

Board Members

Joe Neves, District 1 - Chairman
Richard Valle, District 2
Doug Verboon, District 3
Craig Pedersen, District 4
Richard Fagundes, District 5- Vice Chairman



Staff

Edward Hill, County Administrative Officer
Diane Freeman, County Counsel
Catherine Venturella, Clerk of the Board

Board of Supervisors Regular Meeting Agenda

Date: Tuesday, April 19, 2022
Time: 9:00 a.m.
Place: Board of Supervisors Chambers, Kings County Government Center
1400 W. Lacey Boulevard, Hanford, California 93230

☎ (559) 852-2362 ❖ FAX (559) 585-8047 ❖ website: <https://www.countyofkings.com>

COUNTY OF KINGS PUBLIC MEETING PROTOCOL IN RESPONSE TO CORONAVIRUS COVID-19

California Governor Gavin Newsom signed into Law AB 361 on September 16, 2021, relating to the convening of public agency meetings via teleconference in light of the COVID-19 pandemic. Under this authority, the Board of Supervisors will convene its public meetings via video and teleconference. Pursuant to AB 361, and as advised by local Health Officials, the Kings County Board of Supervisors, County staff and interested members of the public may attend the meeting in person.

The meeting can also be attended telephonically or by the Internet by clicking this link: <https://countyofkings.webex.com/countyofkings/j.php?MTID=m0b2f22e11b67032e8cba058aedd3e2d2> or by sending an email to bosquestions@co.kings.ca.us on the morning of the meeting for an automated email response with the WebEx meeting link information. Members of the public attending via WebEx will have the opportunity to provide public comment during the meeting.

Members of the public who wish to view/observe the meeting virtually can do so via the worldwide web at: www.countyofkings.com and click on the "Join Meeting" button or by clicking this link: <https://youtu.be/XSpqVCQEOCM>
Members of the public viewing the meeting through YouTube will not have the ability to provide public comment.

Members of the public who wish to comment may submit written comments on any matter within the Board's subject matter jurisdiction, regardless of whether it is on the agenda for the Board's consideration or action, and those comments will become part of the administrative record of the meeting. Comments will not be read into the record, only the names of who have submitted comments will be read into the record. Written comments received by the Clerk of the Board of Supervisors no later than 8:30 a.m. on the morning of the noticed meeting will be included in the record, those comments received after 8:30 a.m. will become part of the record of the next meeting. Email is not monitored during the meeting. To submit written comments by email, please forward them to bosquestions@co.kings.ca.us or by U.S. Mail, please forward them to: Clerk of the Board of Supervisors, County of Kings, 1400 W. Lacey Blvd., Hanford, CA 93230.



- I. 9:00 AM CALL TO ORDER**
ROLL CALL – Clerk of the Board
INVOCATION – Pastor Pablo Rovere – First United Methodist Church
PLEDGE OF ALLEGIANCE
- II. EMPLOYEE RECOGNITION – Edward Hill/Lance Lippincott**
Presentation to Shirley Alves, Job Training Office for being selected as Outstanding Employee of the 1st Quarter, 2022.
- III. UNSCHEDULED APPEARANCES**
Any person may directly address the Board at this time on any item on the agenda, or on any other items of interest to the public, that is within the subject matter jurisdiction of the Board. Two (2) minutes are allowed for each item.
- IV. APPROVAL OF MINUTES**
- A. Report out of Closed Session from the regular meeting for April 12, 2022.
 - B. Approval of the minutes from the regular meeting for April 12, 2022.
- V. CONSENT CALENDAR**
- A. **District Attorney’s Office:**
 - 1. a. Consider authorizing the District Attorney to purchase one (1) Talino KA-AMD Forensic Workstation.
 - b. Authorize the District Attorney to purchase Grayshift computer forensic parsing software licensing.
 - c. Authorize the District Attorney to purchase Cloud Forensic software licensing.
 - d. Adopt the budget change. **(4/5 Vote Required)**
- VI. REGULAR AGENDA ITEMS**
- A. **Behavioral Health Department – Lisa Lewis/UnChong Parry**
 - 1. Consider authorizing the allocation of a 1.0 Full-Time Equivalency (FTE) Program Specialist position in Budget Unit 422500.
 - B. **County Counsel – Diane Freeman**
 - 1. Consider discontinuing holding teleconferenced meetings pursuant to AB 361.
 - C. **District Attorney’s Office – Keith Fagundes/Phil Esbenshade**
 - 1. Consider adopting a Resolution Proclaiming April 24-30, 2022 as Crime Victim’s Rights Week.
 - D. **Department of Finance – James Erb/Rob Knudson**
 - 1. a. Consider approving the appropriation adjustment and payment to the State of California for \$537,942; and
 - b. Adopt the budget change. **(4/5 vote required)**
 - E. **Public Works Department – Dominic Tyburski/Mitchel Cabrera**
 - 1. a. Consider adopting the Resolution of Intent to Form a Zone of Benefit in Phase 6-7 of the Armona North Subdivision for infrastructure maintenance; and
 - b. Set a Public Hearing for May 17, 2022 at 10 a.m. to hear testimony regarding the formation of Zone of Benefit 6-7; and
 - c. Introduce and waive the first reading of the Ordinance to Impose a Parcel Tax for Road Improvement and Maintenance within Zone of Benefit 6-7.



F. Sheriff’s Office – David Robinson

District Attorney’s Office – Keith Fagundes/Phil Esbenshade

1. Consider introducing and waiving the first reading of the Ordinance to adopt military equipment use policy pursuant to AB481.

G. Administration – Edward Hill/Fran Lizaola

1. Consider approving the FY 2022/2023 Health Insurance renewal rate that includes the following: a 0% increase, and a continuation of the Wellness Program that includes a \$50 incentive to be paid to eligible employees and their dependents who participate in the blood draw.
2. Consider the appointment of Wendy Osikafo to the position of Human Services Agency Director effective April 25, 2022 and set the compensation.

VII. STUDY SESSION

A. Human Services Agency – Sanja Bugay/Esam Abed

Receive updates on Kings County Homelessness Collaborative, Project Roomkey Transition, and Homekey Projects.

VIII. BOARD MEMBER ANNOUNCEMENTS OR REPORTS

On their own initiative, Board Members may make a brief announcement or a brief report on their own activities. They may ask questions for clarification, make a referral to staff or take action to have staff place a matter of business on a future agenda (Gov. Code Section 54954.2a).

- ◆ Board Correspondence
- ◆ Upcoming Events
- ◆ Information on Future Agenda Items

IX. CLOSED SESSION

- ◆ **Personnel Matter: [Govt. Code Section 54957]**
Public Employee Appointment: Human Resources Director Position

X. ADJOURNMENT

The next regularly scheduled meeting will be held on Tuesday, April 26, 2022 at 9:00 a.m.

FUTURE MEETINGS AND EVENTS		
April 26	9:00 AM	Regular Meeting
May 3	-	Regular Meeting Canceled due to Kings County Employee Recognition barbecue
May 10	9:00 AM	Regular Meeting
May 17	9:00 AM	Regular Meeting
<p><i>Agenda backup information and any public records provided to the Board after the posting of the agenda will be available for the public to review at the Board of Supervisors office, 1400 W. Lacey Blvd, Hanford, for the meeting date listed on this agenda.</i></p>		

Board Members

Joe Neves, District 1 - Chairman
Richard Valle, District 2
Doug Verboon, District 3
Craig Pedersen, District 4
Richard Fagundes, District 5- Vice
Chairman



Staff

Edward Hill, County Administrative
Officer
Diane Freeman, County Counsel
Catherine Venturella, Clerk of the Board

Board of Supervisors

Regular Meeting Action Summary

Date: Tuesday, April 12, 2022
Time: 9:00 a.m.
Place: Board of Supervisors Chambers, Kings County Government Center
1400 W. Lacey Boulevard, Hanford, California 93230

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I. 9:00 AM CALL TO ORDER

ROLL CALL – Clerk of the Board

INVOCATION – Pastor Pablo Rovere – First United Methodist Church

PLEDGE OF ALLEGIANCE

ALL MEMBERS PRESENT

II. UNSCHEDULED APPEARANCES

Any person may directly address the Board at this time on any item on the agenda, or on any other items of interest to the public, that is within the subject matter jurisdiction of the Board. Two (2) minutes are allowed for each item.

Jamie Bell, Kings County resident stated that he has concerns that the Elections Department is not being run by an elected official and that there should be an elections Board in the County.

Rebecca Bell, Kings County resident stated that as a member of the public who comes to voice concerns at the Board meetings and not have anyone contact them to acknowledge their concerns is confusing and stated that the County should have a community liaison.

III. APPROVAL OF MINUTES

A. Report out of Closed Session from the special meeting for April 1, 2022.

B. Report out of Closed Session from the regular meeting for April 5, 2022.

REPORT OUT: Edward Hill, County Administrative Officer stated that the Board took no reportable action in closed session on April 1, 2022 and April 5, 2022.

C. Approval of the minutes from the special meeting for April 1, 2022.

D. Approval of the minutes from the regular meeting for April 5, 2022.

ACTION: APPROVED THE MINUTES FOR APRIL 1, 2022 AND APRIL 5, 2022 AS PRESENTED

(DV, RF, RV, CP, JN-Aye)

IV. CONSENT CALENDAR

A. Agriculture Department:

1. Consider adopting a Resolution and approving the amended Agreement with the California Department of Food and Agriculture for the County's Exotic Pest Detection Program retroactively for the period of July 1, 2020 through June 30, 2022. **[Reso 22-029]**

[Agmt 20-139.1]

B. Behavioral Health Department:

1. Consider approving the Agreement with CalMHSA for the Central Regional Partnership OSHPD WET Grant Program, effective retroactively from September 15, 2020 through June 30, 2026. **[Agmt 22-046]**

C. Elections Department:

1. Consider approving amendment number two of the Voting System Replacement Agreement (18G30116) between Kings County and the California Secretary of State.
 2. a. Consider approving the one (1) year extension Agreement between the County of Kings and Runbeck Election Services, Inc. for ballot printing and mail services; and
 - b. Delegate authority to the Registrar of Voters to extend the contract for the remaining two (2) one-year extensions if warranted.



D. Public Health Department:

1. Consider authorizing the Director of Public Health to submit an application for Women, Infants and Children grant funds to the California Department of Public Health.

E. Public Works Department:

1. a. Consider declaring 33 vehicles and three pieces of equipment as surplus; and
b. Authorize the sale of the surplus at public auction.

