out checks for all bills and payroll. The financial reports presented to the Board do not contain all the information needed to make informed decisions.

Financial / Budget

Under the provisions of Government Code section 61110, the Board is required to adopt an annual budget, a copy of which shall be submitted to the County Finance Director as and when adopted.

Interviews indicated that the District has neither adopted nor operated under a budget. In addition, District Resolution No. 42 requires the District's legal counsel to prepare financial statements and an annual budget to be adopted by the Board.

Board Meetings / Secretary

As Secretary, the District's legal counsel receives and sends all correspondence except customer bills, prepares all agenda and minutes, maintains all District files and signs all formal documents.

The Grand Jury attended a special meeting of the District Board on May 6, 2008. No opportunity was made on the agenda or offered during the meeting for any statements or questions from the public as required by Government Code section 54954.2. The special meeting was to discuss two items according to the agenda and only those items were discussed.

Although the Board members received a copy of the agenda, they did not receive any of the backup materials referred to in the agenda prior to the meeting. A contract to be voted on was completed just before the meeting and was not made available to the Board prior to the vote. The legal counsel for the District was the only one present who had a copy of the document which he had prepared. This agenda item passed with four "yes" votes and one "no" vote without anyone being able to read the revised contract.

The Grand Jury attended a regular scheduled meeting on May 15, 2008. At the regular meeting attended by the Grand Jury, the District's legal counsel stated that "no one would have an opportunity to speak after the public comment period".

The minutes of December 20, 2007, indicate that one member of the Board had asked that copies of all documents to be voted on by the Board be made available a few days prior to the meeting. This request was considered a motion in the minutes and failed due to a lack of a second. This member is legally blind and document access is required by the Brown Act (Code 54950-54963).

According to a document the Grand Jury received dated October 22, 2007, one member of the Board requested to see documents relating to an allegation of embezzlement by an employee. He was informed by a letter from the District's legal counsel that he could not have the information since it was a "personnel matter". The Grand Jury cannot understand how any member of the Board could be refused documents relating to personnel matters. These documents do not appear to have been examined by the full Board, as one member was denied access to them. Further, there is no indication that this was discussed as an action item in the District's agenda, nor was it covered in the minutes of that meeting. At the special meeting held on May 6, 2008, one member of the

Board said he had seen some of the proof of the embezzlement which included, “some proof of facts and some proof of hearsay”. The item on the agenda was to accept an offer by an insurance company for \$15,000 for a claimed loss. The Grand Jury had requested these documents but was denied by the District’s legal counsel. The agenda item passed with four “yes” votes and one member recused himself. This employee accused of embezzlement, was hired in violation of the District’s Resolution No. 42, Regulation No. 3.b. regarding nepotism.

The Grand Jury obtained a copy of a document which was sent to the insurance company on January 3, 2008. This document contained the signature of the Chairman of the Board. The minutes of the District’s meetings do not indicate that this item was ever discussed by the Board, or if discussed in closed session, no decision was recorded in the regular minutes.

During both meetings attended, it became evident that adequate minutes were not being recorded. No tape recording was made of the meetings, nor was sufficient information included in the minutes. Members of the Board have different memories as to what was voted in prior meetings.

Government Code section 61045 requires the minutes of the Board of Directors to record the “yes” and “no” votes taken by the members for the passage of all ordinances, resolutions or motions. “The board of directors shall keep a record of all its actions, including financial transactions”. The District’s minutes do not always conform to this requirement. It appears that some actions have been taken by the Board, such as hiring new staff, negotiations with an insurance company, and other proceedings are done without the full knowledge of the Board or recording of these actions in the District’s minutes.

District’s records and Board minutes are not available at the District office, contrary to the District’s Resolution No. 42. The resolution indicates that “the secretary will keep an up to date copy of the minutes in the District’s Water Office”. All records are kept at the office of the legal counsel. Moving these records to the District office (or at least a copy) would make it more convenient for the District residents and others to inspect them.

The minutes read at the May 15, 2008, meeting from the April 17, 2008, meeting were approved as corrected. There was no evidence in the printed minutes that changes had been made from the reading of the minutes on May 15, 2008.

Office Manager

The office manager sends out monthly bills, maintains District billing records, receives and records payments with a three part receipt form and records all transactions on the computer. New accounts, past due notices and initiation of shut off proceedings for non-payment of fees are also a responsibility of the office manager. The office manager has part-time help when needed and when the bills are prepared for mailing. The office manager also opens new accounts for customers, receives new account deposits and first month's payment.

All cash, checks and money orders are deposited daily in a bank by the water master using an unsecured bank supplied deposit bag. A copy of all receipts, daily transaction printouts and the bank deposit slip are delivered to the legal counsel by the water master. The water master does not verify the money to be deposited with the office manager. Neither the office manager nor the water master is bonded. There is no secure or fireproof area provided in the District office for cash or records. The current District office staff does not back-up the computer files.

The computer program used at the District office for recording District fee payments is not compatible with the software used at the office of the legal counsel for the bookkeeping process.

Water Master

The title of water master refers to the part-time employee who is responsible for: all service connections; shut offs; checking all pumps for proper operation; water tanks for proper level and pressure; maintains the District's truck; delivers water samples for testing and delivers bank deposits. The current assistant to the water master is endeavoring to acquire the California State license to provide some of the services now being provided by the water testing consultant.

Findings and Recommendations

Finding No. 1

The District has not established and does not operate with a generally accepted form of Bylaws.

Recommendation No. 1

The District Board should adopt Bylaws.

Finding No. 2

The Board lacks training that would greatly improve its understanding of authority, responsibilities and Board meeting conduct.

Recommendation No. 2

Establish a training program for the Board.

Finding No. 3

The District operates without an appointed general manager as required.

Recommendation No. 3

Appoint a general manager.

Finding No. 4

No current Board documents were found which appointed a District treasurer as required.

Recommendation No. 4.

Appoint a District treasurer.

Finding No. 5

No District staff or officers who handle the District's money are bonded.

Recommendation No. 5

Procure bonds for all staff and officers who handle the District's money.

Finding No. 6

There is no place in the District office to secure cash or vital records.

Recommendation No. 6

Install a fireproof locking file cabinet or safe for the District office.

Finding No. 7

Cash for the bank deposit is received by the water master from the office manager and transferred to the bank in an unlocked bank bag without both parties jointly counting the money.

Recommendation No. 7

All bank deposits should be placed in and delivered to the bank in a bank issued locked bag.

Finding No. 8

The District Board has not adopted an annual or semiannual budget and lacks accurate and adequate monthly financial information to perform its duties and responsibilities.

Recommendation No. 8

Adopt a budget and require generally accepted monthly financial statements.

Finding No. 9

The District Board does not comply with the provisions of the Brown Act related to public comment at regular and special meetings.

Recommendation No. 9

Comply with the provision of the Brown Act related to public comment at regular and special meetings.

Finding No. 10

The District Board members are not provided with copies of the agreements and other documents that are proposed for approval at special and regular board meetings.

Recommendation No. 10

The District Board should be provided with copies of all documents that are proposed to be approved at special and regular board meetings.

Finding No. 11

On at least one occasion, the District Board had not properly reported out in open session action that it had apparently taken in closed session.

Recommendation No. 11

The District Board should report out in open session all actions taken in closed session when and as required under the provisions of Government Code section 54957.1 and other applicable provisions of law.

Finding No. 12

The District does not have policies or procedures in place to adequately provide a system of “checks and balances” in the handling of district funds.

Recommendation No. 12

The District Board should develop, adopt and implement policies and procedures ensuring the security of District funds.

RESPONSE REQUIREMENT

Penal Code Sections 933 and 933.05 requires that specific responses to both the findings and recommendations contained in this report be submitted to the Presiding Judge of the Kings County Superior Court by the Home Garden Community Service District Board within 90 days from date of receipt.



Kings County Memorial Wall

COUNTY GOVERNMENT COMMITTEE

Kings County Behavioral Health Administration

SYNOPSIS:

Kings County Behavioral Health Administration and its partners build programs that empower individuals and their families to achieve sustained well-being from mental illness and addiction. The Grand Jury visited a majority of the partners to inquire into their mission, staff, age of client, programs, facilities, funding and measure of success. The Grand Jury found that Kings County Behavioral Health Administration and its partners provide to the residents of the county a vast array of programs and services which provide support from “the cradle to the grave”. We were extremely impressed by the caring, enthusiasm and dedication of the staff at all sites that we visited. Many residents are not aware that these programs exist.

WHY THE GRAND JURY INVESTIGATED:

All branches of county government are to be investigated periodically to assure they are being administered efficiently, honestly, in the best interest of its citizens and to issue a final report on the department’s needs and operation including the Grand Jury’s findings and recommendations. The Kings County Behavioral Health Administration was last investigated by the 2003-2004 Grand Jury and the current Grand Jury felt sufficient time has elapsed that a follow-up investigation was warranted.

AUTHORITY:

The Kings County Grand Jury exercises its authority under California Penal Code §925 which states, “The Grand Jury shall investigate and report on the operations, accounts, and records of the officers, departments, or functions of the county”.

METHOD OF INVESTIGATION:

On September 12, 2007, the Kings County Behavioral Health Director and her immediate staff presented an in depth overview of the Kings County Behavioral Health Administration and its partners highlighting programs, services, and funding. Beginning September 20, 2007 through October 5, 2007 tours were conducted of the partnership facilities at Kings View Counseling Services (including Corcoran and Avenal satellites), Cornerstone Systems Recovery (men’s and women’s facilities), Champions Recovery

Alternatives, Hannah's House, SAFE program and Youth Net along with interviews with the managing directors and staff.

FACTS:

KINGS COUNTY BEHAVIORAL HEALTH ADMINISTRATION

Kings County Behavioral Health Administration is a county agency with one director and three program managers who manage, administer funds and provide guidance, through its partners, the mental well-being and addiction recovery resources for the residents of Kings County. The vision of Kings County Behavioral Health and its partners is to build programs that empower individuals and their families to achieve sustained well-being from mental illness and addiction. Their mission is to promote, support and invest in the wellness and recovery of the individuals living in the communities of Kings County by creating opportunities to contribute, learn, work, and find hope each day. Their guiding values are: to meet each individual where they are, focusing on the person, not the illness; to seek to understand and embrace diversity; to demonstrate ethics, integrity, and commitment in all that they do; to share knowledge and information, which fosters authority and empowerment in everyone; and to create partnerships that are preventative, creative, and positive to their mission.

Mental illnesses are physical brain disorders that disrupt a person's ability to think, feel and relate to others and their environment. Mental illnesses are more common than cancer, diabetes or heart disease. Drug abuse, alcoholism, and addiction represent a public health problem with extensive social consequences. The first episode of substance use may be a choice; a physical dependence follows in the form of a complex brain disease, making it extremely difficult to quit using without proper support.

Kings County Behavioral Health Administration's Directory of Programs and Services include: Kings CONNECTION, Champions Recovery Alternatives, Inc., Cornerstone Recovery Systems, Devereux Early Childhood Assessment (DECA) , Drop-In Social Center (DISC), DUI/PC1000 Program, Friday Night Live Prevention Program, Hannah's House, HIV Prevention Program, Kings View Counseling, Lighthouse Recovery Group, National Alliance on Mental Illness (NAMI), Senior Access For Engagement (SAFE), Wellness and Recovery Access Plan (WRAP) , YMAX and Youth Net.

A budget of approximately \$12 million, from multiple sources, is administered by the agency to its partners. Funds are predominately Federal and State dollars, with less than

one percent coming from County taxes. A more extensive explanation of some of their partners' programs is detailed below.

KINGS VIEW COUNSELING SERVICES

Kings View Counseling Services for Kings County is an outpatient facility for mental health and substance abuse prevention and recovery. Kings View also provides drug and alcohol counseling, education, intervention and outpatient support services for anyone over 18 years of age. Group therapy is their preferred mode of service; however, individual and family counseling are used to supplement group activity which includes learning social skills. Services offered include help to solve everyday living problems. Medication is provided to help stabilize moods or to control harmful behavior. One-on-one mental health services for youth with serious behavioral challenges, crisis services, and school-based counseling services are available.

Specific programs offered, in addition to those mentioned above, include: a child sexual abuse program; behavioral disorder treatment program; adult sexual offender program; Proposition 36 program (court mandated diversion for alcohol, drug and behavioral health concerns); dual diagnosis treatment program (counseling for consumers with alcohol or drug problems in addition to behavioral health issues) and Cal-Works program (helping mental health and alcohol/drug consumers return to work). Consumer referrals come from Child Protective Services, Cal-Works, hospital or police emergencies, probation department, Proposition 36 and schools, as well as walk-ins. Consumers are approximately 30 percent adolescents and 70 percent adults. Kings View Counseling Services provides a drop-in social center for its consumers. It is a meeting place for adults to socialize, support each other, engage in numerous activities, volunteer, learn and enjoy. A mental health staff person is available along with volunteers. The facilities were being well utilized during our visit.

The staff consists of approximately 90 employees including psychiatrists, therapists, administrative personnel, case managers, nurse practitioners, intake/crisis specialists and interns from various universities and colleges in the area. Also, a Tele-Medication service is available for additional consultation and data research. Funding is provided through various sources including Federal (Substance Abuse & Mental Health Services Administration), State (Healthy Families Insurance), County, Medicaid, Medicare, consumer fees and private insurance. The caseload is approximately 2,400 consumers per month and has increased 10 percent over the past three years. It appears that further increases are limited by the facilities, staff and funding. During our visit, the reception

area was fairly crowded. We were informed by the administrative staff that the lobby area of this County owned facility is to be renovated to eliminate the overcrowding, but a time frame has not been established.

Kings View has two satellite facilities: Corcoran and Avenal. These sites are staffed four days per week. A doctor is available one day per week and the therapist spends two days per week at each site. Group counseling sessions are conducted by other personnel when the therapist is not present. Many of the same programs and services offered in the Hanford office are provided at the satellite locations.

Success is slow, fragile and can be measured in many ways, least of which is numeric. Important measures of success are: observed changes in the consumer or improved social competence; keeping consumers out of the hospital or shorter hospital stays and giving consumers skills for independent living. An additional measure of success is Kings View Counseling Services' acceptance by the community as a concerned care provider.

CORNERSTONE SYSTEMS RECOVERY

Cornerstone operates alcohol and drug abuse residential treatment services for both men and women of Kings County in two separate Hanford locations. The target population for the program is those over 18 years. Until the recent opening of Hannah's House, which is available only for women, Cornerstone operated the only residential treatment services available in Kings County that focused on alcohol and drug abuse.

The Cornerstone Systems Recovery was founded 17 years ago. Staff includes two administrators and 12 staff members (six women and six men). The men's and women's facilities are each staffed 24 hours per day, seven days per week. While none of the staff is presently licensed, every staff member is enrolled in certified addiction specialist class training.

The women's facility accommodates up to 22 adults and seven dependent children in a total of three individual houses with two to four people per bedroom. One of these houses is handicapped accessible, but no children are permitted in this location. Once clients have completed the program, transitional apartments are available, with the first choice being given to mothers with dependent children. Cooking and eating is done in one house. All household chores are handled by the clients through a weekly schedule including care for the vegetable garden. There is a separate outside smoking area and a

pay telephone on a patio. A nursery and a children's play area with toys is available, as well as group recreational opportunities for women which includes volleyball.