F. Administration:

1. a. Consider approving the County's Fiscal Loss of Revenue Report to the State from Fiscal Years 2017 to 2020 of fees eliminated by Assembly Bill 1869; and
b. Authorize the County Administrative Officer to submit the annual reporting for AB 43.

ACTION: APPROVED CONSENT CALENDAR AS PRESENTED (DV, RV, CP, RF, JN-Aye)

V.

REGULAR AGENDA ITEMS

A. Human Services Agency – Sanja Bugay/Monica Connor

District Attorney's Office – Keith Fagundes

Probation Department – Kelly Vernon

1. Consider adopting a Resolution announcing April 2022 as Child Abuse Prevention Awareness Month. **[Reso 22-030]**

ACTION: APPROVED AS PRESENTED (RF, RV, DV, CP, JN-Aye)

B. Public Works Department – Dominic Tyburski/Mitchel Cabrera

1. a. Consider approving the Agreement with Provost & Pritchard Consulting Group to provide Environmental and Land Acquisition Services for the relocation of the Kings County, Fire Station No. 4; and
b. Authorize the Public Works Director to sign the Agreement; and
c. Authorize the Public Works Director to approve additional costs up ten percent (10%) of the contract amount. **[Agmt 22-047]**

ACTION: APPROVED AS PRESENTED (RF, DV, RV, CP, JN-Aye)

2. a. Consider approving the CSA Amendment I for Provost and Pritchard Consulting Group in the amount of \$12,500 for the Kettleman City Active Transportation Program Cycle 4 project; and
b. Authorize the Public Works Director to sign CSA Amendment I. **[Agmt 22-048.1]**

ACTION: APPROVED AS PRESENTED (RF, DV, RV, CP, JN-Aye)

VI.

STUDY SESSION

A. Sheriff's Office – David Robinson

District Attorney's Office – Keith Fagundes/Charlie Flores

Receive information on AB 481 and proposed County Military Equipment Use Policy.

The Board received an update no official action was taken.

VII.

BOARD MEMBER ANNOUNCEMENTS OR REPORTS

On their own initiative, Board Members may make a brief announcement or a brief report on their own activities. They may ask questions for clarification, make a referral to staff or take action to have staff place a matter of business on a future agenda (Gov. Code Section 54954.2a).



Supervisor Fagundes stated that he has been attending events at County Parks and fundraisers and stated that it's been nice to start getting back to attending events.

Supervisor Valle stated that the California State Treasurer will be at a meeting in the City of Corcoran to hold a small business roundtable from 12:00 p.m. to 1:30 p.m. on April 14, 2022 at Lake Bottom Restaurant. He stated that the Board has 100% confidence with the County Registrar of Voters, Elections Department and thanked the staff in the Department for their dedication and integrity in fulfilling their jobs. He stated that the Board of Supervisors are the community liaisons and are accessible to anyone in the public by phone and comments by the public are not ignored and forgotten when the meeting is over.

Diane Freeman, County Counsel stated that the Board is bound by the rules of the Brown Act which limits the ability of the Board to respond to the comments being made. She reiterated that all the Board members and staff are available to discuss comments outside of the formal Board meetings.

Supervisor Pedersen read a quote from the Order Denying TLCC's Request for Preliminary Injunction No. 22C0046 , by Valerie R. Chrissakis, Judge, page 20 "When viewed together, Sandridge's past practices combined with the size and direction of the Pipeline Project as evidenced in materials before the court, there is little doubt that Pipeline Project could ultimately be used by Sandridge, *in part*, to transport some amount of groundwater resources outside of the County of Kings. At this time, however, those with the duty to make laws and/or pass County ordinances limiting the ability of landowners to transport groundwater outside County boundaries, have declined to act. Accordingly, *despite any personal distaste for the transportation of limited water resources outside of Kings County which this court may hold*, there appears to be no legal grounds upon which it may base an order halting Sandridge's private construction or use of the Pipeline Project in its current form." He just wanted to remind the Board that we have authority and need to move quickly because we are behind. He stated that Kings County Supervisor - District 1 election will have influences based on this issue and the issue needs to be dealt with.

Supervisor Neves stated that he attended the First 5 Children & Families Commission meeting, announced the Lemoore High School softball games, was a judge for the Lemoore Lions Regional Speech contest, attended the Knights of Columbus fish fry and cooked for the Stratford Kings Lions Easter Egg hunt event.

- ◆ **Board Correspondence: Edward Hill stated that the Board received a letter from Fiona Ma, California State Treasurer notifying the County that the Behavioral Health Department was awarded a grant in the amount of \$227,365 from the Investment in Mental Health Wellness Grant Program for Children and Youth to fund a new mobile crisis support team.**
- ◆ **Upcoming Events: Edward Hill stated that Kings County Fire will hold a badge pinning at Station 2 Hardwick on April 12, 2022 at 3:00 p.m. and the groundbreaking ceremony for the Old County Hospital will be held on April 13, 2022 at 11:00 a.m. at 1222 W. Lacey Boulevard. He stated that the City of Hanford will host their annual Easter Egg-Hunt at Hanford Civic Park on April 15, 2022 from 10:00 a.m. to 11:30 a.m. There will be three different age groups and times. Admission for advance purchase is \$3 per child or \$5 per child the day of the event. Registration began on March 1, 2022. The City of Lemoore will be hosting an Easter Egg celebration on April 16, 2022 from 11:00 a.m. to 2:00 p.m. with live music and free**



hot dogs at the Veteran’s Hall from Lemoore Lion’s Club and downtown businesses will be handing out eggs to the children, please bring your own Easter basket. He stated that the District Attorney’s office will be hosting a free movie night at Koinonia Church on April 19, 2022 at 6:00 p.m. showing “California’s Forgotten Children”. The City of Hanford will hold another food truck take over on April 19, 2022 from 11:00 a.m. to 2:00 p.m. on Court Street in Hanford Civic Park and Senator Melissa Hurtado will be hosting a sign unveiling at the 19th Avenue and Highway 198 overpass dedicated to Officer Jonathan Diaz on April 22, 2022 at 10:00 a.m. at Lemoore Civic Auditorium, located at 435 C. Street Lemoore.

- ◆ Information on Future Agenda Items: Edward Hill stated that the following items would be on a future agenda: Administration/Job Training Office – Employee of the 1st Quarter 2022, Behavioral Health Department – requested new position of Program Specialist, District Attorney’s Office – Crime week proclamation and purchase of forensic computer and software, Department of Finance – response to a court revenue audit from 2016-2020 with a request to approve the appropriation and payment to the State of California, Fire Department – sole source agreement for repair and towing of Fire Department fleet, Sheriff’s Office and District Attorney’s Office – First reading of the Military Equipment Use ordinance.

VIII **CLOSED SESSION**

- ◆ Personnel Matter: [Govt. Code Section 54957]
 Public Employee Appointment: Human Services Agency Director Position
- ◆ Significant exposure to litigation: (1 case) [Govt. Code Section 54956.9 (d)(2)(e)(1)]
- ◆ Significant exposure to litigation: (1 case) [Govt. Code Section 54956.9 (d)(2)(e)(3)]

IX. **ADJOURNMENT**

The next regularly scheduled meeting will be held on Tuesday, April 19, 2022 at 9:00 a.m.

<i>FUTURE MEETINGS AND EVENTS</i>	
April 19	9:00 AM Regular Meeting
April 26	9:00 AM Regular Meeting
May 3	- Regular Meeting Canceled due to Kings County Employee Recognition barbecue
May 10	9:00 AM Regular Meeting
<i>Agenda backup information and any public records provided to the Board after the posting of the agenda will be available for the public to review at the Board of Supervisors office, 1400 W. Lacey Blvd, Hanford, for the meeting date listed on this agenda.</i>	



COUNTY OF KINGS BOARD OF SUPERVISORS

GOVERNMENT CENTER HANFORD, CALIFORNIA 93230 (559) 852-2362
Catherine Venturella, Clerk of the Board of Supervisors

AGENDA ITEM April 19, 2022

SUBMITTED BY: Administration – Edward Hill
Job Training Office – Lance Lippincott

SUBJECT: PRESENTATION TO THE EMPLOYEE OF THE 1ST QUARTER OF 2022

SUMMARY:

Overview:

Your Board approved the formation of an Employee Recognition Committee in 1990. Every quarter, employees are nominated based on their outstanding performance and achievement in various departments. The nominations are reviewed and voted upon by the Committee. The Committee respectfully requests that your Board recognize and award the Employee of the Quarter with the presentation of a certificate and check in the amount approved by the Board.

Recommendation:

Presentation to the Employee of the 1st Quarter of 2022.

Fiscal Impact:

The recognized employee will receive \$300, which will come from the General Fund in Budget Unit 111000 Account 92102.

BACKGROUND:

Presented with a certificate for the Employee of the 1st Quarter of 2022 will be Shirley Alves. Ms. Alves has 31 years of knowledge and experience contributing to her value to her department and the County. Three years ago, Ms. Alves was moved to the Fiscal Department and had to learn three different databases. Ms. Alves also had to learn how to enter various financial transactions for the Job Training Office and also for the Economic Development Corporation. Ms. Alves learned these new tasks while continuing to perform her previous tasks. In addition, Ms. Alves provides coverage for the Job Training Office Career Center reception by assisting members of the public and utilizing her excellent customer service skills. Shirley Alves is truly a jack of all trades. Her willingness to fill in where necessary and handle the obstacles thrown her is a testament to her dedication to the Job Training Office team.

BOARD ACTION:

APPROVED AS RECOMMENDED: _____ OTHER: _____

I hereby certify that the above order was passed and adopted
on _____, 2022.

CATHERINE VENTURELLA, Clerk of the Board

By _____, Deputy.



COUNTY OF KINGS BOARD OF SUPERVISORS

GOVERNMENT CENTER HANFORD, CALIFORNIA 93230 (559) 852-2362
Catherine Venturella, Clerk of the Board of Supervisors

AGENDA ITEM April 19, 2022

SUBMITTED BY: Kings County District Attorney – Keith L. Fagundes

SUBJECT: FORENSIC COMPUTER AND SOFTWARE PURCHASE AUTHORIZATION

SUMMARY:

Overview:

The Kings County District Attorney's Office is seeking to purchase a specialized computer that would enhance our computer forensic capability and allow for the recovery of digital evidence from a variety of electronic devices.

Recommendation:

- a. Authorize the District Attorney to purchase one (1) Talino KA-AMD Forensic Workstation.
- b. Authorize the District Attorney to purchase Grayshift computer forensic parsing software licensing.
- c. Authorize the District Attorney to purchase Cloud Forensic software licensing.
- d. Adopt the budget change (4/5 Vote Required).

Fiscal Impact:

The cost for this specialized computer is \$10,509. The associated forensic software licensing from Grayshift is \$52,785 and Cloud forensic software licensing is \$4,000 for a total project cost of \$67,294. The Kings County District Attorney's Office was awarded a State Homeland Security Grant in FY 2021 in the amount of \$66,785 authorized through the Kings County Office of Emergency Services on March 23rd, 2022. Based on this grant program award, the fiscal impact of this proposed project is \$509. This anticipated cost will be incurred by budget unit number 216000, account number 92103 & 92036.

(Cont'd)

BOARD ACTION :

APPROVED AS RECOMMENDED: _____ OTHER: _____

I hereby certify that the above order was passed and adopted
on _____, 2022.

CATHERINE VENTURELLA, Clerk to the Board

By _____, Deputy.

Agenda Item

FORENSIC COMPUTER AND SOFTWARE PURCHASE AUTHORIZATION

April 19, 2022

Page 2 of 2

BACKGROUND:

In fiscal year 2021 the Department of Homeland Security continued their pursuit of fulfilling the 2018-2022 FEMA Strategic Plan that set a path forward to unify and professionalize emergency management across the country. The specific goal of State Homeland Security Grant Program (SHSGP) is focused on information sharing and collaboration to building a national culture of preparedness and protection against terrorism and other emerging threats to our national security. As threat profiles have changed we now face continuous cyber threats by sophisticated actors, threats to soft targets and crowded places, threats from domestic violent extremists, and threats from new and emerging technologies.

In fiscal year 2021 the Kings County District Attorney's Office had the opportunity to submit a State Homeland Security Grant Program (SHSGP) project proposal to the Kings County Office of Emergency Services requesting funding for the purchase of one (1) specialized forensic examination computer, parsing forensic licensing and cloud forensic software licensing. The objective of this FY 2021 SHSGP grant was to focus on enhancing the ability of state, local, tribal and territorial governments to prevent, protect against, respond to and recover from terrorist attacks.

The purchase of this computer would serve to further build on the capability of our agency's computer forensic unit that is tasked with the recovery of digital evidence from a variety of devices that include, but not limited to computers, cellular phones, gaming devices, etc. The associated software would provide the capability of capturing and processing digital evidence from said devices including cloud-based devices. The Kings County District Attorney's Office computer forensic unit was founded in 2012 and continues to provide services at no cost to all our Kings County law enforcement partners as well as state and federal agencies during criminal investigations.

It has been demonstrated that terror attacks are often coordinated via electronic devices. These same electronic devices are often utilized to identify and research target locations to assess vulnerabilities by the would-be attacker(s). Lastly electronic devices such as computers, hard drives and cellular phones are often recovered during the apprehension of a suspect or at the scene of a terror event. By continuing to build a centralized computer forensic laboratory within the Kings County District Attorney's Office, we can ensure a reliable service of digital evidence recovery that could potentially identify suspects, identify plans for terror events, or otherwise obtain critical intelligence that would directly assist in the appropriate response by law enforcement and emergency service providers.

On March 23rd, 2022, our office was officially notified by the Kings County Office of Emergency Services that our project proposal had been approved by SHSGP and we would be awarded \$66,785.00 for the purchase of one (1) specialized forensic examination computer and associated parsing forensic software licensing. Specifically, \$10,000 of these grant funds had been allocated for the purchase of this computer. The remaining \$509.00 balance would be paid for out of budget unit 2160.

As per grant guidelines the Kings County District Attorney's Office would complete the initial purchase of the computer and software from a vendor, then upon receiving the order, would submit for reimbursement via the Kings County Office of Emergency Services. It should be noted that the funding available through the FY 2021 State Homeland Security Grant Project was authorized by the Kings County Board of Supervisors in resolution number 21-080 on December 7th, 2021.

KINGS COUNTY
OFFICE OF THE AUDITOR-CONTROLLER
BUDGET APPROPRIATION AND TRANSFER FORM

Auditor Use Only	
Date _____	
J/E No. _____	
Page _____	of _____

(A) New Appropriation

Expenditures:						
FUND NAME	DEPT. NAME	ACCOUNT NAME	FUND NO.	DEPT. NO.	ACCOUNT NO.	APPROPRIATION AMOUNT
General	District Attorney	Computer Hardware	0001	216000	92103	10,000
General	District Attorney	Computer Software	0001	216000	92036	56,785
					TOTAL	66,785

Funding Sources:						
FUND NAME	DEPT. NAME	ACCOUNT NAME	FUND NO.	DEPT. NO.	ACCOUNT NO.	APPROPRIATION AMOUNT
General	District Attorney	Other Revenue	0001	216000	88025	66,785
					TOTAL	66,785

(B) Budget Transfer:

Transfer From:						
FUND NAME	DEPT. NAME	ACCOUNT NAME	FUND NO.	DEPT. NO.	ACCOUNT NO.	Amount to be Transferred Out
					TOTAL	

Transfer To:						
FUND NAME	DEPT. NAME	ACCOUNT NAME	FUND NO.	DEPT. NO.	ACCOUNT NO.	Amount Transferred In
					TOTAL	

Explanation: (Use additional sheets or expand form for more data entry rows or additional narrative, if needed.)

Approved 4/19/22

Dept. of Finance Approval _____ Department Head Keith Fogundes

Administration Approval _____ Board Approval _____

BOS meeting date: _____



COUNTY OF KINGS BOARD OF SUPERVISORS

GOVERNMENT CENTER HANFORD, CALIFORNIA 93230 (559) 852-2362
Catherine Venturella, Clerk of the Board of Supervisors

AGENDA ITEM April 19, 2022

SUBMITTED BY: Behavioral Health Department – Lisa Lewis/UnChong Parry

SUBJECT: REQUEST TO ADD A PROGRAM SPECIALIST POSITION TO THE DEPARTMENT

SUMMARY:

Overview:

Kings County Behavioral Health (KCBH) is requesting to allocate a 1.0 Full-Time Equivalency Program Specialist position under the administration services to support the department’s contracts, compliance, and grant(s) responsibilities.

Recommendation:

Authorize the allocation of a 1.0 Full-Time Equivalency (FTE) Program Specialist position in Budget Unit 422500.

Fiscal Impact:

There is no impact to the County General Fund. Appropriations in the adopted fiscal year 21/22 budget are sufficient to support this additional position.

BACKGROUND:

KCBH provides administrative and clinical services. Under the administration services, the contract/compliance division is one out of four divisions. Currently, the division has one program manager and .75 FTE Office Assistant under the administration Deputy Director. One of the primary duties under this division is managing contracts, and currently, the department has over 110 contracts. This fiscal year, the department completed 16 new contracts and renewed 28 contracts. The department expects an increased number of contracts for the Short Term Residential Treatment Plan (STRTP) programs. This is a new mandated program under children’s services to provide a placement and treatment plan with various facilities, primarily outside of Kings County, and some are out of state. STRTP is considered an urgent program, which requires a short turnaround time on agreements with the facilities.

(Cont’d)

BOARD ACTION :

APPROVED AS RECOMMENDED: _____ OTHER: _____

I hereby certify that the above order was passed and adopted
on _____, 2022.

CATHERINE VENTURELLA, Clerk to the Board

By _____, Deputy.

Agenda Item

REQUEST TO ADD A PROGRAM SPECIALIST POSITION TO THE DEPARTMENT

April 19, 2022

Page 2 of 2

This division also oversees the Compliance Program. The department is required to develop a Compliance Plan. Elements within this Compliance Plan address requirements specified by applicable Department of Health Care Services (DHCS) contracts with KCBH, such as the Mental Health Plan (MHP) contract, particularly the Program Integrity section of the annual DHCS MHP protocol, and by Title 42 of the Code of Federal Regulations, Section 438.608(a). The purpose of the Compliance Plan is to clarify responsibilities for actions within KCBH and provide standards by which members of the workforce will conduct themselves.

This fiscal year, the department was awarded seven new grants totaling \$6,024,298. The grants were completed and administered by various staff. Therefore, the department would like to centralize the grant process, which the contract/compliance division will administer. Additionally, each of these seven grants will require a minimum of two contracts with various entities such as the “grantor” state department(s) and the service providers for the programs.

The department is also preparing to implement California Advancing and Innovating Medi-Cal (CalAIM) initiatives. CalAIM is a long-term commitment to transform and strengthen Medi-Cal, offering Californians a more equitable, coordinated, and person-centered approach to maximizing their health and life trajectory. Under this implementation, the Department of Health Care Services (DHCS) is transforming the Medi-Cal delivery system, moving towards a population health approach that prioritizes prevention and Whole Person Care. The overall goal is to extend support and services beyond hospitals and health care settings directly into California communities. The department may need to amend the service provider’s contracts to implement these initiatives.

This Program Specialist position is necessary to support the division under administration services to support the increasing number of contracts, the new implementations, and overall growth of department’s work.

The position allocation request has been reviewed and approved by the county administration and the Human Resources.



COUNTY OF KINGS BOARD OF SUPERVISORS

GOVERNMENT CENTER HANFORD, CALIFORNIA 93230 (559) 852-2362
Catherine Venturella, Clerk of the Board of Supervisors

AGENDA ITEM April 19, 2022

SUBMITTED BY: County Counsel – Diane Freeman

SUBJECT: TELECONFERENCED MEETINGS UNDER THE PROVISIONS OF AB 361

SUMMARY:

Overview:

On October 26, 2021, the Board of Supervisors began holding public meetings under the abbreviated teleconference provisions of AB 361. Since that time, the Board has regularly made findings that the conditions necessary to continue holding teleconferenced meetings under AB 361 continue to exist. The matter is again before the Board for such determination.

Recommendation:

Discontinue holding teleconferenced meetings pursuant to AB 361.

Fiscal Impact:

None.

Alternatives:

Continue holding teleconferenced meetings under the abbreviated teleconference provisions of AB 361 by findings that: (1) State or local officials have imposed or recommended measures to promote social distancing; or (2) as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

BACKGROUND:

On March 4, 2020, Governor Newsom proclaimed a State of Emergency in response to the COVID-19 pandemic. Thereafter, he issued Executive Orders N-29-20 and N-08-21 collectively suspending the teleconferencing rules set forth in Government Code Section 54950 et seq. (the “Brown Act”) provided certain

(Cont’d)

BOARD ACTION :

APPROVED AS RECOMMENDED: _____ OTHER: _____

I hereby certify that the above order was passed and adopted
on _____, 2022.

CATHERINE VENTURELLA, Clerk to the Board

By _____, Deputy.