The men's facility is licensed for 30 individuals and is occupied currently by 24 due to space limitations. Residents are housed in a total of four separate buildings with two to three clients per bedroom. One building is reserved for a sober living component of five to six clients. Male clients are responsible for maintenance of all facilities and grounds through a weekly schedule, which requires each client to rotate through a full range of tasks. In the main house, one room serves as a combination dining room, group therapy room and recreation room. This main house contains the only operational kitchen which has been recently remodeled by clients. Outside, the grounds include a beautiful Koi pond, exercise equipment and barbeque area. There is a mock graveyard, complete with headstones, showing addictions which have been buried, and is used for meditation and reflection.

Funding for the Cornerstone Systems Recovery comes from three main sources. Kings County Behavioral Health Administration accounts for approximately 40 percent of the total budget. Another 40 percent of the budget comes from WestCare, a program of the California Department of Corrections and Rehabilitation which screens clients and makes referrals. Finally, Proposition 36, the drug court diversion program, accounts for the remaining 20 percent of the budget; however, individuals referred by this program seem to have little incentive to change their basic life style and hence are a recurring source of disappointment. Cornerstone has eschewed the grant chase in favor of long-term program stability. The program has no independent, long term sponsors. However, the alumni association is a source of ongoing support. Both men and women clients have fund raising events, such as car washes to finance outside travel opportunities.

The Cornerstone Systems Recovery operates a 90-day residential program which is based on a social model, and there is a two to four month aftercare program. There is no formal medical detoxification facility provided at Cornerstone, however one room is allocated for detoxification with 24/7 care required when it is occupied. During the program there is random drug testing and a lifetime ban for clients who bring in drugs; leave the site without permission and persuade someone to go with them; or violence. While in the program, clients are very busy. Men have three formal sessions per day, group therapy, one-on-one therapy and peer review sessions. Alcoholics Anonymous (AA) and Narcotics Anonymous (NA) meetings are regularly held. As a rule, Friday meetings are held out of town. Tuesday meetings focus on parenting skills with community based speakers.

Clients are not permitted to have visitors for the first 30 days of the program, except for children of women clients. After 60 days, men are permitted to perform job searches, and if they have jobs, they are permitted to work; however, the program takes precedence. There are regularly scheduled visiting hours three times per week. There is a weekday curfew at 10:00 P.M. with lights out at 11:00 P.M. Weekend curfew is 12:00 A.M. and lights out at 1:00 A.M.

The usual waiting list for Cornerstone is 10 to 30 people. Success at Cornerstone comes as a result of clients examining their past lifestyle and NOT liking it; therefore, spirituality and peace with one's self are supported.

CHAMPIONS RECOVERY ALTERNATIVE PROGRAMS

This program started in 2000 and has been at the current location since 2003. The facility is a rented two-story, historic Hanford house with reception area, kitchen, bathrooms, meeting rooms and counselor offices.

Champions has been on the frontlines in the battle for the youth of our communities. Their mission is "To put into order, disordered lives". As a faith-based foundation, they have been able to reach high risk youth of all cultures, with the target ages of 18-25, motivating them to stop using drugs and learning how to deal with substance abuse and other related issues. Champions includes treatment of the families and offers comprehensive continuum of care designed for each individual, with the ultimate goal of strengthening the family unit. The goals are to "Discover" the root of the problem(s) that got them there; equip them to make "Decisions" towards a hopeful future; offer "Directions" that will enable them to make a difference in their lives and community.

Programs include:

- **Step Ahead:** Teen Intervention, Education and Counseling (four months).
- **Crossroads:** Teen Intensive Substance Abuse Treatment with Aftercare Support (12 months).

- **Reach Out:** One year Intensive Substance Abuse Treatment and Aftercare, focused on relapse prevention, relationship issues, life skills and job readiness for young adults.
- **Family Fundamentals:** Family and Parenting Education, Counseling and Support Group.
- **Celebrating Families:** Parenting skills and support for parents, children and extended family members in recovery (16 weeks, two and one-half hours every Thursday).
- **Hannah's House:** Transitional living program for homeless women and children with comprehensive supportive services.

In addition to the above programs, participants are required to attend group sessions three times per week; once a week for individual counseling and attend a minimum of two 12 Step meetings. After six months of treatment they will attend once a week for their aftercare groups, in addition to monthly individual sessions and their 12 Step meetings.

There is a staff of 12 including interns, working with clients, this includes walk-ins, referrals from CPS, probation and the court system. The staff is highly motivated and dedicated to help their clients live a substance abuse free life. For those that embrace the program there is a 78 percent completion rate. Funding is provided from Kings Behavioral Health, Proposition 36, Child Abuse Protection Council and Environmental Health and Child Protective Services.

HANNAH'S HOUSE

Hannah's House is located in Hanford and opened October 22, 2007, seven months after plans were unveiled. This is a supervised facility for homeless women (age 25 years or under) with or without children (age five years and under). Staffing is provided 24 hours per day, seven days per week, with a minimum of two people. This is a long-term transitional home for women where they can recoup from abuse and/or addiction and commit to learning skills to restart their lives. Hannah's House will provide comprehensive substance abuse rehabilitation and mental health services, with the goal of permanent housing and a life sustaining job.

Hannah's House is a new program of Champions Recovery Alternative. This nonprofit

program has made its mark with its drug recovery program for youth. It has a capacity of 20 residents and will provide on-site parenting classes and development therapy for children.

This voluntary program requires a minimum one-year commitment, with a maximum stay of two years. All services are recovery-based to include: substance abuse treatment, including the 12 step program; mental health counseling, parenting and relationship skills, anger management, nutrition, child development/behavioral approaches; child care, life skills, job training and continued education for up to 24 months. The facility provides job skill resources and a study room, equipped with computers, as a way to help the women become independent for life.

Living tasks are performed by residents, with increasing responsibilities. The women admitted to Hannah's House will be bound by a contract to maintain the facility and be eager learners of life skills. They will learn the basics of finances, how to clean up their credit and receive professional development. Parenting skills will include how to play, teach and bond with their children. There will be a mental health treatment program and survivors group for sexual abuse victims. There is group therapy three days a week and one day a week for individual therapy. Sanctions are applied if a resident comes back under the influence, and drug testing is done randomly. There are house meetings every day, and family visitation is allowed weekly.

Funding comes from Federal, State, County, private, social and religious organizations.

OBSERVATION:

The concept for Hannah's House was originated by the Executive Director of Champions, which she followed through to fruition. This has become a collaborative effort of active community involvement.

SAFE PROGRAM

The Senior Access for Engagement Program (SAFE) is targeted for those 60 years and older, and provides a safe and comfortable atmosphere in which seniors can express themselves freely regarding a variety of problems or situations they have encountered. This program is a comprehensive referral and/or assistance resource involving all aspects of senior citizens needs. This includes making appropriate interventions for individuals

who are in the mental health system and have a diagnosis, or those who need to be assessed for that purpose. The SAFE Program provides these services for “shut-ins” as well as those who come to the office. A Behavioral Health Program is offered which focuses on individual, group and family counseling, caregiver groups (specializing in grandparents raising grandchildren or a person caring for a spouse or significant other who is unable to care for himself/herself because of Alzheimer’s disease, etc.), depression and other problems related to aging.

The program is housed in the Armona Senior Center which also provides offices for Kings County Department of Public Health, Kings County Behavioral Health, Kings County Commission on Aging Council and Kings In-Home Supportive Services Public Authority, all resources for seniors. The staff consists of two administrators, a licensed Behavioral Health Specialist and Marriage and Family Therapist, approximately 60 volunteers as well as interns from Fresno State University when available.

Approximately 1,300 to 1,400 clients per month utilize the various services provided. Funding is provided through various sources including Federal, State and County. Additional assistance can be in the form of food vouchers, rental assistance, food packages, nutrition centers located in Corcoran, Avenal, Lemoore and Hanford, as well as the counseling and therapy sessions provided. The SAFE Program does not provide any handyman services to help seniors correct home safety related concerns.

Success can be measured in many ways. Providing hope for someone depressed, solving a problem by providing a referral, providing a nutritious meal, providing relief for a caregiver, or just a friendly face and someone to talk to, are just a few of the many ways that success can be determined.

YOUTH NET

Youth Net is a program within Kings County that provides professional counseling, both one-on-one and group sessions, a career guidance program, a youth community 24-hour hot line (manned by the staff) and organized family activities for each city within the county. Youth Net’s focus is to provide support and services for at-risk youth.

Specific programs offered in addition to those listed above include: anger management-“Transforming anger to personal power”; Attention Deficit Hyperactivity Disorder (ADHD) support; Girl Power (a national education program to encourage young girls to make the most of their lives); Power Source (a program for high risk adolescents that gives an ability to read and understand the emotions that motivate their choices,

perceptions, and feelings, as well as teaching, coping and stress management strategies) and the “Why Try” program (a strength-based approach to helping youth overcome their challenges and to improve outcomes in the area of truancy, behavior and academics).

The staff consists of three fulltime employees including a member from Kings View Counseling Services, along with approximately nine interns from the various local colleges and universities, who work at various school sites and family resource centers in Avenal, Corcoran, Stratford, Kettleman City and Hanford. Services are also provided to Community School, Juvenile Hall and the Boot Camp. Approximately 40 to 50 clients are seen on a weekly basis.

Eligibility for the program requires the minor to be between the ages of 13 and 17, have a truancy violation, be a runaway, or be referred by Child Protective Services, and have a parent, sibling, caregiver or significant person with a history of incarceration or who is currently incarcerated. In addition, the minor must be identified as dealing with at least three of the following issues: criminal family influence; family violence or neglect; behavioral problems; adjustment or emotional difficulty; use of alcohol or substances affecting school participation; gang member or affiliation; runaway or out of control behavior; or criminal behavior emerging. All referrals undergo a very comprehensive mental health assessment and diagnosis by a case review team. Services are free; however, a minimal fee is being charged for its skill building groups for supplies. Funding is provided through various sources including Federal, State, County agencies, Medicare, MediCal, and private insurance.

Success is measured by the client and therapist through mutual consent. Therapeutic goals are established after diagnosis. These goals must be measurable and have an established timeline. The client and therapist sign a contract listing the established goals and they periodically monitor the progress until discharge. There is approximately an 85 percent success rate for those who enter the program.

FINDINGS AND RECOMMENDATIONS:

Finding 1) County-wide scope of services offered by Kings County Behavioral Health Administration is not realized by many residents.

Recommendation 1) Increase publicity for the programs and services available through Kings County Behavioral Health Administration especially in the small towns and where satellites are located.

Finding 2) The therapist wears many hats at the Kings View satellite facilities. He does therapy, intake paperwork, answers questions when the doctor is unavailable, answers the telephone, schedules appointments, does daily consumer paperwork and, in general, is a jack-of-all-trades. These satellites need additional staff to support the workload.

Recommendation 2) Consider additional staff at Kings View satellite clinics to perform intake processing and clerical assistance.

Finding 3) Kings View Corcoran satellite facility is inadequate. Corcoran office facility is a converted dwelling in need of serious renovation to make the site acceptable.

Recommendation 3) A professional office should be provided for the Kings View Corcoran satellite.

Finding 4) Since SAFE is a new program; there is a need to promote public awareness.

Recommendation 4) The SAFE Program needs its own brochure or pamphlet for distribution.

Finding 5) Many seniors are unable to repair unsafe conditions in their homes and some type of handyman service is needed.

Recommendation 5) Create a voluntary handyman service within the SAFE Program to assist seniors in repairing minor safety concerns for their residence.

COMMENTS:

Kings County should be proud of the scope of the programs, services and funding that is available to its citizens to combat mental illness and substance abuse. The need is greater than the resources; however, these resources are being utilized to support as many clients as practical. The Grand Jury is particularly impressed by the dedication, concern, enthusiasm, and cheerfulness, under extremely stressful conditions, exhibited by all the caregivers we had the privilege to interview. We were also impressed that many of these providers have faced and overcome similar challenges to those whom they are aiding in their struggle.

RESPONSE REQUIREMENT:

Penal Code Sections 933 and 933.05 require that specific responses to both the findings and recommendations contained in this report be submitted to the Presiding Judge of the Superior Court of Kings County:

Kings County Board of Supervisors (90 days)

APPENDIX

The following is the location of the facilities referenced in this report:

Kings County Behavioral Health Administration

450 Kings County Drive, Suite 104
Hanford, California 93230

Kings View Mental Health Services For Kings County

1393 Bailey Drive
Hanford, California 93230

Avenal Satellite
228 East King Street
Avenal, California 93204

Corcoran Satellite
1021 Van Dorsten Avenue
Corcoran, California 93212

Cornerstone Community Alcohol and Drug Recovery Systems, Incorporated

Men's Facility
801 West 7th Street
Hanford, California 93230

Women's Facility
817 West 7th Street
Hanford, California 93230

Champions Recovery Alternative Programs

700 North Irwin Street
Hanford, California 93230

Hannah's House

222 West Keith Street
Hanford, California 93230

Youth Net

607 North Douty Street
Hanford, California 93230

SAFE Program

10953 14th Avenue
Armona, California 93202



JOE NEVES
STRATFORD-LEMOORE,
DIST. I

JON BACHFORD
CORCORAN-AVENAL,
DIST. II

TONY OLIVEIRA
NORTH HANFORD -
NORTH LEMOORE, DIST. III

ALENE TAYLOR
HANFORD, DIST. IV

TONY BARBA
HAMPDEN-ARMONA, DIST. V

COUNTY OF KINGS BOARD OF SUPERVISORS

MAILING ADDRESS: KINGS COUNTY GOVERNMENT CENTER, HANFORD, CA 93230
OFFICES AT: 1400 W. LACEY BLVD., ADMINISTRATION BUILDING # 1, HANFORD
(559) 582-3211, EXT. 2362, FAX: (559) 585-8047
Web Site: <http://www.countyofkings.com>

May 20, 2008

Honorable Peter M. Schultz
Kings County Superior Court
1426 South Drive
Hanford, CA 93230

Dear Judge Schultz:

In accordance with Section 933 of the California Penal Code, this letter is the Kings County Board of Supervisors' response to the Grand Jury Report entitled, "Kings County Behavioral Health Administration," received by the County on February 25, 2008.

Under the Findings and Recommendations Section of the Report the Grand Jury states:

- Finding #1** County-wide scope of services offered by Kings County Behavioral Health Administration is not realized by many residents.
- Recommendation #1** Increase publicity for the programs and services available through Kings County Behavioral Health Administration, especially in the small towns and where satellites are located.

The Behavioral Health Administration is in agreement with this finding and recommendation. Driven by the implementation of the Mental Health Services Act and State approved funding for outreach and engagement, the Department has begun addressing the awareness level in the community throughout the past 18 months with the following initiatives:

- a.) Marketing/Media Campaign and Communications Plan - Working with The Agency at All Valley, a department logo, brochures, outreach materials, and fact sheets have been developed to extend information to the community and improve access to services.
- b.) Billboard Campaign County-wide - Serves as an initial advertisement of new programs with a new Department of Behavioral Health, these billboards begin the anti-stigma efforts and "Wellness and Recovery" approach for consumers and family members who have historically not accessed care or have been disappointed by it.
- c.) Univision Television air time - Conducted in Spanish, the Department has provided another venue by which Latino/Latina individuals can gain information and build confidence in accessing care. Designed to also address cultural superstitions, myths, and stigma, air spots are conducted by two bilingual licensed

- clinical social workers with Behavioral Health. Since their air last month, telephone calls inquiring about services have increased with the department.
- d.) Community Presentations – All designated staff with the Department play a role in outreach and engagement of our community members who have historically gone un-served. Schools, service clubs, ministry associations, community-based organizations, non-profits, County agencies, senior centers, first responders and medical personnel, and Family Resource Centers (FRC's) are some of the targeted audience who are experiencing these psycho-educational community presentations.
 - e.) Web-Based information – Behavioral Health has developed a separate Web-site (linked to the County Web page) which provides updated information on counseling, treatment, prevention, support groups and crisis intervention.
 - f.) Newspapers and Supplemental Publications – The Department has just signed a media agreement for print advertising through The Sentinel which creates regular articles and information for all affiliated publications with Lee Enterprises (including the “free” publication distributed to individuals who do not subscribe, as well as a supplemental resource booklet for seniors, titled The Silver Pages).
 - g.) Outreach Material Kiosks – Planned to be located at each FRC, outreach and engagement materials and resources will be made available and on display for families utilizing FRC services.