Agenda Item

TELECONFERENCED MEETINGS UNDER THE PROVISIONS OF AB 361

April 19, 2022

Page 2 of 2

requirements were met. N-29-20 and N-08-21 expired on September 30, 2021. On September 16, 2021, Governor Newsom signed into law AB 361 which provides that a legislative body subject to the Brown Act may continue to meet after September 30, 2021, without fully complying with the Brown Act's teleconferencing rules provided there continues to be proclaimed a state of emergency and either: (1) State or local officials have imposed or recommended measures to promote social distancing; or (2) the legislative body determines that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

On September 22, 2021, the County's Public Health Officer, Dr. Milton Teske, issued a recommendation which remains in effect that all county public meetings be allowed to continue to operate and carry on their business in the same manner as they are currently doing in response to COVID-19, including the option to meet remotely. His recommendation is made due to the continued threat of COVID-19 to the community, the unique characteristics of public governmental meetings, and the continued increased safety protection that social distancing provides as one means by which to reduce the risk of COVID-19 transmission.

On October 5, 2021, the Board of Supervisors began holding public meetings under the abbreviated teleconference provisions of AB 361. Since that time, the Board has regularly made findings that the conditions necessary to continue holding teleconferenced meetings under AB 361 continue to exist. The matter is again before the Board for consideration. Based on the current state of the emergency due to COVID-19, Staff recommends that the Board find that holding its meetings in person no longer presents an imminent risk to the health or safety of attendees.

In the alternative, the Board may continue to hold its meetings under the abbreviated teleconferencing provisions of AB 361 if, upon consideration, it continues to find that: either: (1) State or local officials have imposed or recommended measures to promote social distancing; or (2) as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.



COUNTY OF KINGS BOARD OF SUPERVISORS

GOVERNMENT CENTER HANFORD, CALIFORNIA 93230 (559) 852-2362
Catherine Venturella, Clerk of the Board of Supervisors

AGENDA ITEM

April 19, 2022

SUBMITTED BY: District Attorney– Keith Fagundes / Phil Esbenshade

SUBJECT: OBSERVANCE OF CRIME VICTIMS' RIGHTS WEEK

SUMMARY:

Overview:

During the week of April 24-30, 2022, the Kings County District Attorney's Office's Victim Witness Assistance Program will observe National Crime Victims' Rights Week. This weeklong event honors victims' rights and increases public awareness and knowledge about the many rights and services that are available to people who have been victimized by crime. It also promotes assistance for victims and seeks to foster empathy for crime victims, and it honors those who advocate on their behalf. The 2022 National Crime Victims' Rights Week theme is "Rights, access, equity, for all victims."

Recommendation:

Adopt a Resolution Proclaiming April 24-30, 2022 as Crime Victim's Rights Week.

Fiscal Impact:

None.

BACKGROUND:

Each year, communities throughout the United States, including Kings County, gather to honor victims, celebrate survivors, and recognize the individuals, agencies, and organizations dedicated to supporting victims and victim services.

Kings County Crime Victim's Rights week will be commemorated both online and in person through various media from April 24-30, 2022, and through a Victim's Memorial Quilt Ceremony.

Please join us this all this week as we commemorate Crime Victim's Rights. As a community, we must strive to protect the rights of victims and survivors in our County and in our cities, both large and small, for persons of every culture, race, religion, and ethnicity.

BOARD ACTION:

APPROVED AS RECOMMENDED: _____ OTHER: _____

I hereby certify that the above order was passed and adopted
on _____, 2022.

CATHERINE VENTURELLA, Clerk of the Board

By _____

BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF KINGS, STATE OF CALIFORNIA

IN THE MATTER OF PROCLAIMING
APRIL 24th THROUGH 30, 2022 AS
KINGS COUNTY CRIME VICTIMS'
RIGHTS WEEK _____/

RESOLUTION NO. _____

Whereas, in 1982, the President's Task Force on Victims of Crime envisioned a national commitment to a more equitable and supportive response to victims;

Whereas, this commemorative week celebrates the energy, perseverance and commitment that launched the victims' rights movement, inspired its progress, and continues to advance the cause of justice for crime victims;

Whereas, crime can leave a lasting impact on any person, regardless of age, national origin, race, creed, religion, gender, sexual orientation, immigration, or economic status;

Whereas, incorporating communities' existing experts and trusted sources of support into efforts to fully serve survivors will develop a criminal justice system response that is truly accessible and appropriate for all victims of crime;

Whereas, serving victims and rebuilding their trust restores hope to victims and survivors, as well as supports thriving communities;

Whereas, honoring the rights of victims, including the rights to be heard and to be treated with fairness, dignity, and respect, and working to meet their needs rebuilds their trust in the criminal justice and social service systems;

Whereas, Crime Victims' Rights Week provides an opportunity to recommit to ensuring that all victims of crime –especially those who are challenging to reach or serve – are offered culturally and linguistically accessible and appropriate services in the aftermath of crime; and

Whereas, the Kings County District Attorney's Victim Witness Assistance Program is hereby dedicated to strengthening victims and survivors in the aftermath of crime, building resilience in our communities and our victim responders, and working for a better future for all victims and survivors.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Board of Supervisors of the County of Kings as follows:

1. The Kings County Board of Supervisors proclaims the week of April 24 to 30th, 2022, to be Kings County Crime Victims' Rights Week, and honors crime victims and those who serve them during this week and throughout the year.

2. That this official proclamation is to be presented to the Kings County District Attorney's Victim Witness Program on April 19, 2022.

The foregoing Proclamation was adopted upon motion by Supervisor _____, seconded by Supervisor _____, at a regular meeting held _____, by the following vote:

AYES: Supervisors
NOES: Supervisors
ABSENT: Supervisors
ABSTAIN: Supervisors

Joe Neves,
Chairperson of the Board of Supervisors
County of Kings, State of California

IN WITNESS WHEREOF, I have set my hand this ____ the day of April 2022.

Catherine Venturella,
Clerk of said Board of Supervisors



COUNTY OF KINGS BOARD OF SUPERVISORS

GOVERNMENT CENTER HANFORD, CALIFORNIA 93230 (559) 852-2362
Catherine Venturella, Clerk of the Board of Supervisors

AGENDA ITEM April 19, 2022

SUBMITTED BY: Department of Finance – James Erb/Rob Knudson
SUBJECT: RESPONSE TO COURT REVENUE AUDIT 2016-2020

SUMMARY:

Overview:

On January 5, 2022, the Department of Finance received a draft audit report regarding the distribution of California Trial Court Revenues for the period of July 1, 2016, through June 30, 2020. The report identified a net amount under remitted to the State of \$506,055. We reviewed the findings and determined the State Auditor was correct with their analysis over the four-year period. On August 31, 2021, your Board approved our request to set aside \$525,000 to return to the State once the final report had been issued. We received the final report dated March 24, 2022 and have 30 days to respond without incurring penalties. In addition to the \$506,055, we will owe \$13,669 in accrued interest from the time of the misallocation through April 20, 2022, and \$18,218 to the City of Hanford for an incorrect distribution of parking citations. The total owed as of April 20, 2022 equals \$537,942, which is \$12,942 over the \$525,000 we set aside to resolve the State audit findings. All findings have been reviewed and corrected by Department of Finance, Kings County Probation Department and the Kings County Superior Court's staff.

Recommendation:

- a. Approve the appropriation adjustment and payment to the State of California for \$537,942; and
- b. Adopt the budget change (4/5 vote required).

Fiscal Impact:

We estimated \$525,000 on August 31, 2022, to be refunded to the State of California. We did not anticipate a refund to the City of Hanford, and we did not have the interest calculation at the time of the estimate. Therefore, we are requesting the additional amount of \$12,942 be funded from contingencies.

(Cont'd)

BOARD ACTION:

APPROVED AS RECOMMENDED: _____ OTHER: _____

I hereby certify that the above order was passed and adopted
on _____, 2022.

CATHERINE VENTURELLA, Clerk to the Board

By _____, Deputy.

Agenda Item

RESPONSE TO COURT REVENUE AUDIT 2016-2020

April 19, 2022

Page 2 of 2

BACKGROUND:

The Kings County Superior Court and the Kings County Probation Department collect fines and restitution ordered by Kings County Superior Court judges. The fines are recorded in a clearing account and based on the type of fine and offense penalties assessments are added for every \$10 of Statutory fine. Penalties assessments are then allocated to a variety of accounts such as Courthouse Construction Funds, Court Automation, DNA testing, and Fingerprint funds. In addition, there are special distribution rules for Traffic School, red light tickets and driving under the influence. The allocation is a complicated and cumbersome process which is tracked in a spreadsheet

Essentially the County recorded the funds in the wrong account and based on the audit from the State Controller's Office the funds need to be reallocated. The Department of Finance and the County Probation Department have corrected the posting process.

The most significant finding was the under remittance of the 50% excess revenue. The County distributes revenues based on an existing MOE which was established when the Courts separated from the County around fiscal year 1999/2000. Any revenues received that exceed the amounts identified in the MOE are split 50% to each entity. The Department of Finance did not include all applicable revenue in the 50/50 calculation. This finding resulted in an under remittance to the State of \$379,078.

The audit findings do not carry any penalties but rather interest that would have been earned on the funds. Most of the interest is calculated at the State Treasury rate. The final State audit report is attached.

KINGS COUNTY

Audit Report

COURT REVENUES

July 1, 2016, through June 30, 2020



BETTY T. YEE
California State Controller

March 2022



BETTY T. YEE
California State Controller

March 24, 2022

Dear County, Court, City, and College Representatives:

The State Controller's Office (SCO) audited the propriety of the court revenues remitted by Kings County to the State Treasurer for the period of July 1, 2016, through June 30, 2020.

Our audit found that \$509,271 in state court revenues was underremitted to the State Treasurer. Specifically, we found that the county underremitted a net of \$506,055 in state court revenues to the State Treasurer because it:

- Underremitted the State Trial Court Improvement and Modernization Fund (Government Code [GC] section 77205) by \$379,078;
- Underremitted the State Penalty Fund (Penal Code section 1464) by \$59,488;
- Underremitted the State Trial Court Improvement and Modernization Fund (GC section 68090.8) by \$28,759;
- Overremitted the State Restitution Fund (Penal Code section 1202.44) by \$6,228;
- Underremitted the State General Fund (Health and Safety Code section 11502) by \$28,014;
- Overremitted the Immediate and Critical Needs Account of the State Court Facilities Construction Fund (GC section 70372[b]) by \$18,814;
- Overremitted the State Court Facilities Construction Fund (GC section 70372[b]) by \$9,407;
- Underremitted the State Trial Court Trust Fund (GC section 76000.3) by \$10,860;
- Underremitted the State General Fund (Vehicle Code [VC] section 40225[d]) by \$33,999;
- Overremitted the Immediate and Critical Needs Account (VC section 40611) by \$10,120; and
- Underremitted the State Penalty Fund (VC section 40611) by \$10,426.

In addition, we found that the College of the Sequoias underremitted \$3,216 in parking surcharges to the State Treasurer via Kings County. On August 16, 2021, the College of the Sequoias made a payment of \$3,216 to the county. On September 30, 2021, the county remitted \$3,216 to the State Treasurer via the Report to State Controller of Remittance to State Treasurer (TC-31).

We also found that the court made incorrect distributions related to child seat violations with traffic violator school, railroad bail forfeitures, and railroad traffic violator school violations. Furthermore, the county's probation department made incorrect distributions related to DUI and health and safety violations.

We also identified a deficiency that is not significant to our audit objective, but warrants the attention of management. Specifically, we found that the cities of Avenal, Corcoran, Hanford, and Lemoore imposed and collected incorrect parking surcharges for the audit period.

The county should remit \$506,055 to the State Treasurer via the TC-31, and include the Schedule of this audit report. On the TC-31, the county should specify the account name identified on the Schedule of this audit report and state that the amounts are related to the SCO audit period of July 1, 2016, through June 30, 2020.

The county should not combine audit finding remittances with current revenues on the TC-31. A separate TC-31 should be submitted for the underremitted amounts for the audit period. For your convenience, the TC-31 and directions for submission to the State Treasurer's Office are located at https://www.sco.ca.gov/ard_trialcourt_manual_guidelines.html.

The underremitted amounts are due no later than 30 days after receipt of this final audit report. The SCO will add a statutory 1.5% per month penalty on the applicable delinquent amounts if payment is not received within 30 days of issuance of this final audit report.

Once the county has paid the underremitted amounts, the Tax Programs Unit will calculate interest on the underremitted amounts and bill the county and applicable entities in accordance with GC sections 68085, 70353, and 70377.

Please mail a copy of the TC-31 and documentation supporting the corresponding adjustments to the attention of the following individual:

Tax Accounting Unit Supervisor
Bureau of Tax, Administration, and Government Compensation
Local Government Programs and Services Division
State Controller's Office
Post Office Box 942850
Sacramento, CA 94250

If you have questions regarding payments, TC-31s, or interest and penalties, please contact Jennifer Montecinos, Manager, Tax Administration Unit, by telephone at (916) 324-5961, or by email at lgpsdtaxaccounting@sco.ca.gov.

If you have questions regarding the audit findings, please contact Lisa Kurokawa, Chief, Compliance Audits Bureau, by telephone at (916) 327-3138, or by email at lkurokawa@sco.ca.gov.

Sincerely,

Original signed by

KIMBERLY TARVIN, CPA
Chief, Division of Audits

KT/ac

Attachment—Recipient Addresses

cc: Craig Pedersen, Chair
Kings County Board of Supervisors
Grant Parks, Manager
Internal Audit Services
Judicial Council of California
Lynda Gledhill, Executive Officer
California Victim Compensation Board
Anita Lee, Senior Fiscal and Policy Analyst
Legislative Analyst's Office
Sandeep Singh, Manager
Local Government Policy Unit
State Controller's Office
Jennifer Montecinos, Manager
Tax Administration Unit
State Controller's Office

Recipient Addresses

James P. Erb, CPA, Director of Finance
Kings County
1400 W. Lacey Boulevard
Hanford, CA 93230

Gary Cramer, Deputy Chief
Corcoran Police Department
832 Whitley Avenue
Corcoran, CA 93212

Nocona Soboleski, Court Executive Officer
Superior Court of California, Kings County
1640 Kings County Drive
Hanford, CA 93230

Parker Sever, Chief
Hanford Police Department
425 North Irwin Street
Hanford, CA 93230

Russell Stivers, Chief
Avenal Police Department
317 Alpine Street
Avenal, CA 93204

Linda Beyersdorf, Finance Manager
City of Lemoore
711 West Cinnamon Drive
Lemoore, CA 93245

Donald Charles, Chief of District Police
College of the Sequoias
915 S. Mooney Boulevard
Visalia, CA 93277

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Audit Report

Summary

The State Controller's Office (SCO) performed an audit to determine the propriety of court revenues remitted to the State of California by Kings County on the Report to State Controller of Remittance to State Treasurer (TC-31) for the period of July 1, 2016, through June 30, 2020.

Our audit found that \$509,271 in state court revenues was underremitted to the State Treasurer. Specifically, we found that the county underremitted a net of \$506,055 in state court revenues to the State Treasurer, and that the College of the Sequoias underremitted \$3,216 in parking surcharges to the State Treasurer via Kings County.

We also found that the court made incorrect distributions related to child seat traffic violator school (TVS), railroad bail forfeiture, and railroad TVS violations. Furthermore, the county's probation department made incorrect distributions related to DUI and health and safety violations.

We also identified a deficiency that is not significant to our audit objective, but warrants the attention of management. Specifically, we found that the cities of Avenal, Corcoran, Hanford, and Lemoore imposed and collected incorrect parking surcharges for the audit period.

Background

State statutes govern the distribution of court revenues, which include fines, penalties, assessments, fees, restitutions, bail forfeitures, and parking surcharges. Whenever the State is entitled to receive a portion of such money, the court is required by Government Code (GC) section 68101 to deposit the State's portion of court revenues with the County Treasurer as soon as is practical and provide the County Auditor with a monthly record of collections. This section further requires that the County Auditor transmit the funds and a record of the money collected to the State Treasurer at least once a month.

The SCO publishes the *Trial Court Revenue Distribution Guidelines (Distribution Guidelines)* to provide direction on the distribution of fines, fees, forfeitures, penalties, and assessments. The *Distribution Guidelines* group code sections that share similar exceptions, conditions, or distributions into a series of nine tables.

The Judicial Council of California (JCC) provides forms and worksheets to ensure the proper calculation and distribution of fines, fees, forfeitures, penalties, and assessments. The guidance includes forms used to compute the annual maintenance-of-effort (MOE) calculation and worksheets to verify the more complex revenue distributions.

Audit Authority

We conducted this audit under the authority of GC section 68103, which requires the SCO to review the county's reports and records to ensure that all fines and forfeitures have been transmitted. In addition, GC section 68104 authorizes the SCO to examine records maintained by the

court. Furthermore, GC section 12410 provides the SCO with general audit authority to superintend the fiscal concerns of the State.

Objective, Scope, and Methodology

Our audit objective was to determine the propriety of the court revenues remitted to the State Treasurer pursuant to the TC-31 process.

The audit period was July 1, 2016, through June 30, 2020.

To achieve our objective, we performed the following procedures.

General

- We gained an understanding of the county and court's revenue collection and reporting processes, and of the relevant criteria.
- We interviewed county personnel regarding the monthly TC-31 remittance process and the MOE calculation.
- We interviewed court personnel regarding the revenue distribution process and the case management system.
- We reviewed documents supporting the transaction flow.
- We scheduled monthly TC-31 remittances prepared by the county and the court showing court revenue distributions to the State.
- We performed a review of the complete TC-31 remittance process for revenues collected and distributed by the county and the court.

Cash Collections

- We scheduled monthly cash disbursements prepared by the county and the court showing court revenue distributions to the State, county, and cities for all fiscal years in the audit period.
- We performed analytical procedures using ratio analysis for state and county revenues to assess the reasonableness of the revenue distributions based on statutory requirements.
- We recomputed the annual MOE calculation for all fiscal years in the audit period to verify the accuracy and completeness of the 50% excess of qualified revenues remitted to the State.

Distribution Testing

- We assessed the priority of installment payments by haphazardly selecting a non-statistical sample of four installment payments to verify priority. Errors found were not projected to the intended (total) population.
- We scheduled parking surcharge revenues collected from entities that issue parking citations within the county to ensure that revenues were correct, complete, and remitted in accordance with state statutory requirements.
- We performed a risk evaluation of the county and court and identified violation types that are prone to errors due to either their complexity

or statutory changes during the audit period. Based on the risk evaluation, we haphazardly selected a non-statistical sample of 60 cases for 13 violation types.¹ Then, we:

- Recomputed the sample case distributions and compared them to the actual distributions; and
- Calculated the total dollar amount of significant underremittances and overremittances to the State and county.

Errors found were not projected to the intended (total) population.

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objective. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objective.

We did not audit the financial statements of the county, the court, or the various agencies that issue parking citations. We did not review any court revenue remittances that the county and court may be required to make under GC sections 70353 and 77201.1(b), included in the TC-31.

Conclusion

As a result of performing the audit procedures, we found instances of noncompliance with the requirements described in our audit objective. Specifically, we found that a net of \$509,271 in state court revenues was underremitted to the State Treasurer because the county:

- Underremitted the State Trial Court Improvement and Modernization Fund (GC section 77205) by \$379,078;
- Underremitted the State Penalty Fund (Penal Code [PC] section 1464) by \$59,488;
- Underremitted the State Trial Court Improvement and Modernization Fund (GC section 68090.8) by \$28,759;
- Overremitted the State Restitution Fund (PC section 1202.44) by \$6,228;
- Underremitted the State General Fund (Health and Safety Code [HSC] section 11502) by \$28,014;
- Overremitted the Immediate and Critical Needs Account of the State Court Facilities Construction Fund (GC section 70372[b]) by \$18,814;
- Overremitted the State Court Facilities Construction Fund (GC section 70372[b]) by \$9,407;
- Underremitted the State Trial Court Trust Fund (GC section 76000.3) by \$10,860;

¹ We were not able to identify the case population due to the inconsistent timing of when tickets were issued versus when they were paid, and the multitude of entities that remit collections to the county for remittance to the State.

- Underremitted the State General Fund (Vehicle Code [VC] section 40225[d]) by \$33,999;
- Overremitted the Immediate and Critical Needs Account (VC section 40611) by \$10,120;
- Underremitted the State Penalty Fund (VC section 40611) by \$10,426; and
- Underremitted the State Trial Court Trust Fund (GC section 76000.3) by \$3,216 in state parking surcharges from the College of the Sequoias.

These instances of noncompliance are quantified in the Schedule and described in the Findings and Recommendations section of this audit report.

We also found that the court made incorrect distributions related to child seat violations with TVS, railroad bail forfeitures, and railroad TVS violations. Furthermore, the county's probation department made incorrect distributions related to DUI and health and safety violations. These instances of noncompliance are non-monetary and described in the Findings and Recommendations section of this audit report.