Finding #2

The therapist wears many hats at the Kings View satellite facilities. He does therapy, intake paperwork, answers questions when the doctor is unavailable, answers the telephone, schedules appointment, does daily consumer paperwork and, in general, is a jack-of-all-trades. These satellites need additional staff to support the workload.

Recommendation #2 Consider additional staff at Kings View satellite clinics to perform intake processing and clerical assistance.

The Grand Jury is correct in its assessment of the challenge facing the satellite clinics. With diminishing revenue streams, support staff in outlying areas is one of the first resources to be cut. Another becomes the extended clinic hours and Psychiatrist access. While the Department recognizes the impact to staff and program, it continues to be a balancing act with Kings View Counseling Services to remain within County budget and maximize support of staff providing direct services. A program that is serving to mitigate this concern is the counseling services that are now being expanded into the Family Resource Centers. This provides for “meeting families where they are at”, addressing the stigma issues associated with walking into Kings View Counseling Services, as well as maximize the support infrastructure already in place with the Family Resource Centers. Currently, Behavioral Health is negotiating with the Family Resource Centers to augment their individual budgets with a portion of overhead and support staff funding. This revenue is NOT available through Realignment, and makes up for a much smaller portion of expense than what costs would be to fund a fulltime support staff at any one satellite

clinic. By partnering with the FRC's with revenue and space, it increases the sustainability and capacity of community resource centers as well.

Finding #3 Kings View Corcoran satellite facility is inadequate. Corcoran office facility is a converted dwelling in need of serious renovation to make the site acceptable.

Recommendation #3 A professional office should be provided for the Kings View Corcoran satellite.

The Behavioral Health Department is in complete agreement with this recommendation and has been unsuccessful in securing a suitable facility for the needs of this direct service to the Corcoran community. Several properties have been explored and the department continues to search and plan for services elsewhere in Corcoran. Discussions have ranged from Hospital shared space to renovation of a previously inhabited house. While funding is certainly the most pressing concern, available property makes this search a significant challenge. Staff hopes to report out at the next Grand Jury report that appropriate dwellings and/or partnership for space in Corcoran has been obtained.

Finding #4 Since Senior Access for Engagement (SAFE) is a new program, there is a need to promote public awareness.

Recommendation #4 The SAFE Program needs its own brochure or pamphlet for distribution.

At the time of this report, a brochure was being developed by The Agency at All Valley and Behavioral Health Administration is currently in the proof stage of publication. This outreach material, as well as the nutritional services, educational classes and support, and other ancillary services for seniors is presented and discussed by the SAFE case manager and the licensed clinical social worker assigned to this program.

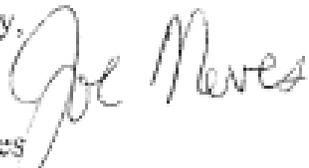
Finding #5 Many seniors are unable to repair unsafe conditions in their homes and some type of handyman service is needed.

Recommendation #5 Create a voluntary handyman service within the SAFE Program to assist seniors in repairing minor safety concerns for their residents.

This recommendation is being explored as a possible ancillary service for seniors through the volunteer bureau of Kings County, as well as an opportunity to hire a talented consumer who has demonstrated skills to provide this service. The Department has been able to address some small repairs (shower head replacement, handicap bar in shower, supplies needed for employment, etc.) with the consumers who have been identified as being at risk of isolation, medically fragile, eviction or escalating stress due to environmental factors AND potential mental decompensation.

In Conclusion Kings County Behavioral Health Department extends their appreciation to the Grand Jury for their conscientious and strength-based approach to educating their governing body about Behavioral Health services and programs. This department remains available for other presentations, answering questions and considering recommendations that will strengthen services and continue to serve our communities.

Sincerely,

A handwritten signature in cursive script that reads "Joe Neves". The signature is written in black ink and is positioned to the right of the word "Sincerely,".

Joe Neves
Chairman, Board of Supervisors

Kings County Information Technology Department

Why the Grand Jury Investigated:

All branches of County government are to be investigated periodically to assure they are being administered efficiently, honestly, in the best interest of its citizens and to issue a final report on the department's needs and operation, including the Grand Jury's findings and recommendations. The Kings County Information Technology Department (IT Department) was last investigated by the 2006-2007 Grand Jury concerning specific complaints of unauthorized use of County computer equipment. The current Grand Jury felt the need for a follow-up investigation, to ensure that the recommendations and responses were implemented. During another committee's investigation by this Grand Jury, concerns were presented as to whether adequate service is being provided. Based upon these concerns, the current Grand Jury felt that an in-depth review of the department's activities was warranted.

Authority:

The Kings County Grand Jury exercises its authority under California Penal Code Section 925 which states: "The Grand Jury shall investigate and report on the operations, accounts, and records of the officers, departments or functions of the county."

Method of Investigation:

On December 20, 2007, background information was requested from the IT Department, which included a mission statement, financial information, a listing of their customers, policy manuals and regulations, an organizational chart, prior audits and other pertinent documents. Commencing on January 24, 2008, interviews were conducted with various customers with particular emphasis placed on law and public safety. Late in February 2008, a tour of the IT Department facilities was provided by the Director, to familiarize the Grand Jury with the department layout, equipment available and an overview of the functions of IT Department staff. During the month of March, interviews were conducted with various IT Department staff and management.

Facts:

The IT Department's mission is to provide quality services in support of County departments and agencies within Kings County in the most effective and efficient way. The IT Department is responsible for all communication services within the County government from computer technology, phones, mail delivery to records retention. Major activities include selection, acquisition, installation, maintenance and support of countywide networks, computers, internet and intranet web-sites. Telephone system support, management of the County's central microfilming and records management, form printing, large printing/duplication projects and interoffice mail processing and delivery are part of their functions. The IT Department also assists County departments and agencies in the selection and development of their business application systems. The IT Department supports and maintains these systems, once installed.

IT Customers:

The IT Department provides support and services to 46 departments or agencies within Kings County who are considered to be their customers. Some of the smaller agencies may only require records retention, while others have various sophisticated technology needs. No County department has IT Department staff within their department with the exception of a Help Desk employee who is housed at Child Support Services to handle their requirements.

The Grand Jury conducted interviews with nine of the larger departments or agencies within the County with particular emphasis placed on public safety. A concern had arisen, during another committee's investigation by this Grand Jury, about the support and services being provided. Approximately 20 department heads and staff members were interviewed from the various departments. During these interviews two items became clear. First, each department has an employee within the department who serves as a liaison person for most computer related problems. This employee, in addition to other duties, frequently attempts to resolve technology problems before proceeding to the IT Department's Help Desk or vendor support for their business application systems. Secondly, these in-house liaison staff have varying degrees of computer literacy ranging from super users to beginners. Customer satisfaction appears to correlate directly to the amount of knowledge the user has. The more knowledge, the less frustration.

The interview process revealed the frequent inability of customers to get from their business application systems the services they require. Issues include:

- mobile reporting by the law enforcement agencies;
- timeliness of software updates;
- security of the system;
- priority of projects or programming within the IT Department;
- training
- communication;
- e-mail;
- transmission of large files.

It became apparent that major differences in viewpoint between the customers and IT Department management exist. Comments ranged from, “I get what I expect from IT” to “we will leave IT as soon as an alternative course is practical”. There appears to be a good working relationship between the customers, the IT Help Desk and the Office Systems Analysts (OSA). The customers feel that these IT Department employees are working very hard to resolve their problems and concerns.

The vast majority of the concerns stated by the customers could be eliminated by COMMUNICATION. Effective communication seems to be lacking between the customer and IT Department management, the service provider. Meetings have been held with the public safety group but not on a regularly scheduled basis. These are the only customer/IT Department meetings which we were able to determine are being held. Monthly meetings conducted by the IT Manager-Enterprise Services/Office Automation Division combined with the OSA and the departments/agencies that they service would go a long way toward identifying mutual problems, solutions, time line for completion and progress being made. This would give both parties the platform to COMMUNICATE and to LISTEN.

Most customers have a business application which is unique to their department. It is the software that drives their ability to perform their mission. Most systems are off-the-shelf software, which may be customized for a particular customer or application and purchased from a vendor. The IT Department’s philosophy is that the customer is most knowledgeable of their own needs, and the customer should investigate which software is available. The customer should choose a vendor and then contact the IT Department to determine:

- compatibility with existing hardware;

- installation;
- training;
- support.

Currently, most public safety departments are not satisfied with their present business application. They have formed an Automation Committee to search for an available replacement. Particular concern is in not having mobile reporting, which would allow the officers to complete their reports in the field. This would avoid the necessity for the officers to return to the office for report completion, enabling them to spend more time in the field. Presently, the users believe that they have this ability in their present application, and it is not functioning correctly. The IT Department, on the other hand, states that the business application was never purchased by the customer with the module for mobile reporting. Here is a specific example of where effective communication is necessary to resolve the current impasse.

We have also heard a concern from an agency which stated that their new business application would not accept records from a past, outdated application. We have determined that there is a solution for the problem, but it may be costly. The Grand Jury is convinced that the technology exists for many problems or deficiencies in any business application to be resolved. The question the Grand Jury cannot answer: Does the department, agency or County have the funds it takes to provide the solution? This question can only be answered by the customer and the IT Department collectively. Again, communication is necessary by all parties to come up with an understanding and resolution.

Software updates were also a concern of the customers. Some customers stated that vendors reported at times their application updates were two to three revisions behind. Interviews revealed that this may be true. Regardless, all parties have the intent to be current at all times. Situations have arisen where the update could not be installed due to a required operating system revision or update to hardware or software which had yet to be installed or received. An update may not be required or applicable to the specific manner in which the application is used. If monthly meetings were held with the customers, this could be communicated.

Security is a concern for all computer applications. Most departments and agencies have vast amounts of highly sensitive data, especially in the public safety area, which must be secured and protected. The Grand Jury found that most departments would be unaware of

a breach to their business application system, unless notified by the IT Department. Customers also voiced concern that their information may be accessed by employees within the County. This concern is undoubtedly heightened by the unauthorized use of County computers uncovered by the 2006-2007 Grand Jury. Communication and assurances by the IT Department could go a long way to relieve such concerns.

Priorities were an issue with the customers. Naturally, when a problem occurs, every customer/user believes they should be at the top of the list. Fortunately, most customer problems can be resolved satisfactorily by the Help Desk, but some must be referred to the OSA for resolution. The OSA will then work with the customer/user to determine the extent of the problem and possible solution. Since the OSA supports many departments or agencies, a priority must be assigned. If communication took place during a monthly meeting with customers, they would be aware of the projects being worked on, not only within their department, but within other departments which are serviced by the OSA. This communication would allow the customer to better understand the IT Department's priorities.

It was evident during our interviews that certain customers require more training than others. The IT Department will usually train a trainer within the customer's department for a new system. It is that person's responsibility to train the users within their department. The customer manager has the responsibility to ensure that the trainer has a thorough understanding of the application, and that this is conveyed to new employees and existing employees needing additional help.

Concern was voiced by some departments/agencies that large files, especially those which contained maps and photographs, were unable to be transmitted to contractors, builders and State agencies in the new e-mail system. Customers have avoided this problem by placing the information on a disk, forwarding by overnight mail and then scheduling a conference call to discuss the data. This seems to be costly and time consuming in this day of modern technology. This method may be the result of the user not fully understanding what the e-mail system is capable of, or that additional file space is necessary for certain customers. Again, the IT Department/customer meetings could provide the solution.

During our interviews, the new e-mail system received mixed reviews from the customers. There was no middle ground. They either loved it or hated it. We realize that a system utilized by all customers leaves little room to be customized for a specific user's needs. Some customers felt that functions present in the old system were not available in the new system, and that they had no input to express their needs, e.g., transmission of

large files. Junk mail received much discussion. Some were not happy that they had to sort through a large amount of junk to find what they needed, or that they had to go into the junk folder to find something that got caught up in the filter that was not junk. Others preferred to get all the junk, so that they could sort out what they wanted. The County receives approximately 25-35 million e-mail messages per year, of which about ten percent is spam. It is understandable that some will get through the filter. Since this is a relatively new system, the customers may just be having problems related to their inexperience. This type of information should be communicated to the customers, and additional training in the use of spam filters may be worthwhile.

IT Employees:

IT Department staff consists of 44 employees within three divisions: Technical Services Division; Enterprise Services/Office Automation Division and Application Systems/General Services Division. Interviews were conducted with ten employees, including the division managers and the director. Most employees interviewed are considered senior employees, as they have been with the IT Department for at least eight years. There appears to be a very good working relationship between the Help Desk personnel and the OSAs. These employees enjoy their jobs, working with their customers and look forward to the challenges each day brings.

The Help Desk serves as the entry level position for most employees coming into the IT Department. It is the initial contact by the customer with the IT Department for correcting problems. This position is more than just answering user questions and resolving problems. Help Desk personnel also build computers by installing the required software for the requesting departments, and as they gain experience, assist the OSA's whenever time permits. Since employee turnover is minimal, the staff remain in their present position for long periods, and promotion is difficult.

Most of the staff who were interviewed did not have a degree in computer science or in the computer technology field. Most had some formal training and showed a passion for computers. They initially took courses on their own and entered the field in its infancy. These circumstances have a tendency to foster a status-quo attitude and do not necessarily facilitate the introduction of fresh ideas into this rapid and ever changing field. It is imperative that continued training be provided to these staff members to keep abreast with the newest technology available. This type of general training is in addition to the specific

training which is provided by the vendor with the introduction of a new business application system or the upgrade to an existing system.

A weekly meeting is held with the Enterprise Services/Office Automation Division Manager, Information Technology Manager, OSA's and some staff. This is to review and update project status, establish priorities, request assistance from other IT Department divisions, resolve problems and to communicate within their division. The Grand Jury believes that this is a very practical and worthwhile undertaking. This type of communication should be extended to their customers, as previously reported. Since the Help Desk employees work closely with the OSA's, it would be a natural extension to include at least one or more of them, on a rotating basis, weekly as circumstances permit. It appears that this is the only division in which this type of communication with staff is formalized. In other divisions, meetings are sporadic and infrequent. Full staff meetings have not been held in the last 18 months, according to the Director. During our interviews with customers and IT Department staff, the Grand Jury gets the impression that the IT Department is reactive rather than proactive.

Often, system upgrades are installed or placed into production during the lunch hour, after normal working hours or on weekends, depending on the magnitude of the change. Generally, departments are given sufficient notification, and everything runs smoothly. The true test comes during the next few working hours after installation. If the phones do not ring off the hook at the Help Desk, then it is a successful installation, and user frustrations have been avoided.