We also identified a deficiency that is not significant to our audit objective, but warrants the attention of management. Specifically, we found that the cities of Avenal, Corcoran, Hanford, and Lemoore imposed and collected incorrect parking surcharges for the audit period. This deficiency is described in the Observation and Recommendation section of this audit report.

On August 16, 2021, the College of the Sequoias made a payment of \$3,216 to the county. On September 30, 2021, the county remitted \$3,216 to the State Treasurer via the TC-31. The county should remit the remaining balance of \$506,055 to the State Treasurer.

Follow-up on Prior Audit Findings

The county has satisfactorily resolved the findings noted in our prior audit report, for the period of July 1, 2006, through June 30, 2012, issued September 17, 2015, with the exception of current Findings 1 and 4.

Views of Responsible Officials

We issued a draft audit report on January 5, 2022. James P. Erb, Director of Finance, responded by letter dated February 4, 2022 (Attachment A), agreeing with the audit results. In addition, Nocona Soboleski, Court Executive Officer, responded by letter dated January 18, 2022 (Attachment B), agreeing with the audit results. The College of the Sequoias did not respond to Finding 5, but did make a payment of \$3,216.

Restricted Use

This audit report is solely for the information and use of Kings County; Superior Court of California, Kings County; the City of Avenal; the City of Corcoran; the City of Hanford; the City of Lemoore; the College of the Sequoias; the JCC; and the SCO; it is not intended to be and should not be used by anyone other than these specified parties. This restriction is not intended to limit distribution of this audit report, which is a matter of public record and is available on the SCO website at www.sco.ca.gov.

Original signed by

KIMBERLY TARVIN, CPA
Chief, Division of Audits

March 24, 2022

Schedule—
Summary of Audit Findings Affecting Remittances to the State Treasurer
July 1, 2016, through June 30, 2020

Finding ¹	Fiscal Year				Total	Reference ²
	2016-17	2017-18	2018-19	2019-20		
Underremitted 50% excess of qualified revenues State Trial Court Improvement and Modernization Fund – GC §77205	\$59,954	\$121,125	\$108,356	\$89,643	\$379,078	Finding 1
Incorrect remittances to the State State Penalty Fund – PC §1464	15,471	16,363	14,679	12,975	59,488	
State Trial Court Improvement and Modernization Fund – GC §68090.8	6,972	7,812	7,280	6,695	28,759	
State Restitution Fund – PC §1202.44	(2,304)	(1,723)	(1,161)	(1,040)	(6,228)	
Total	20,139	22,452	20,798	18,630	82,019	Finding 2
Incorrect distribution of base fines on health and safety violations State General Fund – HSC §11502	7,032	9,160	6,795	5,027	28,014	Finding 3
Incorrect distribution of parking surcharges, and equipment and registration violation penalties State Court Facilities Construction Fund – Immediate and Critical Needs Account – GC §70372(b)	(4,578)	(4,993)	(4,302)	(4,941)	(18,814)	
State Court Facilities Construction Fund – GC §70372(b)	(2,289)	(2,496)	(2,151)	(2,471)	(9,407)	
State Trial Court Trust Fund – GC §76000.3	2,520	2,706	2,595	3,039	10,860	
State General Fund – VC §40225(d)	8,441	9,265	7,639	8,654	33,999	
Total	4,094	4,482	3,781	4,281	16,638	Finding 4
Underremitted parking surcharges – College of the Sequoias State Trial Court Trust Fund – GC §76000.3	1,038	543	1,062	573	3,216	Finding 5
Incorrect distribution of proof of correction violations State Court Facilities Construction Fund – Immediate and Critical Needs Account – VC §40611	(2,448)	(2,474)	(3,265)	(1,933)	(10,120)	
State Penalty Fund – VC §40611	2,522	2,549	3,364	1,991	10,426	
Total	74	75	99	58	306	Finding 6
Net amount underremitted to the State Treasurer	\$92,331	\$157,837	\$140,891	\$118,212	\$509,271	

¹The identification of state revenue account titles should be used to ensure proper recording when preparing the TC-31.

²See the Findings and Recommendations section.

Findings and Recommendations

**FINDING 1—
Underremitted the
50% excess of
qualified revenues
(repeat finding)**

During our recalculation of the 50% excess of qualified revenues, we found that the county used incorrect qualified revenue amounts in its calculation for each fiscal year. These errors resulted in the county underremitting the 50% excess of qualified revenues by \$379,078 during the audit period. The 50% excess of qualified revenues was incorrectly calculated because the county misinterpreted the required calculations.

For the audit period, the county provided support for its calculation of the 50% excess of qualified revenues. We reviewed the county's calculation and reconciled the qualified revenues to revenue collection reports provided by the court and county's probation department. We noted that the county incorrectly excluded the revenues collected for the city base fines (VC section 42007[c]) and County Criminal Justice Facilities Construction Fund (\$1 per TVS case; GC section 76101) from the calculation of the TVS fees (VC section 42007) during the audit period.

Furthermore, the county erroneously computed the qualified revenues by including 100% of the TVS fees (VC section 42007) in the calculation instead of including 77% of the TVS fees (VC section 42007). In addition, the county did not include all county base fine (PC section 1463.001) and County State Penalty Fund (PC section 1464) revenues in the calculation. The county also reported incorrect amounts for the county general fund (GC section 76000[c]) line item on the calculation.

We recalculated the county's qualified revenues based on actual court revenues collected for each fiscal year of the audit period. After our recalculation, we found that the county had understated qualified revenues by a net of \$767,797 for the audit period. The incorrect qualified revenues resulted in the county underremitting the 50% excess of qualified revenues by \$379,078 for the audit period.

Qualified revenues were understated because:

- The court understated qualified revenues by \$60,868 for the audit period because the county incorrectly excluded the revenues collected for the city base fines (VC section 42007[c]) from the calculation of the TVS fees (VC section 42007);
- The court understated qualified revenues by \$10,126 for the audit period because the county incorrectly excluded the revenues collected (\$1 per TVS case) for the County Criminal Justice Facilities Construction Fund (GC section 76101) from its calculation of the TVS fees (VC section 42007);
- The county overstated qualified revenues by \$543,289 for the audit period because it incorrectly included 100% of the TVS fees (VC section 42007) in the calculation instead of 77% of the TVS fees (VC section 42007);

- The county understated qualified revenues by \$1,222,921 for the audit period because it did not include all county base fine (PC section 1463.001) revenues in the calculation;
- The county understated qualified revenues by \$22,941 for the audit period because it did not include all County State Penalty Fund (PC section 1464) revenues in the calculation; and
- The county overstated qualified revenues by \$5,770 for the audit period because it used incorrect amounts for the county general fund (GC section 76000[c]) line item on the calculation.

The following table shows the audit adjustments to qualified revenues:

	Fiscal Year				Totals
	2016-17	2017-18	2018-19	2019-20	
Qualified revenues reported	\$ 1,170,472	\$ 1,118,729	\$ 1,160,338	\$ 972,565	\$ 4,422,104
Audit adjustments:					
VC §42007(c) adjustment	16,887	13,577	13,422	16,982	60,868
GC §76101 adjustment	2,320	2,687	2,761	2,358	10,126
VC §42007 adjustment	(132,293)	(134,806)	(141,050)	(135,140)	(543,289)
PC §1463.001 adjustment	227,795	353,516	339,683	301,927	1,222,921
PC §1464 adjustment	6,963	9,612	3,592	2,774	22,941
GC §76000(c) adjustment	(1,765)	(2,335)	(1,697)	27	(5,770)
Total	119,907	242,251	216,711	188,928	767,797
Adjusted qualified revenues	<u>\$ 1,290,379</u>	<u>\$ 1,360,980</u>	<u>\$ 1,377,049</u>	<u>\$ 1,161,493</u>	<u>\$ 5,189,901</u>

The incorrect qualified revenues resulted in the county underremitting the 50% excess of qualified revenues by \$379,078 for the audit period.

The following table shows:

- The excess qualified revenues amount above the base; and
- The county’s underremittance to the State Treasurer by comparing 50% of the excess qualified revenues amount above the base to actual county remittances:

Fiscal Year	Qualifying Revenues	Base Amount	Excess Amount Above the Base	50% Excess Amount Due the State	County Remittance to the State Treasurer	County Underremittance to the State Treasurer ¹
2016-17	\$ 1,290,379	\$982,208	\$ 308,171	\$ 154,086	\$ 94,132	\$ 59,954
2017-18	1,360,980	982,208	378,772	189,386	68,261	121,125
2018-19	1,377,049	982,208	394,841	197,421	89,065	108,356
2019-20	1,161,493	982,208	179,285	89,643	-	89,643
Total						<u>\$ 379,078</u>

¹Should be identified on the TC-31 as State Trial Court Improvement and Modernization Fund – GC §77205

As discussed in Finding 1 of our prior audit report dated September 17, 2015, the county underremitted 50% excess of qualified revenues. This is a repeat finding, as the county did not correct the distribution errors noted in our prior audit report.

GC section 77205 requires the county to remit 50% of the qualified revenues that exceed the amount specified in GC section 77201.1(b)(2) for fiscal year 1998-99, and each fiscal year thereafter, to the State Trial Court Improvement and Modernization Fund.

In its annual memorandum, the JCC provides instructions for counties to calculate the amount of excess revenues that are required to be remitted to the State Treasurer. The instructions during the audit period stated that the VC section 42007 TVS fees should not be reduced by distributions to the Maddy Emergency Medical Services Fund, the Courthouse Construction Fund, the Criminal Justice Facilities Construction Fund, or to the cities.

Recommendation

We recommend that the county:

- Remit \$379,078 to the State Treasurer and report on the TC-31 an increase to the State Trial Court Improvement and Modernization Fund; and
- Take care to include all of the qualified revenues for the calculation in accordance with the JCC's forms and instructions.

County's Response

The County agrees with this finding. This finding is the responsibility of the Department of Finance who conducts the excess revenue calculation at the end of each fiscal year. Staff has updated the year-end process to appropriately categorize court fines and fees. In addition we will have a senior staff member review the calculation prior to submission to the state.

FINDING 2— Incorrect remittances to the State

During our reconciliation of TC-31 revenues, we found that the county underremitted State Penalty Fund (PC section 1464) revenues to the State, resulting in an underremittance of \$59,488. In addition, the county underremitted State Trial Court Improvement and Modernization Fund (GC section 68090.8) 2% Automation Fee revenues to the State, resulting in an underremittance of \$28,759.

Furthermore, the county incorrectly remitted County Collection Fee (PC section 1202.4[1]) revenues to the State, resulting in an overremittance of \$6,228. The error occurred because collected revenues reported by the county were incorrect.