Internal security has improved during the past year since the unauthorized use of County computers was uncovered by the Berkeley Open Infrastructure For Network Computing (BOINC) incident. There is more focus on accountability. Prior to that incident, most employees had access to all files. Currently, there are only three domain administrators. In February 2008, an "Incident Response Policy" was approved and implemented. This policy is for the preventing, identifying and reacting to a security incident. The effectiveness of this policy is yet to be determined.

The IT Department has built-in safeguards to back up data periodically to ensure that valuable data is not lost due to an emergency. Backup data is stored at a different location within the County Government Complex. Generators and batteries are available to enable the department to operate for limited periods and to curtail operations in an orderly manner to eliminate loss of data. The department could be vulnerable to fire or other disaster. The Halon fire suppression system in the computer room, while adequate, is outdated and parts required to keep the system in good working order are difficult or

impossible to obtain.

BOINC:

Over a year has elapsed since the unauthorized installation of BOINC was uncovered, and it appears that the County “dodged a bullet”. No evidence has been found to date to indicate that a security breach has occurred, sensitive information compromised or hostile commands have been imbedded. Although internal security has improved, this Grand Jury believes that the County is still vulnerable to a security breach. The County hired a professional security firm to conduct an investigation of the incident. The firm recommended the County undergo a full “Information Security Risk and Vulnerability Assessment”. Funds had been approved, and infrastructure upgrades were to be completed by September 1, 2007. The Grand Jury could not find any evidence that this risk and vulnerability assessment was ever completed.

The IT Department management recognized in 2006 that reorganization within the department was necessary to improve oversight, monitoring of staff and limited cross-training. The only organizational revision that has been implemented was to add the County’s purchasing function to the IT Department. This does nothing to improve the IT Department’s customer service and satisfaction.

Conclusion:

The Information Technology Department is an organization whose sole purpose is to provide a necessary service for its customers. All IT Department expenses are charged back to the customer in the form of fees per computer utilized or an hourly charge for services rendered. Without customers, the IT Department would not exist. Although the Grand Jury did not interview all of IT Department’s customers, we believe that enough of a diverse group was interviewed to form the conclusion that IT Department management needs to improve its image with their customer base. We would assess a rating of average to poor in their customer relationship. Evidence indicates IT Department management is reactive rather than proactive in dealing with their customers. Better communication would form a stronger bond for both parties and progress to greater understanding of mutual needs. The customers should be able to view the IT Department as a strong and reliable member of their team. At the same time, we cannot absolve customers of their responsibility to understand the limitations of their own systems.

Findings and Recommendations:

Finding 1: The customers have many issues involving communication. Effective communication includes providing information, as well as listening by both parties.

Recommendation 1: Regularly scheduled meetings should be held between each OSA, the department manager and the customers the OSA services.

Finding 2: Security remains a concern for all computer applications. Over a year has elapsed since the “Information Risk and Vulnerability Assessment “ was recommended by the professional security firm in their April 28, 2007 report.

Recommendation 2a: An “Information Risk and Vulnerability Assessment” be conducted immediately, as previously recommended and funded.

Recommendation 2b: The recently issued Incident Response Policy provides a listing of departments to whom an incident “may” be reported; this should be revised to “shall”. All department/agency heads should be immediately notified of any security breach or threatened breach.

Finding 3: A lack of continuing training is evident with both the customer and also with IT Department employees. Interviews indicated that “train the trainer” is not adequate. Other than training provided with introduction of a new business application system, very little updated education is provided.

Recommendation 3a: Continuing educational opportunities should be provided for IT Department employees. A suggested method would be to bring in experts from various vendors or local universities to minimize the expense of travel and lodging for employees and to enable a greater number to attend.

Recommendation 3b: Customer training needs to be improved. The IT Department should ensure that there is a trainer available for any customer requesting training for their employees of their business application system. It is the responsibility of the customer to request this training.

Finding 4: Internal communication is conducted sporadically, or on an as needed basis, according to management, except for the Enterprise Services/Office Automation Division. There can never be enough effective communication.

Recommendation 4: The other IT Department divisions should implement a weekly

session, as is conducted in the Enterprise Services/Office Automation Division to communicate within their division. The director should conduct a full staff meeting quarterly or semiannually.

Finding 5: Interviews revealed the IT Department management has a reactive rather than a proactive approach with their customers.

Recommendation 5: IT Department management should take a proactive approach by becoming involved with customers earlier in their investigation into new or upgraded business application systems. A good approach would be to provide the customer an updated listing of the County's hardware and a list of compatible applications and specification requirements.

Finding 6: Data files are backed up periodically and stored at another site within the County Government Complex. In the event of a disaster to the Government Complex, essential, valuable and sensitive data could be lost.

Recommendation 6: Backup data should be stored at a secure site removed from the County Complex.

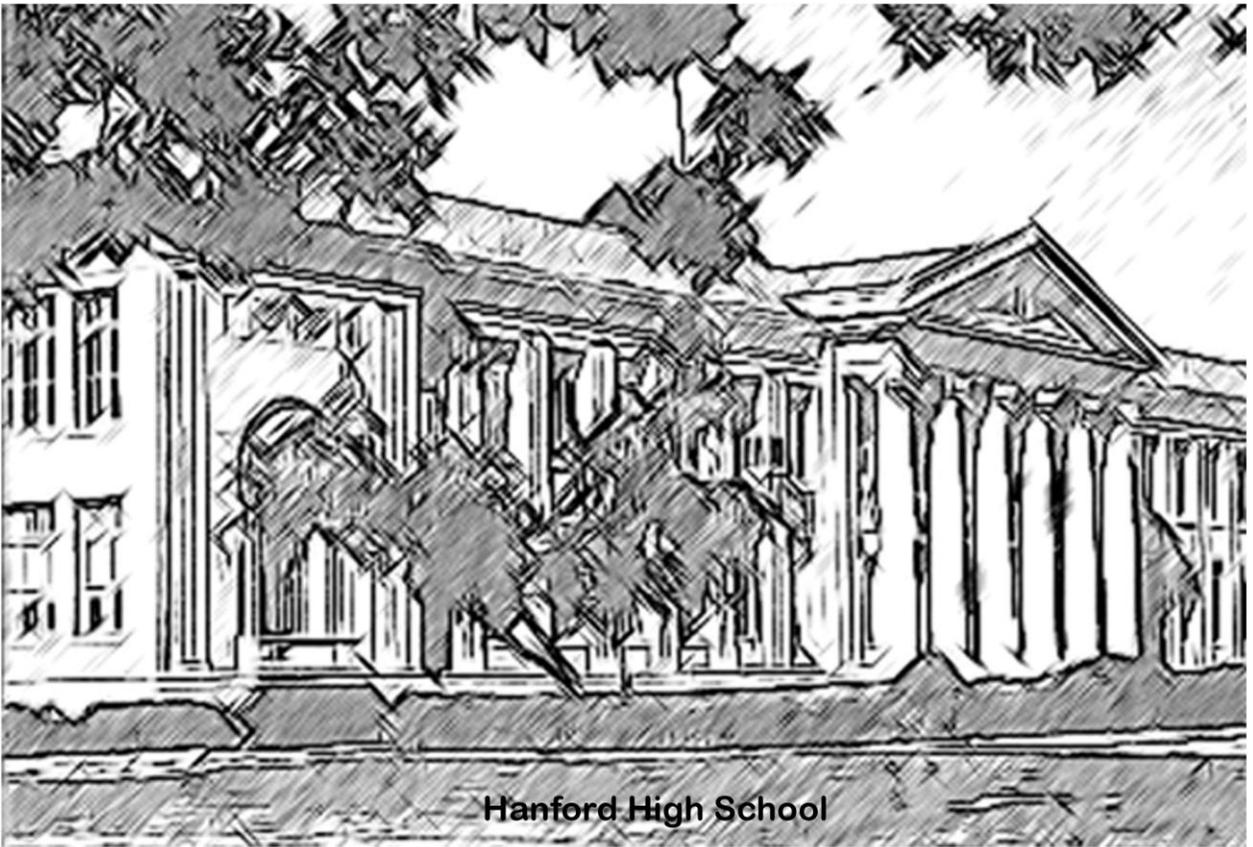
RESPONSE REQUIREMENT:

Penal Code Sections 933 and 933.05 require that specific responses to both the findings and recommendations contained in this report be submitted to the Presiding Judge of the Superior Court of Kings County.

Kings County Board of Supervisors (90 days)



County Hospital



Hanford High School

HEALTH AND EDUCATION COMMITTEE

Hanford Elementary School District

Issue:

The Hanford Elementary School District spent more than \$8,000 from its general fund to send four school officials to New York, including the outgoing superintendent and two school board trustees. The approval for this expenditure did not appear on the agenda and was added as an addendum at the beginning of the meeting on March 7, 2007.

Why the Grand Jury Investigated:

The Grand Jury received complaints requesting an investigation of the travel expenses to New York City, New York by Hanford Elementary School District (HESD).

Authority:

California Penal Code Section 933.5

Method of Investigation:

The Grand Jury requested and received budgets for travel and conference expense records pertaining to New York trips at Teachers College, Columbia University for the last two years.

Interviews were conducted with members of the Board of Trustees, school administrators, teachers and personnel.

Background:

HESD has been attending Teachers College, Columbia University since 1997. This is a program to train classroom instructors on reading and writing skills for implementation to students. The reading and writing seminars are each one week in duration. During the school years 2006 and 2007, 128 registrations for Teachers College were made at a total cost of over \$300,000. In addition, twice a year, staff developers from New York come to Hanford to conduct one-week onsite training sessions. This cost is approximately \$60,000 annually, which includes hotel, travel and expenses. Based on information through interviews, there has not been significant test score improvement.

Facts:

The complaint arose from an article in the Hanford Sentinel on March 22, 2007 regarding a trip to New York on March 21, 2007. Those attending were two trustees, the outgoing superintendent and an administrator. The purpose of the trip was to attend a 72nd Reunion of Teachers College Reading and Writing Project at Columbia University in New York, which includes over 100 workshops and a dozen keynote speakers. This request was an item added to the agenda during a regularly scheduled HESD board meeting on March 7, 2007. After interviews and review of HESD agendas, the use of addendums was used more often than other public agencies. Reservations for travel and cash advances for expenses were made on March 2, 2007. The money for this trip was allocated from the HESD general fund. It should be noted that this was done prior to the HESD Board approval. The budget for travel and conference expenses for the 2006-2007 school year was exceeded by over \$92,000.

The trip was in response to board members being asked during a board/staff sharing session about their position on the relationship with Teachers College. During interviews, some of the trustees expressed they had no working knowledge of the district's association with Teachers College. Two trustees had previously attended Teachers College training. As of the writing of this report, only one of the five trustees has not attended.

The trip called for three nights at the Westin, New York. During interviews, we learned the flight would arrive early Thursday. Friday was scheduled for a school visit to PS 199 Maurice A. Fitzgerald Elementary School in Long Island City, New York. Saturday was the actual reunion for workshops and speakers. The flight returning to Fresno was on Sunday.

During interviews, the trustees indicated their desire to have more public participation at board meetings. After attending an HESD board meeting, the Grand Jury observed that structure of the room delivers a message that is not conducive to a public friendly environment, and the meeting room was difficult to locate. The room is lined with school principals and administrators on the sides with tables in front of them and the board and superintendent in the front. The podium, for audience participation, is at the back of the room. Audience members are surrounded by school authority figures which creates the feeling of intimidation. During the meetings, there are usually two closed sessions which can add long periods of waiting for the meeting to reconvene. When the board is in the closed sessions, the audience can overhear the discussions through the walls.

The Grand Jury attended various school district board meetings throughout Kings County. The Grand Jury observed meetings which had short student presentations, encouraged parent/public attendance and created a more relaxed and pleasant atmosphere.

Once a parent attends their first meeting, they should be more comfortable attending a future board meeting if they have questions or problems in the future.

Findings and Recommendations:

Finding 1. During School years 2006 and 2007 HESD had a total of 128 registrations (including classroom instructors, principals, administrators, trustees and other personnel) for training at Teachers College, Columbia University in New York at a total cost of over \$300,000.

This program is a model for teaching reading and writing skills to students in the classroom, with the goal to improve test scores. Based on information through interviews, there has not been significant test score improvement to support these costs.

Recommendation 1. Teachers College attendees should be limited to classroom instructors and curriculum directors. Principals should attend an affiliate conference one time. All other administrators, trustees and personnel should not be attending. The latter group could attend the training workshops conducted locally.

Finding 2. Twice a year, staff developers from Teachers College in New York come to conduct onsite training to refine structure for reader and writer workshops in the classroom. Hotel accommodations were made in Visalia. Estimated cost to HESD to bring these staff developers to Hanford is \$60,000 annually.

Recommendation 2. When making hotel accommodations for the staff developers from Teachers College, HESD should make every effort to utilize local hotels to support our community.

Finding 3. During our research, we found all travel and hotel accommodations were made by a Visalia travel agency.

Recommendation 3. Most travel accommodations can be made using online sites to reduce costs. When arrangements are made through a travel agent, every effort should be made to support the local economy by using a Hanford agency.

Finding 4. HESD exceeded its (2006-07) budget for travel and conference expenses by over \$92,000.

Recommendation 4. Travel and conference expenses should adhere more closely to the budget. When these items are presented to the trustees, they should include expenses year to date and remaining balance in the budget.

Finding 5. When reviewing the minutes for HESD, we found addendums to agendas were used more often than other public agencies within the county.

Recommendation 5. Adding items to the agenda should more closely follow the Brown Act, which states that it needs to be an “emergency” or a “need for immediate action”. Adding items, without notice, to agendas can lead to the perception that decisions are being made without public input.

Finding 6. Upon observation, it was found that the meetings were very formal and would not be the type of meeting that would encourage parents/public to attend. The seating arrangements were intimidating and not public friendly. The agenda had two closed sessions, one at the beginning of the meeting and one at the end.

Recommendation 6 a) The location of the board meeting room needs to be clearly marked, with visible signs and directions. Closed sessions could be combined into one and should be at the beginning of the meeting. This would allow time for trustees to interact with the public in a less formal setting after the meeting is adjourned. Seating arrangements could be changed to have the principals/administrators sitting among the public, thereby avoiding the perception of intimidation. The podium for public comment is currently in the back of the room and needs to be relocated to the side, toward the front, to address the board.

Recommendation 6 b) Student presentations from the various schools could be included at each meeting, and meetings could be held at the different school sites throughout the year to create a more inclusive environment for parents/public.

Response Requirement:

Penal Code Section 933 and 933.05 requires that specific responses to both the findings and recommendations contained in this report be submitted to the Presiding Judge of the Superior Court of Kings County.

Hanford Elementary School District Board of Trustees (90 days)



Hanford Elementary School District

714 N. White Street, P. O. Box 1067
Hanford, CA 93232
(559) 585-3600

May 23, 2008

The Honorable Peter M. Schultz
Presiding Judge
Superior Court of the State of California
County of Kings
1426 South Drive
Hanford, California 93230

Dear Judge Schultz:

This correspondence constitutes the Hanford Elementary School District's response to the report issued by the Kings County Grand Jury and submitted to the District on February 27, 2008. The report by the Kings County Grand Jury indicated that their investigation was based on receipt of complaints regarding travel expenses to "New York City, New York by Hanford Elementary School District (HESD)".

This response is offered in accordance with the requirements of Penal Code Sections 933 and 933.05. The response will address each finding and recommendation delineated in the Grand Jury Report.

Finding 1. The Grand Jury indicated that during the 2005-2006 and 2006-2007 school year the District had a total of 128 registrations of school personnel for training at Teachers College, Columbia University in New York at a cost of over \$300,000. The report specifically states that "based on information through interviews" there has not been significant test score improvement to support these costs.

The District disagrees in part with this finding.

Teachers College, Columbia University is internationally recognized as one of the preeminent graduate schools of education. U.S. News and World Report consistently ranks Teachers College as one of the top 5 graduate schools of education in the United States. Teachers College Reading and Writing Project has been a premier provider of professional development across the nation for over two decades. The Hanford Elementary School District has been affiliated with the Teachers College Reading and Writing Project over the past ten years.

There were a total of 128 registrants for training in New York over the two year time span at a cost of \$300,000. In turn, participants in the New York training returned as coaches and trainers to provide professional development support to all teachers in the District. Additionally, trainers from the Reading and Writing Project visit Hanford annually to provide follow-up training at all school sites. An investment of \$150,000 annually, from a \$50 million annual operational budget, for this level and quality of training is in fact cost effective and results based.

Superintendent - Dr. Paul J. Terry

Governing Board - Robert A. Garcia, Jeff Gamer, Lupe Hernandez, Dennis Hill, Timothy L. Revious

It should be noted, that the vast majority of the expenditures for training in New York were made with categorical revenues that have specific requirements and auditing guidelines. The District's categorical programs were reviewed by the California Department of Education during the aforementioned timeframe and no audit or program compliance exceptions were noted. In summary, all expenditures were made within the guidelines and legal requirements of federal and state categorical programs.

The report stated that "based on interviews, there has not been significant test score improvement to support these costs". This statement suggests that program effectiveness was determined by hearsay when ample, and readily available, empirical evidence demonstrates continual academic growth by District students over the past years. The District's Academic Performance Index, a standardized accountability measure used by the California Department of Education, grew from 596 in 2002 to 684 in 2007. During this same time frame, the number of English Language Learners and Socioeconomically Disadvantaged students in the District increased significantly. Individual schools in the District continue to meet academic growth targets and the two Junior High Schools produce some of the highest academic scores in the region.

Recommendation 1. Even though the Grand Jury states that based on interviews there has not been significant test score improvement, the report recommends that "instructors and curriculum directors" should be allowed to attend Teachers College trainings. The report recommends that other administrators, trustees and personnel should not attend trainings.

Further study of this recommendation will be conducted by the District.

The District continues to evaluate the effectiveness of all professional development activities, including activities provided by Teachers College. District administration will continue to recommend professional development that is scientifically based and results driven. The Board of Trustees will continue to take actions in a legal and responsible manner that support appropriate professional development expenditures, including determination of who should attend such activities.

Finding 2. The Grand Jury reported that staff developers from Teachers College visit Hanford two times per year, and during their visits hotel accommodations are made in Visalia.

The District agrees with this finding.

In past years hotel accommodations were made in Hanford for staff developers from Teachers College. During those times staff developers voiced concerns regarding the reliability of internet access and cleanliness of rooms. Since the staff developers use their rooms in the evening to prepare for next day activities, the inadequacy of local accommodations confounded their work. Hotel accommodations in Visalia were sought only after multiple negative experiences locally.

Recommendation 2. The Grand Jury report recommends use of local accommodations.

Superintendent - Dr. Paul J. Terry

Governing Board - Robert A. Garcia, Jeff Garner, Lupe Hernandez, Dennis Hill, Timothy L. Revious

Further study of this recommendation will be conducted by the District. The District desires to support the local economy and will investigate if appropriate local accommodations can be guaranteed to provide necessary amenities.

Finding 3. The Grand Jury reported the use of a Visalia travel agent by the District.

The District agrees with this finding.

The agency used by the District offered exceptional service, so their services were utilized on a continuing basis.

Recommendation 3. The Grand Jury recommends the use of “online sites” to reduce costs and that when needed, a Hanford travel agency should be used.

Further study of this recommendation will be conducted by the District.

Online site usage is confounded by the mere number of personnel traveling on one occasion. The District will consider using a local travel agent if appropriate services can be guaranteed.

Finding 4. The Grand Jury reported that the 2006-2007 travel and conference budget was exceeded by \$92,000.

The District disagrees in part with this finding.

The District is required to submit an annual budget to the Board of Trustees prior to July 1st of each year. Like all school districts in California, the district’s initial budget is frequently submitted prior to the adoption of a state budget. The initial budget approved by the Board of Trustees had budgeted \$206,959 for travel and conferences which was \$135,000 less than the prior fiscal year. Following the adoption of the state budget the District must amend the budget to account for any revenue changes. Additionally, during the course of the school year the District amends the budget to account for any categorical revenue changes, which frequently occur, and any other location changes due to reprioritization of program needs. Any and all budget changes are approved by the Board of Trustees during a regular scheduled board meeting in open session. During the course of the 2006-2007 fiscal year the travel and conference budget was amended to \$299,429. It is not atypical or representative of bad business practice to have budget changes during the fiscal year, including a travel and conference budget change in the amount of \$92,000 for a District of this size. In fact, the amended budget was \$44,239 less than the prior year expenditure for travel and conference.

By law, the District must have an annual independent audit. There is no known history of the District’s independent audits reporting any exceptions to budgeting processes or the use of categorical funds in an inappropriate manner, including the audit that reviewed 2006-2007. Also, the District’s annual budget is reviewed by the Kings County Superintendent of Schools. The District consistently has a “positive” budget designation by the Kings County Superintendent of Schools.

Superintendent - Dr. Paul J. Terry
Governing Board - Robert A. Garcia, Jeff Garner, Lupe Hernandez, Dennis Hill, Timothy L. Revious

The Honorable Peter M. Shultz
May 23, 2008
Page 4

Recommendation 4. The Grand Jury recommends that travel and conference expenses adhere more closely to the budget and that items presented to the trustees include expenses year to date and the remaining balance.

This District has implemented this recommendation.

The District will continue to abide by all established budget practices as governed by governmental standards and mandates. Any budget changes deemed appropriate by the Board of Trustees will continue to be approved at a public meeting.

Finding 5. The Grand Jury reported that when reviewing minutes they found the District used addendums more often than other public agencies within the county.

The District disagrees in part with this finding.

The Grand Jury did not submit a list of public agencies reviewed to permit comparisons. The use of agenda addendums was done in accordance with the open meeting requirements of the California Government Code.

Recommendation 5. The Grand Jury recommended that adding items to the agenda should more closely follow the Brown Act and that adding items can lead to the perception that decisions are made without public input.

The District has implemented the recommendation.

The District will continue to conduct all Board of Trustee meetings in accordance California Government Code requirements.

Finding 6. The Grand Jury reported that the Board of Trustee meetings “were very formal” and were not the “type of meeting that would encourage parents/public to attend”. The report also indicated that seating arrangements were intimidating and not public friendly. Additionally they found the agenda to have a closed session at the beginning and at the end of the meeting.

The District disagrees in part with this finding

Board of Trustee meetings are formal meetings that are conducted in accordance with specific requirements mandated in California Government Code and Board Bylaws. Board meetings are not informal gatherings, but rather are held to conduct the business of the District in an open, transparent manner. A review of meeting minutes indicates that on numerous occasions the public has actively participated in making comments during meetings. Additionally, the nature of the comments made by public participants runs counter to a feeling of intimidation. The local press attends nearly all meetings and has never reported on meetings held in a “not public friendly” manner.

Superintendent - Dr. Paul J. Terry

Governing Board - Robert A. Garcia, Jeff Garner, Lupe Hernandez, Dennis Hill, Timothy L. Revious

The District will continue to conduct all Board of Trustee meetings in accordance California Government Code requirements, including when necessary to hold closed sessions at the beginning and/or end of the meetings.

Recommendation 6a. The Grand Jury recommends that the location of the meeting room be clearly marked. They also recommend that closed session items be conducted at the beginning of the meeting, thus allowing trustees to interact with the public in a less formal setting after the meeting. They recommend that seating arrangements be changed and that the podium be located towards the front of the room.

The District is in process of implementing this recommendation.

The District is increasing signage to assist identification of the meeting room. The District will continue to conduct all Board of Trustee meetings in accordance California Government Code requirements, including when necessary to hold closed sessions at the beginning and/or end of the meetings. Seating arrangements and location of the podium are being reviewed to determine optimal arrangements for public observation and participation.

Recommendation 6b. The Grand Jury recommends that student presentation be included at each meeting and that meetings be held at different school sites throughout the year.

Further study of this recommendation is being conducted by the District.

The District has over 5,000 students attending 10 different campuses. On occasion students will present at board meetings, but the logistics of arranging presentations at each board meeting in an equitable manner when over 5,000 students are involved is not practical. Additionally, collective bargaining agreements with District employees do not have provisions for supervising students after school hours for presentations at board of trustee meetings.

The District has conducted meetings at different school sites over the years. Having meetings rotate from one school site to another throughout the year appears to confound the recommendation that the meeting location be clearly identified, but the recommendation will be considered as part of the annual organization meeting of the board.

Respectfully Submitted,



Paul J. Terry, Ed.D.
Superintendent
Secretary to the Board of Trustees

PJT/jg

Superintendent - Dr. Paul J. Terry
Governing Board - Robert A. Garcia, Jeff Garner, Lupe Hernandez, Dennis Hill, Timothy L. Revious

Transportation of Special Needs Students

Reason for Investigation

The Grand Jury received complaints about the school buses for special needs students being unclean and in unsanitary condition. During a subsequent interview with a complainant, a complicated and unsatisfactory procedure for resolving a safety issue for the complainant's child was revealed. The parent's efforts to contact Kings Schools Transportation Authority (KSTA) were less than satisfactory, partly because there was no phone listing for any KSTA office. Concerns were also expressed about the bus drivers' inability to properly secure students, faulty equipment and no protocols for mitigating complaints.

Allegations previously surfaced in 2004, which initiated an investigation by the 2004-2005 Grand Jury. Understanding our obligation to follow up on the previous Grand Jury's report, as well as new complaints received, we responded with our own investigation.

Authority

California Penal Code Section 933.1.

Method of Investigation

The Grand Jury conducted an investigation that included site visits to various locations, interviews of the complainants, school employees, contract employees and staff from a state agency. We also reviewed and examined many documents relating to the contracting of transportation services and applicable law.

Background

In 1975, the Federal Education for All Handicapped Children Act (20USCA Section 1400 et seq.) was enacted. It introduced Free Appropriate Public Education (FAPE), which includes a variety of special education and related services. Transportation to-and-from school was defined as one of the related services.

The Fourteenth Amendment to the United States Constitution declares that a state "may not deny to any person within its jurisdiction the equal protection of the laws". This

phrase has been interpreted to mean that children with disabilities have equal protection of access to school bus transportation.

Spiraling Transportation Costs for Children With Special Needs

In 2003, Kings County School Districts experienced escalating transportation costs for students with special needs. Some of the school districts began raising questions concerning the “bill back” (difference between the actual cost and the estimated cost) formulas used by the Kings County Office of Education (KCOE) for transportation. Many of the districts were unable to identify all the factors contributing to the budget problems; however they continued to be in disagreement with the method of calculating the bill back. In March of 2004, the Fiscal and Crisis Management Assistance Team made recommendations to KCOE, one of which was to commission a more extensive study focusing specifically on the bill back. This study was not done and none of the recommendations were implemented. Instead, a committee was formed and the focus appeared to be on drivers’ hourly pay, overtime hours and benefit packages, as they were thought to cause potential deficits. Ultimately, the committee recommended the formation of a Joint Powers Authority (JPA); whereby, financial controls would be with the 14 public school districts in Kings County.

Joint Powers Authority

On June 25, 2004, all 14 Kings County School Districts entered into a Joint Powers Agreement for the purpose of creating and operating an agency known as Kings Schools Transportation Authority. The Authority was created so that each of the districts could join together to provide safe, efficient, and cost-effective transportation services.

In 2007, three years after inception, a KSTA Policy and Procedures Manual was produced as required in the 2004 JPA Agreement. Although the JPA is not limited to the transportation of special needs students, the Policy and Procedures Manual specifically addresses the transportation of these students.

KSTA conducts quarterly meetings; however, the Grand Jury was unable to find a posting of the time and location of these meetings. Since inception, minutes revealed meetings have been held at five different locations and at least nine different starting times which would make it difficult for the public to know where and when to attend. This attests to the fact that public comment has been made by only one parent.

Transportation

In July 2004, KSTA and Student Transportation of America (STA) entered into a contract for the transportation of the districts' students with special needs. The Grand Jury reviewed the advertisement (Notice to Bidders), the instructions to Bidders, the Specifications, the Bid Form, the Agreement (dated July 15, 2004) and an addendum which forms the Contract. The Grand Jury was also provided a document titled KSTA Policies and Procedures Manual, (dated July 6, 2007) which was reviewed in detail. The manual appears to give the contractor (STA) absolute authority to act as KSTA's sole agent in all transportation matters. When reading this manual, it is unclear as to when KSTA is acting on its own behalf and when the contractor is acting as its agent. The language in the manual is vague as to who the authority figure is in either name or title when the abbreviation KSTA is utilized.

KSTA responded to this Grand Jury's request for all the pertinent STA Contract documents. One of the documents provided, labeled "Contract", was extensively reviewed and studied by the Grand Jury. During an interview, this document was found to be a copy of a draft contract and was invalid. It should be noted that during interviews regarding points in the unofficial contract, KSTA representatives responded as though this was indeed a valid document.

Problems with Transportation

In August 2004, at the beginning of the school year, there were problems associated with the contractor, STA. Complaints received by the 2004-2005 Grand Jury prompted an investigation and a final report. After conducting extensive interviews and examining numerous documents, three recommendations were given by the Grand Jury. One of the recommendations was for KSTA to monitor the provision of transportation services under its Contract. In their response, KSTA agreed with the Grand Jury's recommendation. This Grand Jury was unable to determine that this recommendation was implemented and we feel this recommendation should not have been ignored.

In 2007, problems once again were brought to the attention of the 2007-2008 Grand Jury. Our initial focus was on STA and the services they provide. We then focused on KSTA. Through the course of our investigation, it became clear that most, if not all, problems could be solved by KSTA simply following the provisions in the contract and monitoring STA's services.

Facts

The Explicit Need for Contract and Program Monitoring

In researching the subject, we found that there are four basic monitoring principles: Observe, record, report and take appropriate action. The Contract has language included which provides for the effective monitoring of the contractor to ensure the safety of students, maintenance of equipment, administration of the agreement, communication between contractor, school, parents and protocol to handle complaints as they arise. The Grand Jury sees no evidence that this language is being implemented. Some examples are as follows:

- KINGS SCHOOLS TRANSPORTATION AUTHORITY shall have the right to monitor and evaluate the performance of CONTRACTOR to assure compliance with the agreement. There is no one from KSTA who performs this function.
- KINGS SCHOOLS TRANSPORTATION AUTHORITY may inspect bus vehicles at any time, including during a regular run. There is no one from KSTA who performs this function.
- KINGS SCHOOLS TRANSPORTATION AUTHORITY reserves the right to reject equipment that fails to meet established safety standards. There is no one from KSTA who performs this function.
- Routes and schedules can only be altered with written approval of KINGS SCHOOLS TRANSPORTATION AUTHORITY. There is no one from KSTA who performs this function.
- All drivers and relief drivers shall participate in a KINGS SCHOOLS TRANSPORTATION AUTHORITY approved safety program provided by the CONTRACTOR. KINGS SCHOOLS TRANSPORTATION AUTHORITY shall be permitted to participate in scheduled driver safety meetings for the purpose of coordination and articulating the transportation program. There is no one from KSTA who performs this function.