We compared the actual revenues collected by the court to the revenues reported by the county on the TC-31s. During our reconciliation of the TC-31 revenues and revenues collected by the county's probation department, we found that the county incorrectly distributed only 70% of the State's portion of State Penalty Fund (PC section 1464) revenues to

the State for the audit period. The county should have distributed 100% of the State’s portion of State Penalty Fund (PC section 1464) revenues.

County staff members mistakenly thought that the account titled “State Penalty Assessment” (Account Number 51050123) included both the State and county’s portion of State Penalty Fund (PC section 1464) revenues. In actuality, Account Number 51050123 includes only the State’s portion of State Penalty Fund (PC section 1464) revenues. The county’s probation department distributed the county’s portion of State Penalty Fund (PC section 1464) revenues to the account titled “Fines – County” (Account Number 81300000), which also includes county base fine (PC section 1463.001) revenues.

We also found that the county did not remit the State Trial Court Improvement and Modernization Fund (GC section 68090.8) 2% Automation Fee revenues collected by the probation department to the State during the audit period.

Furthermore, we found that the county incorrectly remitted County Collection Fee (PC section 1202.4[1]) revenues to the State Restitution Fund (PC section 1202.44) instead of depositing the revenues in the county general fund during the audit period.

The incorrect distributions had the following effect:

Account Title	Underremitted/ (Overremitted)
State Penalty Fund – PC §1464	\$ 59,488
State Trial Court Improvement and Modernization Fund (2% Automation) – GC §68090.8	28,759
State Restitution Fund – PC §1202.44	<u>(6,228)</u>
Total	<u>\$ 82,019</u>
County General Fund	<u>\$ (82,019)</u>

PC section 1464(a)(1) requires the courts to levy a \$10 penalty for every \$10, or part of \$10, upon every fine, penalty, or forfeiture imposed. PC section 1464(e) requires 70% of the penalty to be transmitted to the State Treasury.

GC section 68090.8(b) requires the county treasurer to transmit 2% of all fines, penalties, and forfeitures collected in criminal cases into the State Trial Court Improvement and Modernization Fund to be used exclusively to pay the costs of automated systems for the trial courts.

PC section 1202.4(1) states that the board of supervisors of a county may impose a fee to cover the administrative cost of collecting the restitution fine, with the proceeds deposited in the county general fund.

Recommendation

We recommend that the county:

- Remit \$82,019 to the State Treasurer and report on the TC-31 an increase/(decrease) to the following accounts:
 - State Penalty Fund (PC section 1464): \$59,488;
 - State Trial Court Improvement and Modernization Fund (GC section 68090.8; 2% Automation Fee): \$28,759;
 - State Restitution Fund (PC section 1202.44): \$(6,228); and
- Correct its accounting system to ensure that revenues are distributed in accordance with statutory requirements.

We also recommend that the county's probation department establish a separate account for the county's portion of State Penalty Fund (PC section 1464) revenues in its case management system.

County's Response

The County agrees with this finding. The Department of Finance has worked with the Probation Department to ensure the correct distributions are made to the State Penalty Fund, the 2% Automation Fund, and the State Restitution Fund. The Probation Department updated their communication to the Department of Finance so the distribution/split is not done twice.

**FINDING 3—
Incorrect distribution
of base fines on health
and safety violations**

During our testing of health and safety cases, we found that the county's probation department did not properly distribute base fines to the State General Fund (HSC section 11502), resulting in a net underremittance to the State of \$28,014. The error occurred because the department misinterpreted the distribution guidelines and incorrectly configured its case management system.

We verified, on a sample basis, distributions made by the county's probation department using its case management system. For each sample case, we recomputed the distributions and compared them to the actual distributions. During our testing of county cases, we found that the department incorrectly distributed 100% of base fines to the county general fund (HSC section 11502) instead of distributing 75% of base fines to the State General Fund (HSC section 11502) and 25% of base fines to the county general fund (HSC section 11502).

In addition, during our testing of city cases, we found that the county's probation department incorrectly distributed 75% of base fines to the city general fund (HSC section 11502) and 25% of base fines to the county general fund (HSC section 11502) instead of distributing 75% of base fines to the State General Fund (HSC section 11502) and 25% of base fines to the city general fund (HSC section 11502).

The incorrect distributions had the following effect:

Account Title	Underremitted/ (Overremitted)
State General Fund – HSC § 11502	\$ 28,014
County General Fund – HSC § 11502	\$ (18,941)
City General Fund – HSC § 11502 (City of Avenal)	(1,162)
City General Fund – HSC § 11502 (City of Corcoran)	(1,559)
City General Fund – HSC § 11502 (City of Hanford)	(4,379)
City General Fund – HSC § 11502 (City of Lemoore)	(1,973)
	<u>\$ (28,014)</u>

HSC section 11502(a) requires fines received by the court under Division 10 of the Health and Safety Code to be distributed in the following manner: 75% to the State Treasurer and 25% to the county or city, depending on where the offense occurred.

Recommendation

We recommend that the county remit \$28,014 to the State Treasurer and report on the TC-31 an increase of \$28,014 to the State General Fund (HSC section 11502).

We also recommend that the county's probation department:

- Correct its case management system to ensure that revenues are distributed in accordance with statutory requirements; and
- Periodically verify the accuracy of its distributions using the JCC's testing sheets.

County's Response

The County agrees with this finding. The Probation Department has updated their case management system to correctly distribute base fines to the State, County, and Cities.

FINDING 4— Incorrect distribution of parking surcharges, and equipment and registration violation penalties (repeat finding)

During our analysis of parking surcharges remitted by the county, we found that the county did not properly distribute parking surcharges and equipment and registration violation penalties to the State, resulting in a net underremittance of \$16,638. The error occurred because the county misinterpreted the statutory requirements relating to parking surcharges.

External parking agencies are required to collect revenues for parking violations and remit the revenues to the county. Revenues are remitted to the county on a monthly basis and collection reports are included to support the remitted revenues. During our analysis of the collection reports, we found that county staff members incorrectly added parking surcharges and equipment and registration violation penalties together, and then distributed the sum to the county general fund (GC section 76000[c]), County Criminal Justice Facilities Construction Fund

(GC section 76101), State Court Facilities Construction Fund (GC section 70372[b]), and Immediate and Critical Needs Account (GC section 70372[b]).

The county should have distributed the equipment and registration violation penalties to the State General Fund (VC section 40225[d]). In addition, the department should have distributed the parking surcharges to the following funds:

- County general fund (GC section 76000[c]);
- County Courthouse Construction Fund (GC section 76100);
- County Criminal Justice Facilities Construction Fund (GC section 76101);
- State Court Facilities Construction Fund (GC section 70372[b]);
- Immediate and Critical Needs Account (GC section 70372[b]); and
- State Trial Court Trust Fund (GC section 76000.3).

The incorrect distributions had the following effect:

Account Title	Underremitted/ (Overremitted)
State Court Facilities Construction Fund – Immediate and Critical Needs Account – GC §70372(b)	\$ (18,814)
State Court Facilities Construction Fund – GC §70372(b)	(9,407)
State Trial Court Trust Fund – GC §76000.3	10,860
State General Fund – VC §40225(d)	33,999
Total	<u>\$ 16,638</u>
County General Fund – GC §76000(c)	\$ (6,726)
County Courthouse Construction Fund – GC §76100	5,431
County Criminal Justice Facilities Construction Fund – GC §76101	(15,343)
Total	<u>\$ (16,638)</u>

As discussed in Finding 3 of our prior audit report dated September 17, 2015, the county did not properly distribute parking surcharges. This is a repeat finding, as the county did not correct the distribution errors noted in our prior audit report.

GC section 76000(c) requires the county to deposit a \$2.50 parking surcharge in both the County Courthouse Construction Fund and Criminal Justice Facilities Fund from each parking fine collected.

GC section 70372(b) requires issuing agencies to distribute a state surcharge of \$4.50 to the State Court Facilities Construction Fund and the Immediate and Critical Needs Account for every parking fine or forfeiture beginning January 2009.

GC section 76000.3 requires issuing agencies to distribute to the State Trial Court Trust Fund an additional state surcharge of \$3.00 for every parking fine or forfeiture beginning December 2010.

VC section 40225(d) requires 50% of any penalty collected on registration or equipment violations to be paid to the county for remittance to the State Treasurer.

Recommendation

We recommend that the county remit \$16,638 to the State Treasurer and report on the TC-31 an increase/(decrease) to the following accounts:

- Immediate and Critical Needs Account of the State Court Facilities Construction Fund (GC section 70372[b]): \$(18,814);
- State Court Facilities Construction Fund (GC section 70372[b]): \$(9,407);
- State Trial Court Trust Fund (GC section 76000.3): \$10,860; and
- State General Fund (VC section 40225[d]): \$33,999.

In addition, we recommend that the county correct its accounting system to ensure that revenues are distributed in accordance with statutory requirements.

County's Response

The County agrees with this finding. The Department of Finance has updated its worksheet to ensure proper distribution of parking surcharges and equipment and registration violations penalties.

FINDING 5— Underremitted parking surcharges – College of the Sequoias

During our analysis of parking surcharges remitted to the county, we found that the College of the Sequoias did not collect and remit state and county parking surcharges during the audit period, resulting in a net underremittance to the State of \$3,216. The error occurred because the college was unaware of the statutory requirements relating to parking surcharges.

External parking agencies are required to collect revenues for parking violations and remit the revenues to the county. Revenues are remitted to the county on a monthly basis and collection reports are included to support the remitted revenues. During our analysis of the collection reports, we found that the college did not collect or remit state and county parking surcharges for the audit period. The college should have collected a total of \$11.00 in state and county parking surcharges for each parking violation.

Although the college did not collect any state or county parking surcharges for the period, it was required to remit \$3.00 only for each parking violation to the State Treasurer in accordance with GC section 76000.3. Unlike the other parking surcharge statutes, GC section 76000.3 requires the remittance of \$3.00 per parking violation regardless of collection.

Kings County has paid in full the bonded indebtedness for its court facilities. Therefore, entities in Kings County should not be collecting

\$2.50 for the Courthouse Construction Fund (GC section 76100). Instead, entities should be collecting only \$1.00 for the Courthouse Construction Fund. The \$1.00 should then be deposited in the county’s General Fund in accordance with GC section 76000(c). Thus, parking entities in Kings County should be collecting a total of \$11.00 in state and county parking surcharges.

On August 16, 2021, the county received a remittance of \$3,216 from the College of the Sequoias. On September 30, 2021, the county remitted \$3,216 to the State Treasurer via the TC-31.