Once the Contract was signed, KSTA's immediate obligation was to oversee the transportation program. This was essential to ensure that the Districts' students were safe

and that the program was being administered properly. Problems can often surface as a result of an accident, special investigation, or lawsuit.⁶ If problems are not immediately identified, they can become significantly larger and the liabilities considerably greater. In other instances, the lack of monitoring or deficient monitoring creates a culture where many problems do not surface; therefore, the contractor is not held accountable.

Renewing of the Transportation Contract with STA

On December 4, 2006, KSTA meeting minutes indicate that the chairperson announced that they were in year three of a three-year contract with STA. One hundred and twenty days before the end of the school year, notification to STA would need to be made as to the contract being renewed or put out for competitive bid. This renewal was based on the “invalid contract” which calls into question which contract KSTA is following. Minutes reveal that there was discussion by the members, and that they were pleased with STA’s services. This decision appears to have been made without any supporting performance documentation.

At the January 8, 2007 meeting, KSTA minutes show a unanimous vote for a three-year contract renewal with STA. During our investigation we found that the KSTA and STA contract was renewed based almost solely on verbal reports given by STA personnel while in attendance at KSTA’s quarterly meetings. Transportation services were also considered to be satisfactory by KSTA, as they had received no major complaints⁶. During our interviews with parents and teachers, they were unaware of any formal complaint procedure. KSTA provided no evidence to the Grand Jury of any formal complaint procedure.

Transportation Coordinator/Specialist

The Grand Jury saw the need to review alternative contract monitoring models in other school districts. Our core mission was to make a contributive and reasonable recommendation to ensure the safe and efficient transportation of special needs students, one that would not be ignored.

All three models researched contracted transportation services with STA and transported special needs students. All three agencies had one thing in common: they all employed a position classified as Transportation Coordinator/Specialist. There is no one at KSTA who performs these functions. They have abdicated their authority to STA.

⁶ There is pending litigation at this time involving KSTA.

In all three positions reviewed, the transportation coordinators' basic task was contract monitoring. We were able to make this determination by comparing contract language with the job description. A transportation coordinator's position could satisfy the urgent need for communication and implementation of a complaint procedure and other procedural processes between school, contractor and families.

Conclusion

During the course of this Grand Jury's investigation, our most profound and emotional task was our tour of Shelly Baird School. We visited many classrooms and observed children with physical, mental and emotional disabilities. The dedication of the staff for the students' needs was obvious, and the students responded to this environment in a positive manner. Since many of the students ride the bus, parents need to know, and be reassured, that the buses are safe and their children are being driven by bus drivers who have been specially trained to handle situations and emergencies unique to special needs students. The bus ride to school should set the tone for the school day; therefore, the drivers should exhibit the same dedication and professionalism as school staff. School buses should be seen and treated as an extension of the school. It is our hope that school superintendents would take the time to visit the school for a better understanding of the unique challenges faced by staff and special needs students. The safety of these students is of paramount importance.

Findings and Recommendations

Finding 1: The Grand Jury reviewed the KSTA Policies and Procedures Manual (dated July 6, 2007) and the Contract. We found many inconsistencies and discrepancies between the two documents. The Grand Jury was particularly disturbed with the definition of KSTA. "KSTA means the Kings Schools Transportation Authority and any subcontractor that has been given the express authority to make the decision or take the action at issue and that is acting at the direction, and with the authority, of the Kings School Transportation Authority and within the given authority in making the decision or taking the action at issue." In this definition, KSTA and STA appear to us to be the same entity. We find that this is an abdication of the authority of KSTA and is not in the best interest of special needs students or the will of the parents and residents of the county.

Recommendation 1: KSTA should revise documents to be consistent. The definition of KSTA should make it absolutely clear that they are ultimately responsible for the safety and the decisions affecting special needs students and not to abdicate this authority.

Finding 2: No oversight or monitoring is being performed. As interviews indicated, it is questionable whether adequate service and safety is being provided for special needs students.

Recommendation 2: The Contract for special needs student transportation should be effectively monitored for compliance and evaluated to ensure the safety of these special children.

Finding 3: Most of the persons interviewed and KSTA minutes revealed a lack of understanding of the “valid” Contract.

Recommendation 3: KSTA board members should review and familiarize themselves with the “valid” Contract and follow contract provisions therein.

Finding 4: No one from KSTA is assigned the responsibility of monitoring the performance of STA.

Recommendation 4: Employ a Transportation Coordinator to monitor the transportation contract.

Finding 5: KSTA could not provide written documentation pertaining to the performance of STA.

Recommendation 5: Written documentation pertaining to STA’s performance, site visit reports, memoranda of verbal discussions and written correspondence should be maintained and reviewed by KSTA to monitor and help ensure satisfactory performance.

Finding 6: KSTA conducts meetings on a quarterly basis to manage the transportation of special needs education students within Kings County. In addition, special meetings are called, as appropriate. Although provisions of the Brown Act appear to be followed, Section 54954 states time and place should be established for regular meetings. It can be difficult for the public to know the location and time of these meetings, so that they can attend. We found the times and location of these meetings were inconsistent.

Recommendation 6: KSTA meeting time and location should be posted in the Hanford Sentinel and other local publications, similar to other JPAs, school boards and city or county agencies. Notification of KSTA meetings should be provided to the parents of special needs students.

Finding 7: KSTA provided no evidence of a formal complaint procedure. Interviews with parents and teachers confirmed that they were unaware of any complaint procedure.

Recommendation 7: A formal complaint procedure should be written by KSTA and establish a contact person to facilitate complaints with parents, schools and STA. This information should be provided to schools and parents in a KSTA handbook.

Comment:

The 2008-2009 Grand Jury is requested to conduct a follow-up investigation of these recommendations to ensure that they are not once again ignored.

Response Requirement

Penal Code Sections 933 and 933.05 requires that specific responses to both the findings and recommendations contained in this report be submitted to the Presiding Judge of the Kings County Superior Court within 90 days from date of receipt.

KINGS SCHOOLS TRANSPORTATION AUTHORITY (90 days)

2007-2008 Kings County Grand Jury Final Report Responses

Juvenile Hall/Boot Camp	Received
Lemoore City Police	Not Required
Corcoran Police Department	Not Required
Kings County Sheriff Avenal Sub-station	July 23, 2008
Kings County Main Jail	Not Required
California Substance Abuse Treatment Facility and State Prison at Corcoran State	Not Required
Hanford Abandoned Vehicle Abatement	Received
City of Lemoore's Administration of ADA	Received
Kettleman City Community Services District	August 19, 2008
Home Garden Community Services District	August 17, 2008
Kings County Behavioral Health Administration	Received
Kings County IT Department	August 29, 2008
Hanford Elementary School District	Received
Transportation of Special Needs Students	August 7, 2008

RESPONSES TO 2006-2007 GRAND JURY REPORTS

Bird Nuisance

2006-2007 Grand Jury Report Page 1



COUNTY OF KINGS BOARD OF SUPERVISORS

KINGS COUNTY GOVERNMENT CENTER
1400 W. LACEY BOULEVARD, HANFORD, CA 93230
(559) 582-3211, EXT. 2362, FAX: (559) 585-8047
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TONY OLIVEIRA
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TONY BARBA
HANFORD & ARMONA - DISTRICT IV

ALENE TAYLOR
HANFORD - DISTRICT V

June 19, 2007

Honorable Thomas DeSantos
Kings County Superior Court
1426 South Drive
Hanford, CA 93230

Dear Judge DeSantos:

In accordance with Section 933 of the California Penal Code, this letter is the Kings County Board of Supervisors' response to the Grand Jury Report entitled, "Bird Nuisance," received by the County on March 28, 2007.

Under the Findings Section of the Report the Grand Jury states:

1. The official from Kings County Environmental Health informed us that they have no legal authority and are not responsible because there is no health risk involved from the bird droppings. We were informed that the only time there would be a health issue would be if the droppings got into the water storage tanks. It was also stated that it is not their job to clean up the bird droppings and this is probably the job of the City of Hanford Public Works.

We agree with this finding.

2. The official from Public Works stated that it is the property owner's responsibility to clean the bird droppings from the public sidewalks, curbs and gutters. It is not the city's job to clean the bird droppings from these areas. It is the responsibility of the property owner to keep the sidewalks clean. He had no knowledge of the existence of any ordinance in Hanford regarding the problems caused by birds.

We agree with this finding. With respect to the City of Hanford Ordinance, we defer to the City's response which is attached for reference.

3. The officials from the Hanford Police Department informed us that there is an ordinance that states no person shall shoot or bother nests of birds such as crows and pigeons. The police department at times goes out and shoots using blank shells that make a loud sound to scare the crows away from where they nest at night. They also stated that they will contact the Hanford City Manager and Department of Environmental Health about this problem and will monitor these bird issues. They have, in the past, used private entities to get rid of the crows after they received complaints about the birds. They stated that it is not their job to clean up bird droppings and complaints are referred to City of Hanford Public Works.

We agree with this finding.

4. Surrounding counties have problems with bird droppings and are addressing the situation.

We have no jurisdiction over surrounding counties.

The recommendations section of the Report states as follows:

1. The Hanford City Manager, Hanford Police Department, Department of Environmental Health and Department of Public Works should join forces to create a program to address the bird problem and the nuisance that is caused by these birds. A program for cleaning up the bird droppings from public sidewalks, streets and our public parking areas needs to be created.

Since, according to the Environmental Health Division of the County Health Department, no health risk exists from these droppings as long as they do not enter the water supply (see Finding 1), we defer to the City of Hanford reply (see attached) as far as how they address the nuisance created.

2. The Department of Public Works needs to inform citizens and businesses that it is their responsibility to clean public sidewalks in front of their property.

See City of Hanford's response.

3. An ordinance should be created assigning the responsibility of overseeing the problem of bird droppings to the Kings County Department of Environmental Health. The enforcement of this new ordinance should be closely monitored.

We do not believe a County ordinance is required.

4. The Kings County Department of Environmental Health should reassess its opinion that bird droppings do not create a health hazard.

The Environmental Health Director is still of the opinion that bird droppings do not create a health hazard as long as it does not get into municipal water supply tanks or into the food chain.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tony Barba', written in a cursive style.

Tony Barba
Chairman, Board of Supervisors

Juvenile Hall/Boot Camp

2006-2007 Grand Jury Report Page 4



COUNTY OF KINGS BOARD OF SUPERVISORS

KINGS COUNTY GOVERNMENT CENTER
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(559) 582-3211, EXT. 2362, FAX: (559) 585-8047
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JOE NEVES
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TONY OLIVEIRA
NORTH HANFORD & NORTH LEMOORE - DISTRICT III

TONY BARBA
HANFORD & ARMONA - DISTRICT IV

ALENE TAYLOR
HANFORD - DISTRICT V

July 31, 2007

Honorable Thomas DeSantos
Kings County Superior Court
1426 South Drive
Hanford, CA 93230

Dear Judge DeSantos:

In accordance with Section 933 of the California Penal Code, this letter is the Kings County Board of Supervisors' response to the Grand Jury Report entitled, "Juvenile Hall/Boot Camp," received by the County on May 7, 2007.

Under the Findings Section of the Report the Grand Jury states:

1. All staff members wear uniforms. The color of the uniform will designate at which facility the employee works.

We agree with this finding.

2. All employees are expected to be in uniform when reporting for duty. Some individuals arrive at work in uniform while others change into their uniform on site prior to reporting for duty.

Some employees arrive to work in uniform and other employees change into their uniform before they are scheduled to report for duty. The Probation Department understands that, due to safety reasons, some employees may choose to change into their uniform on site. There is ample space, privacy, and lockers for the employees to be able to change. This has not posed a problem to the Department.

3. All inmates must attend school a minimum of 240 minutes Monday thru Friday. In addition to the teacher, a staff member is in the classroom at all times.

All inmates attend school a minimum of 240 minutes per day Monday through Friday.

4. Education requirements are provided by specifically trained educators for any special needs child.

We agree with this finding.

5. All employees are required to record pertinent information on a daily log. Each facility keeps a set of logs. Information is exchanged at shift changes by employees reading the logs. All logs are kept for five years.

We agree with this finding.

6. Title 15 of the California Code of Regulations is the overriding authority for all policies and procedures at Juvenile Hall and Boot Camp.

We agree with this finding.

7. A policy and procedures manual is given to each new employee. The employee is given on-the-job training of eighty hours and additional five weeks core training with the first year. Twenty-four hours of training is required yearly. The Executive Lieutenant and the Training Officer keep track of the employees' required training by keeping a log which is filed in the employees' personnel file. The Grand Jury is unable to verify training logs due to Human Resource policies regarding privacy of personnel files.

We agree with this finding. The Probation Department will implement a log for staff attendance at unit meetings for policy and procedure changes and in-house training.

8. Policy changes and procedures are communicated to staff via memos. A staff meeting of all employees is rarely scheduled.

The Probation Department will review its policy and procedure manuals annually as per Title 15, Section 1324. The facility manager or appropriate custodial management will implement, train, and supervise policy and procedure revisions. Communication through memo form will also continue.

9. Fire drills are required every three months. At the time of the Grand Jury visit in January, 2007, the last scheduled fire drill was February, 2006.

The Probation Department will comply with Title 15 of the California Code of Regulations in reference to fire drills.

10. Food provided for Juvenile Hall and Boot Camp is prepared at the jail facility and is transported to site. Hot meals are provided for breakfast and dinner with a sack lunch.

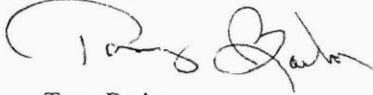
We agree with this finding.

11. The Grand Jury found security to be a high priority throughout Juvenile Hall.
All doors were locked.

We agree with this finding.

For responses to the Grand Jury's recommendations please see the attached memo from
Chief Probation Officer Van Den Berg.

Sincerely

A handwritten signature in black ink, appearing to read 'Tony Barba', with a large, stylized initial 'T' and a flourish at the end.

Tony Barba
Chairman, Board of Supervisors

City of Corcoran - Storm Drain Fees

2006-2007 Grand Jury Report Page 13

CORCORAN

own parcels. This is not permissible under Article XIID §6(b) of the Constitution.

In other words, the City believes it cannot charge only those connected to the system because even those not connected derive a benefit. To charge only those directly connected to the system would result in a disproportionate charge to that parcel

neither Bill has gone into effect, however, the League of Cities has issued a bulletin indicating its passage is highly likely. As such, this issue would be rendered moot.

In summary, the City believes the following is in compliance with all controlling law:

1. To charge only those connected to the system (when it is immediately available to everyone who elects to install curb and gutters) subjects the City to claims from those so connected because they would pay a disproportionate cost;
2. Those not connected derive a benefit from the storm drainage system;
3. Each parcel owner decides whether it will install curb and gutter on his/her parcel. Once a parcel owner constructs such improvement, the system is readily (immediately) available;
4. Those not connected pay a lesser, but proportionate share/fee; and
5. This issue may be moot depending on pending legislation.

The City is currently conducting town hall meetings in an effort to educate all parcel owners regarding the storm drain system. The City is looking into whether grants or other programs are available to assist owners in defraying the cost of installing curb and gutters.

If the City is required to cease charging those "not connected," it would have to insist ("force") parcel owners to install curb and gutters. If the installation of curb and gutters is paid by the City, the cost would be a lien against that parcel owner's property. The City wishes to avoid such "heavy handed" policies.

Thank you for considering our response.

Respectfully,



Ron Hoggard
City Manager

Kings County Elections Department - Residency

2006-2007 Grand Jury Report Page 37



COUNTY OF KINGS BOARD OF SUPERVISORS

KINGS COUNTY GOVERNMENT CENTER
1400 W. LACEY BOULEVARD, HANFORD, CA 93230
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TONY OLIVEIRA
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TONY BARBA
HANFORD & ARMONA - DISTRICT IV

ALENE TAYLOR
HANFORD - DISTRICT V

June 19, 2007

Honorable Tom DeSantos
Kings County Superior Court
1426 South Drive
Hanford, CA 93230

Dear Judge DeSantos:

In accordance with Section 933 of the California Penal Code, this letter is Kings County's response to the Grand Jury Report, entitled "Kings County Elections Department Residency Requirement," received by the County on March 28, 2007.

The Findings of the Report are:

1. The Elections Department uses voter registration records to verify residency of a candidate. It does not have the mandate to ascertain a candidate's residency in any other manner.
2. Qualifications differ for each of the many entities the Elections Department prepares ballots for. There are different rules for each entity.
3. Each entity has the option to change its Declaration of Candidacy form.
4. A person can be removed from office for giving false information.

We agree with all four of these Findings.

For responses to the Recommendations, we have attached a letter from Ken Baird, Assessor-Clerk-Recorder, who is the Department Head in charge of Elections.

Sincerely,

Tony Barba
Chairman, Board of Supervisors



KEN BAIRD

KINGS COUNTY GOVERNMENT CENTER
1400 WEST LACEY BLVD
HANFORD, CALIFORNIA 93230-5905

ASSESSOR – CLERK – RECORDER REGISTRAR OF VOTERS

PHONE (559) 582-3211 EXT. 2486
FAX – ASSESSOR (559) 582-2794
FAX – CLERK/RECORDER (559) 582-6639
FAX – ELECTIONS (559) 585-8453

May 22, 2007

Kings County Grand Jury

Subject: Response to recommendations for candidate residency requirements.

First of all, I would like to thank the Kings County Grand Jury for the opportunity to meet with them and provide information regarding candidate residency requirements under the law, and for their recognition that our guidelines and procedures were strictly followed.

As your report points out the laws on residency, as they pertain to candidates' qualifications to hold office, are far from clear-cut. Additionally, the law is silent as to who has the authority and responsibility to investigate when a candidate is suspected of being in violation of the residency requirements.

The Grand Jury made two recommendations:

1. Some procedure of addressing a complaint about qualifications of a local elected official needs to be established.
2. An office or individual needs to be assigned the task of receiving complaints and channeling them to the appropriate entity for action.

While I agree that the public would be better served if the legislature would provide a clearer method of addressing this issue, it is a question that must be addressed at the State level rather than the County level. Both of the Grand Jury's recommendations would require legislation to establish clear authority and responsibility to investigate beyond the procedure that is currently available to our office.

Sincerely,

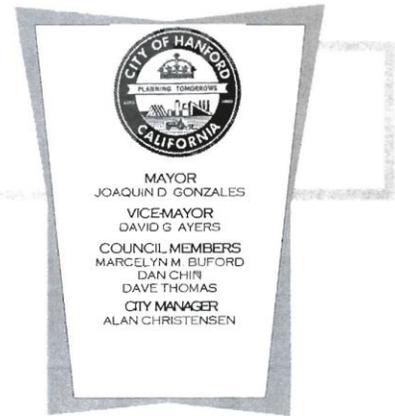
A handwritten signature in cursive script that reads "Ken Baird".

Ken Baird
Kings County Assessor, Clerk/Recorder
Registrar of Voters

City of Hanford Public Works

2006-2007 Grand Jury Report Page 49

City of **HANFORD**
CALIFORNIA 93230
CITY OFFICES 319 NORTH DOUTY STREET



April 19, 2007

Honorable Thomas DeSantos
Kings County Superior Court
1426 South Drive
Hanford, CA 93230

Dear Judge DeSantos:

In accordance with Section 933 of the California Penal Code, this constitutes the City of Hanford Department of Public Works response to the Grand Jury Report regarding temporary dumpster service provided by the Refuse Division of the Public Works Department.

The "Synopsis" section of the report states, in part, that "the present demand for these containers exceeds supply."

Response: Requests for temporary dumpster service are not consistent. Maintaining an inventory large enough to service all requests is impractical.

Following are comments/corrections to the "Findings" section of the report:

Finding #2: Customers are instructed to call in the morning to inquire about the availability of temporary dumpsters. To rent an available dumpster, the customer is instructed to come to the Public Works office to complete a rental agreement and pay for the service.

Finding #3: Customer is advised as to whether a dumpster is available or not (see response to Finding #2 above). If there are no dumpsters available, customer is advised as to when a dumpster is expected to be available (see Findings #4 and #5 below).

Finding#4: Temporary dumpsters are rented for a 30 day period or four empties. The customer calls in to have the dumpster emptied; therefore, there are times that the fourth empty occurs prior to the 30 day limit. In that case, the dumpster will be picked up and returned to the Corporation Yard. Because of this flexible service, a dumpster may be returned "unscheduled" and would be available later in the day subsequent to an earlier customer inquiry.

Finding #5: Even with a waiting list, there would be no way to guarantee availability. We have no way of knowing whether a customer will finish early or will rent the dumpster for an additional 30 days.

Finding #6: This ensures productive use of our temporary dumpster service and increases availability to more customers. Large roll-off dumpster service (10-20 cubic yard) can be rented through private refuse companies.

Finding #7: Requests for temporary dumpster service are not consistent. Although the number of dumpsters could be increased, maintaining an inventory to service all requests, however many that might be, is impractical.

Finding #8: The rental agreement identifies that the dumpster must be on a hard surface and cannot be placed in the street (see attached rental agreement).

Following are responses to the "Recommendations" included in the report:

Recommendation #1: The attached copy of the rental agreement is provided to all customers upon request or execution. If a customer so requests, the agreement will be mailed.

Recommendation #2: We discontinued using a reservation list because of problems with contacting people who may not be available or do not have answering machines. Many customers did not respond in a timely manner, and when they finally did, the dumpster had been rented to another customer. Some customers would show up a week later and expect to have the dumpster waiting. Most customers became more irate and hostile toward our employees under the reservation process. Add to that, the fact that we would be holding their money, if a deposit program was instituted, any failure or perceived failure to notify or failure of the customer to make timely response and rental agreements would result in increased dissatisfaction/hostility.

Respectfully submitted,



Alan Christensen
City Manager

AC:km

attachments

RESIDENTIAL/COMMERCIAL RENTAL INFORMATION
RENTAL AGREEMENT

RENTAL INFORMATION

The City of Hanford provides one or two yard containerized service on a short-term basis for household clean-up, yard waste, etc. If sod, dirt, cement, rock, sand, brick and/or other heavy materials are going to be disposed of and the regular refuse collection vehicle is unable to empty the container due to it being too heavy, it is the customer's responsibility to empty the container until it can be emptied.

No batteries, appliances with freon or hazardous waste such as solvents, paints, cleaners, etc. will be collected or disposed of. There is an additional charge for tires (\$3.00 each).

- *The container must be placed on a hard surface--cement pad, driveway, etc. The container cannot be kept on the street.**
- *The container must be ready for empty by 5 a.m. If the container is blocked, not at curbside or too heavy for the truck to empty, that is considered one stop.**
- *The contents of the container shall be no higher than the top of the container.**
- *The container must be removed from the street/sidewalk after it has been emptied.**

One month's service charges must be paid for in advance. The minimum agreement is for one month or four stops to empty the container, **whichever comes first**. Anything less than four (4) empties or a 30-day period shall be charged the full rental rate of the container.

If the customer wishes to keep the container for a second month, it is the customer's responsibility to make payment in advance before the due date or the 4th empty (empties are not transferable to the second month). The second month will begin on the day after the fourth empty if the fourth empty is done before the original due date.

If no payment has been made, the container will be picked up without notice.

Container rentals shall be for a period not to exceed two months in one calendar year.

It is the customer's responsibility to notify Public Works when the container needs to be emptied by calling **585-2551**, Monday through Friday, 8 a.m. to 5 p.m. Requests received before 10 a.m. (Wednesday before 9 a.m.) can usually be done on the same day; requests after 10 a.m. are usually done the following day.

I fully understand the conditions of this agreement.

Name

Date

Delivery Address

Phone Number

City Representative

Delivery Date/Container Size

Hanford Joint Union School District High

2006-2007 Grand Jury Report Page 29



HANFORD JOINT UNION HIGH SCHOOL DISTRICT

823 West Lacey Boulevard • Hanford, California 93230

559) 583-5901 • Fax (559) 589-9769

www.hjuhsd.k12.ca.us

BOARD OF TRUSTEES

Alfred Benavides John Draxler Robert Hill Emma Perez Danny Todd

William L. Fishbough, Superintendent

May 1, 2007

2007 Grand Jury Foreperson

Dear Sir or Madam:

This letter is in response to the 2007 Grand Jury Report. As Superintendent of Hanford Joint Union High School District, I would like to assure your members that their concerns have been noted and to address the Grand Jury's specific recommendations.

1) and 2) Traffic Safety: The Grand Jury noted potential safety hazards created by jaywalking students and traffic congestion and recommended the district work with the Hanford Police to address these concerns.

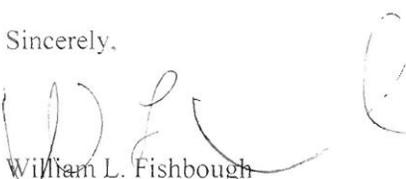
Student safety is one of our highest priorities and our administration and staff share your concerns regarding pedestrian and traffic safety. We have had discussions in the past with the City of Hanford and the Hanford Police about ideas and plans to address traffic safety and we will continue to have these discussions as our community grows and needs change. Enclosed you will find a letter to the City of Hanford that is intended to open a fresh dialogue about some specific things that might be done to mitigate current traffic concerns.

3) Open Campus: The Grand Jury noted that our high schools currently have a lunch time open campus policy and recommended the district add fencing and increase food service capabilities to allow for implementation of closed campuses districtwide - including at the district's new high school, scheduled to open around 2009.

HJUHS completed installation of perimeter fencing at Hanford High School and Hanford West High School earlier this school year. Perimeter fencing was added to Earl F. Johnson High School as part of a comprehensive remodel several years ago. Though it does not cover all areas of the comprehensive campuses, the fencing is intended to increase campus security. The architectural plans for the district's new high school call for similar perimeter fencing. As for creating a closed campus, there are several logistical and financial concerns that would need to be considered before that decision could be made, including - as the Grand Jury noted - the capability of serving lunch to all 1,700 students on each campus. Currently, our district does not have any immediate plans to pursue that policy change.

On behalf of the HJUHS Board and administration, I'd like to thank the Grand Jury for sharing its concerns. I hope that I have addressed all of your findings. If you have any additional questions, please feel free to contact my office anytime.

Sincerely,


William L. Fishbough
Superintendent

**San Joaquin Valley Power Authority Community Choice Aggregation
Program**

2006-2007 Grand Jury Report page 32

SAN JOAQUIN VALLEY POWER AUTHORITY

CLAVIS
CORCORAN
DINUBA
FRESNO
HANFORD
KERMAN
KINGS COUNTY
KINGS RIVER
LEMOORE
LUREN
REEDLEY
SANGRE
SELMA

August 16, 2007

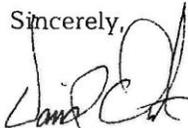
The Honorable Louis F. Bissig
Kings County Grand Jury
Government Center
1400 West Lacey Boulevard
Hanford, CA 93230

Re: Report of the Kings County Grand Jury dated May 17, 2007

Dear Judge Bissig:

Please find attached the San Joaquin Valley Power Authority's response to the report of the Kings County Grand Jury dated May 17, 2007.

Sincerely,



David Orth
General Manager
Kings River Conservation District
Agent for the San Joaquin Valley Power Authority

DO/dp

Attachment: As Stated

File: PA 200.02
L07-0006



ADMINISTRATIVE OFFICES AT KINGS RIVER CONSERVATION DISTRICT
1000 West Lacey Boulevard
Hanford, CA 93230
559-281-4400
WWW.COMMUNITYCHOICE.INFO

August 10, 2007

**RESPONSE TO THE KINGS COUNTY GRAND JURY REPORT ON THE SAN
JOAQUIN VALLEY POWER AUTHORITY COMMUNITY CHOICE
AGGREGATION PROGRAM**

In Accordance with California Penal Code Section 933(c), the San Joaquin Valley Power Authority (Power Authority) submits the following response to the Kings County Grand Jury (Grand Jury) report titled **San Joaquin Valley Power Authority Community Choice Aggregation** dated May 17, 2007.

The Power Authority appreciates the Grand Jury's interest in reviewing the Community Choice Aggregation Program. We agree with many of the Grand Jury's findings that demonstrate Community Choice will provide benefits to the region, including cost savings, new generation in the San Joaquin Valley, local involvement in rate setting and public access provided through the new San Joaquin Valley Power Authority, and energy planning that reflects the choices and priorities of residents and businesses in the San Joaquin Valley. The Power Authority also agrees with the Grand Jury that education of the public is important since the Program is new to the region and the first such in the State. The Power Authority is committed to providing easy-to-understand information to assist electrical customers make an informed decision about Community Choice.

The Grand Jury report contains a number of Findings and Recommendations which are based on erroneous information and/or appear to be statements of opinion rather than fact. The Power Authority responds to these items below.

Finding No. 4 states that increasing power generation at the local level does nothing to address the problem of disruption of service caused by transmission constraints and that the California Independent Systems Operator (CAISO) will continue to have the authority to shift power and meet demands throughout the state. These findings only address part of the issue and are therefore misleading.

Reliability of energy service depends on transmission, distribution, and generation capacity available in a particular region. The CAISO has repeatedly stated that the greater Fresno Area (defined as portions of Fresno, Kings, Tulare, Madera, Mariposa and Merced counties) is electric generation deficient. Furthermore, transmission constraints into the greater Fresno Area are of concern to both the CAISO and PG&E. Kings River Conservation District (KRCD) has conducted over five years of study of issues affecting local area reliability and has concluded that upgrades in transmission, generation and distribution are necessary to overcome these constraints. Based on KRCD's experience, its Board of Directors has chosen to focus on expanding generation assets to serve the region. The Grand Jury recognizes this benefit in finding No. 4c which states "There is a lack of generation capacity at the local level and so having another generation plant in the Valley is a positive."

Finding No.5 states that the Parlier residents are not in agreement with a proposal to build a 500-megawatt, natural gas fueled, combined cycle generation plant. This is not correct.

The Grand Jury apparently made this conclusion in response to media coverage of a public workshop held by KRCD as part of an early public awareness and information campaign regarding the proposed plant at which citizens of the neighboring community of Selma raised questions about air quality, noise, land values and other issues. The City Council of Parlier and the Parlier area Chamber of Commerce have formally taken positions of support with the proposed power plant. KRCD remains committed to continue to work with residents in the area who have identified concerns. This will be accomplished through future public workshops and the California Energy Commission plant permitting process.

Finding No.9 states that the PG&E and SCE are already contracting to meet the 20 percent renewable portfolio standard and are confident they will have no problem in doing so. The Grand Jury goes on to note that the SJVPA will have to compete for limited renewable energy with other utilities that are currently working to contract for future needs. This finding is misleading and presumptive.

The Grand Jury fails to recognize that the creation of the Power Authority will result in further incentives to develop additional renewable energy capacity within the region. KRCD on behalf of the Power Authority recently issued a request for proposal which has generated several hundred megawatts of renewable energy proposals which are further being reviewed for the potential of development in the future to support the Community Choice Program. In short, the Power Authority's Community Choice Program will result in additional renewable energy capacity in the San Joaquin Valley. KRCD and the Power Authority are committed to aggressively meet or exceed the 20 percent renewable portfolio standard.

Finding No. 17 states that health issues must be considered when additional air pollution is proposed. The Power Authority agrees with this statement.

The proposed power plant and other generation facilities ultimately developed to support Community Choice customers will comply fully with State and Federal law and regulation relative to emission control. This is accomplished by utilizing best available control technology and developing emission reduction credits to offset, by multiple factors, the amount of additional emissions that are added. It is this emission reduction system regulated by the San Joaquin Valley Air Pollution Control District that allows the region to continue economic growth and expansion without further degradation in air quality conditions.

Finding No.18 expresses concern regarding the impact on groundwater from the water supply proposed to cool the proposed power plant. The Grand Jury accurately notes that the source of water to be used for cooling will come from the sewage treatment facilities for the cities of Parlier and Sanger. The Grand Jury fails to recognize that the use of this water will result in a reduction of over 1600 tons per year of salt-loading to the groundwater basins under the sewage treatment facilities and will improve local groundwater quality. KRCD is exploring additional opportunities to expand local groundwater recharge in the area to mitigate any groundwater quantity impacts from the project.

Finding No.19 states that the water table has gone down consistently as California's population has grown. This is a correct statement, supported by KRCD's own analysis of groundwater conditions in the region. KRCD, as a regional resource manager, is aggressively involved in groundwater management programs and integrated regional water management planning to address groundwater quantity and quality issues.

Recommendation No. 2 suggests that there is no need for expensive opt-out charges to the customer. Recommendation No. 3 states that there should be no opt-out charge if there is no savings to customers. The Board of the Power Authority, as the local regulatory body, will be charged with rate setting responsibilities including costs of opt-out. The Power Authority will have the power and discretion to set opt-out charges on an annual basis to address obligations of the program. Nothing would prevent the Power Authority from setting these charges at zero if it maintains financial protection and stability in the Program.

Recommendation No. 4 states that gas-fired generation plants are already out dated technology and states that the San Joaquin Valley needs to be progressive and think ahead now. This statement is incorrect, and appears to be reflective of personal opinion rather than fact.

Industry experts recognize and acknowledge that natural gas-fired generation is the generation of choice for California, and the western United States. Renewable energy technology in its current form is incapable of meeting base-load generation attributes, but when matched with gas-fired generation can significantly enhance the quality and emissions footprint of generation for the region. The Community Choice Program is a progressive and forward-looking program that will allow local government to match and optimize generation of choice facilities (natural gas fired) with aggressive regional renewable planning that can improve the quality of the San Joaquin Valley energy supply.

In conclusion, the Power Authority believes that Community Choice is a visionary energy program that will provide a unique and unprecedented opportunity for electricity customers in Kings County to have choice and voice in energy planning and decision-making. These opportunities will lead to expanded investments in generation capacity, economic development and other programs tailored to address regional issues.

Kings County Grand Jury Complaint Form

COMPLAINT PROCESS

- Present your complaint as soon as possible. The Grand Jury's term of service begins July 1st and ends June 30th of the following year.
- Identify your specific concern and describe the circumstances as clearly and concisely as possible.
- Document your complaint with copies of pertinent information and evidence in your possession.
- Mail or deliver your complaint in a sealed envelope to:

Kings County Grand Jury
P.O. Box 1562
Hanford, CA 93232-1562
(559) 582-3211 ext.2892

Among the responsibilities of the Grand Jury is the investigation of the public's complaints to assure that all branches of city and county government are being administered efficiently, honestly and in the best interest of its citizens.

Complaints submitted to the Grand Jury will be treated confidentially.

The results of the complaints investigated by the Grand Jury are published in its final report in which the residents of the county are made aware of its investigations, findings and recommendations and the entities reported on are required by statute to respond.

GENERAL INFORMATION

A major function of the Kings County Grand Jury is to examine local county and city government, special districts, school districts, and any joint powers agency located in the county to ensure their duties are being carried out lawfully.

The Grand Jury:

- May review and evaluate procedures used by these entities to determine whether more efficient and economical methods may be employed;
- May inspect and audit the books, records and financial expenditures as noted above to ensure that public funds are properly accounted for and legally spent;
- May investigate any charges of willful misconduct in office by public officials;
- Shall inquire into the condition and management of the public prisons within the county.

Anyone may ask the Grand Jury to conduct an investigation of an issue within its jurisdiction. Whether it chooses to investigate such a complaint is entirely in its discretion and may be affected by workload, resource limitations or legal restrictions. By law, the proceedings of the Grand Jury are confidential. The findings and recommendations of those complaints and issues it chooses to address are published in its final report.



KINGS COUNTY

GRAND JURY

COMPLAINT FORM

2004-2008 GRAND JURY VISITS

2007 - 2008 GRAND JURY

COUNTY GOVERNMENT COMMITTEE RECORD OF VISITS

FACILITY	04-05	05-06	06-07	07-08
Agriculture				
Commissioner/Sealer				
University of CA Cooperative Extension				
Assessor/Clerk/Recorder				
Assessor				
Clerk/Recorder				
Elections			37,58	
Board of Supervisors				
County Administration				
Human Resources				
Human Services				
Administration				
Child Protective Services				
Employment and Training Services				
Fiscal Division				
Special Investigation Division				
Social Services				
Welfare to Work Services				
Information Technology (IT)				86
Application Programing Systems				86
Central Microfilm/Records Storage				
Computer Operations			6	86
Office Systems				86
Technical Services				86
Kings County Area Public Transportation Agency		91		
Kings County Association of Governments				
Kings County Behavioral Health				69
Champions Recovery Alternatives				69
Cornerstone Systems Recovery				69
DECA				
DISC				
DUI/PC 1000 Program				
Friday Night Live Prevention Program				
Hannah's House				69
HIV Prevention Program				
Kings CONNECTION				
Kings View Counseling				
Lighthouse Recovery Group				69
NAMI				
SAFE				69
WRAP				
Y Max				
Youth Net				69
Kings County Child Support Services		101		
Kings County Commission on Aging				

2007 - 2008 GRAND JURY

COUNTY GOVERNMENT COMMITTEE RECORD OF VISITS

FACILITY	04-05	05-06	06-07	07-08
Kings County Economic Development Corporation			20	
Kings County Finance Department				
Kings County Law Library				
Kings County Library				
Armona Branch				
Avenal Branch				
Corcoran Branch				
Hanford Branch				
Kettleman City Branch				
Lemoore Branch				
Stratford Branch				
Kings County Job Training Office (JTO)			20	
Kings County Treasurer-Tax Collector				
Kings In-Home Supportive Services				
Kings Ombudsman Program				
Kings Partnership for Prevention				
Kings Waste and Recycling Authority		55		V
Local Agency Formation Commission				
Planning Department				
Building Department				
Public Works				
Building Maintenance				
County Shop	46	71		
Motor Pool				
Road Department				
Parks				
Burris Park and Museum				
Hickey Park				
Kingston Park				
Veteran's Services/Public Guardian	16		47	
Victim Assistance/Witness Program				

V = Visited, report not written

A prior listing of visitations may be found in the 2003-2004 Grand Jury final report

2007 - 2008 GRAND JURY

SPECIAL PURPOSE AND ASSESSING OR TAXING DISTRICT

FACILITY	04-05	05-06	06-07	07-08
Armona Community Services District		89		V
Corcoran Cemetery District				
Corcoran Hospital District				
Corcoran Irrigation District				
Empire West Side Irrigation District				
Excelsior/Kings River Resource Conservation Dist.				
Hanford Cemetery District		27,47		
Home Garden Community Services District				59
Kaweah Delta Water Conservation District				
Kettleman City Community Services District				57
Kings County Water District				
Kings Mosquito Abatement District	39		42	
Kings River Conservation District				
Lakehaven Utility District				
Lakeside Irrigation and Water District				
Lemoore Cemetery District				
San Joaquin Valley Air Pollution Control District			32	
Stratford Irrigation District				
Stratford Public Utilities District				
Tulare Lake Basin Water Storage District				
Tulare Lake Drainage District				
Tulare Lake Resource Conservation District				
Westlands Water District				
Westside Resource Conservation District				

V = Visited, report not written

A prior listing of visitations may be found in the 2003-2004 Grand Jury final report

2007 - 2008 GRAND JURY

HEALTH AND EDUCATION COMMITTEE RECORD OF VISITS

FACILITY	04-05	05-06	06-07	07-08
Armona Union School District				
Armona Elementary School				
Parkview Middle School				
Central Union Elementary School District				
Akers Elementary School				
Central Union School				
Neutra Elementary School				
Stratford School				
Corcoran Joint Unified School District				
Bret Harte Elementary School				
John C Fremont Elementary School	44			
Mark Twain Elementary School				
John Muir Intermediate School				
Corcoran High School				
Kings Lake Education Center				
Delta View Joint Union Elementary school District				
Hanford Elementary School District				
District Administration				97
District Kitchen				
District Transportation				
Hamilton Elementary School				
Jefferson Elementary School				
King Elementary School				
Lincoln Elementary School				
Monroe Elementary School				
Richmond Elementary School				
Rooseveltdt Elementary School		63		
Simas Elementary School				
Washington Elementary School				
Kennedy Junior High School				
Wilson Junior High School				
Hanford Joint Union High School District			29	
Earl F Johnson Continuation High School				
Hanford Adult School				
Hanford High School				
Hanford West High School				
Island Union Elementary School District				
Kings County Office Of Education				
Administration				
Kings County Community School				
Special Education - Shelly Baird				
Kings Student Transportation Authority	10			108
Kings River-Hardwick Joint Union School District				
Kit Carson Union School District		93		

2007 - 2008 GRAND JURY

HEALTH AND EDUCATION COMMITTEE RECORD OF VISITS

FACILITY	04-05	05-06	06-07	07-08
Lakeside School District				
Gardenside Elementary school				
Lemoore Union Elementary School District(cont.)				
Cinnamon Elementary School				
Engvall Elementary School				
Lemoore Elementary School				
Liberty Middle School				
Meadow Lane Elementary School				
Lemoore Union High School District				
Lemoore High School				
Jamison Continuation High School				
Lemoore Adult Education				
Pioneer Union School District				
Pioneer Union Elementary School				
Pioneer Middle School				
Reef-Sunset Unified School District				
Adelante Continuation School				
Avenal Elementary School				
Avenal High School				
Kettleman City Elementary School				
Reef-Sunset Middle School				
Sunrise Continuation School				
Tamarack Elementary School				
Health Clinics				
Avenal				
Corcoran				
Hanford				
Kettleman City				
Lemoore				
Health Department			39	
Administration				
Aging Program				
Bioterrorism Preparedness		85		
CHDP-Lead Program and CCS				
Child Passenger Safety				
Environmental Health Services				
Health Education-Tobacco Program				
Immunizations				
Public Health Laboratory				
Public Health Nursing/Community Services				
Reproductive Health				
Teen Program				
Vital Records				
Women, Infants and Children (WIC)				

2007 - 2008 GRAND JURY

HEALTH AND EDUCATION COMMITTEE RECORD OF VISITS

FACILITY	04-05	05-06	06-07	07-08
Hospital				
Corcoran District Hospital				
Kings County First 5	3	51	24	
Kings County Commission on Aging				

V = Visited, report not written

A prior listing of visitations may be found in the 2003-2004 Grand Jury final report

2007 - 2008 GRAND JURY

LAW AND PUBLIC SAFETY COMMITTEE RECORD OF VISITS

FACILITY	04-05	05-06	06-07	07-08
California State Prisons				
Avenal	32		60	
California Substance Abuse and Treatment Facility	30		17	28
Corcoran	35		15	
County Counsel	19			
Fire Department				
Hanford				
Kings County				
Armona Fire Station #5				
Avenal Fire Station #12				
Burriss Fire Station #1				
Corcoran Fire Station #11				
Department Main Office				
Hardwick Fire Station #2				
Island Fire Station #6				
Kettleman City Fire Station #9				
South Hanford Fire Station #4			22	
South Lemoore Fire Station #7				
Stratford Fire Station #10				
Supply Management Center				
Lemoore Volunteer Fire Department				
Police Department				
Corcoran				22
Hanford				
Lemoore				20
Probation Department				
Administration				
Family Intervention				
Female Juvenile Treatment Center				
Juvenile Boot Camp		99	4	15
Juvenile Treatment Center				
Victim Witness Program				
Sherriff's Department				
Administration Division	22			
Animal Control				
County Corner				
Detentions Division				
Branch Jails	28			
Main Jail	37			26
Dispatch				
Headquarters Patrol				
K-9 Unit				
Rural Crime Task Force		97	27	
RUOK Program				
Sex Offender Search				

2007 - 2008 GRAND JURY

LAW AND PUBLIC SAFETY COMMITTEE RECORD OF VISITS

FACILITY	04-05	05-06	06-07	07-08
Sherriff's Department (continued)				
Substations				
Avenal				24
Corcoran				
El Rancho				
Kettleman City				
Stratford				
SWAT				
Victim Information and Notification Everyday (VINE)				
Water Rescue				

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A prior listing of visitations may be found in the 2003-2004 Grand Jury final report

2007 - 2008 GRAND JURY

LOCAL GOVERNMENT COMMITTEE RECORD OF VISITS

FACILITY	04-05	05-06	06-07	07-08
Avenal				V
Administration				V
Code Enforcement				V
Planning and Community Development				
Public Works				
Armona				V
Corcoran				
City Managers Office				
City Clerk				
Community Development Department				
Code Enforcement				
Building Inspection and Permits				
Economic Development Commission				
Planning Commission				
Redevelopment Administration				
Finance Department				
Refuse Service				
Sewer Service				
Water Service				
Public Works Department				
Equipment Services				
Parks/Government Buildings				
Street Division				
Transit Division				
Waste Water/ Storm Water Division			13	
Water Division				
Hanford				
Airport			11	
City Clerk				
City Council				
City Managers Office		1		
Community Development Department				
Building Department				
Building Inspection and Permits				
Code Enforcement	25		1	32
Planning Department				
Courthouse Square				
Economic Development			53	
Finance Department				
Personnel Division				
Public Works Department			49	
Administration and Engineering				
Building Maintenance				
Fleet Maintenance				
Parks	41			

2007 - 2008 GRAND JURY

LOCAL GOVERNMENT COMMITTEE RECORD OF VISITS

FACILITY	04-05	05-06	06-07	07-08
Hanford (continued)				
Public Works Department (continued)				
Refuse Collection		59		
Sanitary Sewer Collection				
Storm Drainage System				
Street Maintenance and Cleaning				
Waste Water Treatment Plant	48			
Water Operations				
Recreation Department			56	
Home Garden				
Kettleman City				
Lemoore				
City Attorney				
City Clerk				
City Council				
City Engineer				
City Manager				
Finance				
Parks and Recreation				
Planning				
Public Works			44	
Construction				
Refuse and Streets				
Waste Water and Storm Drains				
Water and Fleet				
Redevelopment				
Code Enforcement				?
Economic Development				
Housing Programs				
Quay Valley				
Stratford				

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