The underremitted parking surcharges are as follows:

Account Title	Underremitted/ (Overremitted)
State Trial Court Trust Fund — GC §76000.3	\$ 3,216
College of the Sequoias	\$ (3,216)

GC section 76000(b) requires each parking agency to pay the county treasurer \$2.50 for each fund established in accordance with GC section 76100 or 76101 for each parking violation.

GC section 76000(c) requires the county treasurer to deposit \$1.00 of every \$2.50 collected for the County Courthouse Construction Fund and County Criminal Justice Facilities Construction Fund into the county general fund.

GC section 76000(d) states that the \$2.50 penalty authorized by GC section 76000(b) should be reduced to \$1.00 as of the date of transfer of responsibility for facilities, except as money is needed to pay for construction provided for in GC section 76100.

GC section 70372(b) requires the issuing agencies to collect a state surcharge of \$4.50 in the State Court Facilities Construction Fund for every parking fine or forfeiture.

GC section 70372(f) requires that one-third of the \$4.50 be deposited in the State Court Facilities Construction Fund and two-thirds be deposited in the Immediate and Critical Needs Account of the State Court Facilities Construction Fund.

GC section 76000.3 requires that parking agencies pay to the State Treasurer a state surcharge of \$3.00 in the State Trial Court Trust Fund on each parking violation.

Recommendation

We recommend that the College of the Sequoias collect and remit the required state and county parking surcharges to the county, totaling \$11 per infraction.

County’s Response

The County agrees with this finding. The College of the Sequoias has taken corrective action and has already remitted the \$3,216 owed to the State as a result of this finding.

**FINDING 6—
Incorrect distribution
of proof of correction
violations**

During our testing of proof of correction cases, we found that the court did not properly distribute Proof of Correction Fee revenues to the Immediate and Critical Needs Account (VC section 40611) and State Penalty Fund (VC section 40611), resulting in a net underremittance to the State of \$306. The error occurred because the court misinterpreted the distribution guidelines and incorrectly configured its case management system.

We verified, on a sample basis, distributions made by the court using its case management system. For each sample case, we recomputed the distributions and compared them to the actual distributions. During testing, we found that the court incorrectly distributed 33% of the first \$10 of the Proof of Correction Fee (VC section 40611) to the Immediate and Critical Needs Account (VC section 40611). The court should have distributed 34% of the first \$10.00 of the Proof of Correction Fee (VC section 40611) to the State Penalty Fund (VC section 40611).

The incorrect distributions had the following effect:

<u>Account Title</u>	<u>Underremitted/ (Overremitted)</u>
State Penalty Fund – Proof of Correction – VC §40611	\$ 10,426
State Court Facilities Construction Fund – Immediate and Critical Needs Account – Proof of Correction – VC §40611	(10,120)
Total	<u>\$ 306</u>
County General Fund	<u>\$ (306)</u>

VC section 40611 requires a \$25 transaction fee upon proof of correction of an alleged violation of VC section 12500, VC section 12951, VC section 40610, or upon submission of evidence of financial responsibility pursuant to VC section 16028(e). For each citation, the first \$10 should be allocated as follows: 1) 33% to the county or city general fund; 2) 34% to the State Treasury for deposit in the State Penalty Fund; and 3) 33% to the county general fund. The remainder of the fees on each citation are required to be deposited in the Immediate and Critical Needs Account of the State Court Facilities Construction Fund.

Recommendation

We recommend that the county remit \$306 to the State Treasurer and report on the TC-31 an increase of \$10,426 to the State Penalty Fund (Proof of Correction; VC section 40611) and a decrease of \$10,120 to the Immediate and Critical Needs Account of the State Court Facilities Construction Fund (Proof of Correction; VC section 40611).

We also recommend that the court:

- Correct its case management system to ensure that revenues are distributed in accordance with statutory requirements; and
- Periodically verify the accuracy of its distributions using the JCC's testing sheets.

Court's Response

The Court agrees with this finding and corrected the distributions in the case management system on July 23, 2021, as recommended. The Court will also be periodically verifying its distributions as suggested.

FINDING 7— Incorrect distribution of revenues from child seat TVS violations

During our testing of county child seat TVS cases, we found that the court did not properly distribute 2% Automation Fee revenues to the State Trial Court Improvement and Modernization Fund (GC section 68090.8). The error occurred because the court misinterpreted the distribution guidelines and incorrectly configured its case management system.

We verified, on a sample basis, distributions made by the court using its case management system. For each sample case, we recomputed the distributions and compared them to the actual distributions. During our testing, we found that the court did not distribute 2% of the base fines allocated to child passenger restraint low-cost purchase or loaner programs (VC section 27360.6[c]) to the State Trial Court Improvement and Modernization Fund (2% Automation Fee; GC section 68090.8).

We performed an analysis of the base fines allocated to the child passenger restraint low-cost purchase or loaner programs (VC section 27360.6[c]) collected by the court to determine the fiscal effect of the distribution errors. Upon completion of our analysis, we found that the errors did not have a material effect on the revenues remitted to the State.

GC section 68090.8(b) requires the county treasurer to transmit 2% of all fines, penalties, and forfeitures collected in criminal cases into the State Trial Court Improvement and Modernization Fund to be used exclusively to pay the costs of automated systems for the trial courts.

Recommendation

We recommend that the court:

- Correct its case management system to ensure that revenues are distributed in accordance with statutory requirements; and
- Periodically verify the accuracy of its distributions using the JCC's testing sheets.

Court's Response

The Court agrees with this finding and corrected the distributions in the case management system on July 23, 2021, as recommended. The Court will also be periodically verifying its distributions as suggested.

**FINDING 8—
Incorrect distribution
of revenues from
railroad bail
forfeiture violations**

During our testing of railroad bail forfeiture cases, we found that the court did not properly distribute revenues to the Railroad Allocation Fund (PC section 1463.12). The error occurred because the court misinterpreted the distribution guidelines and incorrectly configured its case management system.

We verified, on a sample basis, distributions made by the court using its case management system. For each sample case, we recomputed the distributions and compared them to the actual distributions. During testing, we found that the court did not distribute the first 30% of the amount collected to the Railroad Allocation Fund (PC section 1463.12).

We performed an analysis of the volume of railroad bail forfeiture cases processed by the court to determine the fiscal effect of the distribution errors. Upon completion of our analysis, we found that the errors did not have a material effect on the revenues remitted to the State.

PC section 1463.12 requires that the first 30% of the amount collected to be distributed to the general fund of the transit district, transportation commission, or county in which the offense occurred, to be used only for public safety and public education purposes relating to railroad grade crossings.

Recommendation

We recommend that the court:

- Correct its case management system to ensure that revenues are distributed in accordance with statutory requirements; and
- Periodically verify the accuracy of its distributions using the JCC's testing sheets.

Court's Response

The Court agrees with this finding and corrected the distributions in the case management system on July 23, 2021 as recommended. The Court will also be periodically verifying its distributions as suggested.

**FINDING 9—
Incorrect distribution
of revenues from
railroad TVS
violations**

During our testing of railroad TVS cases, we found that the court did not properly distribute revenues to the Railroad Allocation Fund (VC section 42007.4). The error occurred because the court misinterpreted the distribution guidelines and incorrectly configured its case management system.

We verified, on a sample basis, distributions made by the court using its case management system. For each sample case, we recomputed the distributions and compared them to the actual distributions. During testing, we found that the court did not distribute the first 30% of the amount collected to the Railroad Allocation Fund (VC section 42007.4).

In addition, the court did not distribute the balance of the amount to the following state, county, and city funds:

- County base fines (PC section 1463.001);
- City base fines (PC section 1463.002);
- State Penalty Fund (PC section 1464);
- State DNA Identification Fund (GC section 76104.6);
- State DNA Identification Fund (GC section 76104.7);
- County Criminal Justice Facilities Construction Fund (GC section 76101);
- Automated Fingerprint Identification and Digital Image Photographic Suspect Booking Identification System Fund (GC section 76102); and
- Emergency Medical Air Transportation and Children's Coverage Fund (GC section 76000.10[c]).

We performed an analysis of the volume of railroad TVS cases processed by the court to determine the fiscal effect of the distribution errors. Upon completion of our analysis, we found that the errors did not have a material effect on the revenues remitted to the State.

VC section 42007.4 requires that the first 30% of the amount collected to be distributed to the general fund of the transit district, transportation commission, or the county in which the offense occurred, to be used only for public safety and public education purposes relating to railroad grade crossings. The balance of the amount should be distributed in accordance with PC section 1463.

Recommendation

We recommend that the court:

- Correct its case management system to ensure that revenues are distributed in accordance with statutory requirements; and
- Periodically verify the accuracy of its distributions using the JCC's testing sheets.

Court's Response

The Court agrees with this finding and corrected the distributions in the case management system on July 23, 2021, as recommended. The Court will also be periodically verifying its distributions as suggested.

FINDING 10— Incorrect priority of installment payments

During our testing of superior court cases, we found that the court did not properly distribute revenues in accordance with the order of priority stated in PC section 1203.1d. The error occurred because the court misinterpreted the distribution guidelines and incorrectly configured its case management system.

We verified, on a sample basis, distributions made by the court using its case management system. For each sample case, we recomputed the distributions and compared them to the actual distributions. During our testing of cases, we found that the court incorrectly programmed other reimbursable costs as priority-three distributions instead of programming them as priority-four distributions.

We did not measure the effect of the error because it would be impractical and difficult to redistribute revenues on every case involving installment payments.

PC section 1203.1d requires the distribution of installment payments be made in the following order of priority:

1. Restitution orders to victims (PC section 1202.4[f]);
2. 20% State Surcharge (PC section 1465.7);
3. Fines, penalty assessments, restitution fines (PC section 1202.4[b]); and
4. Other reimbursable costs.

Recommendation

We recommend that the court correct its case management system to ensure that installment revenues are distributed in accordance with statutory priority requirements.

Court's Response

The Court agrees with this finding and corrected the installment revenue priorities in the case management system based on statutory priority requirements on July 8, 2021, as recommended.

FINDING 11— Incorrect distribution of revenues from DUI violations – County probation department

During our testing of DUI cases, we found that the county's probation department did not properly distribute 2% Automation Fee revenues to the State Trial Court Improvement and Modernization Fund (GC section 68090.8). The error occurred because the department misinterpreted the distribution guidelines and incorrectly configured its case management system.

We verified, on a sample basis, distributions made by the department using its case management system. For each sample case, we recomputed the distributions and compared them to the actual distributions. During our testing, we found that the department did not properly distribute 2% of the Emergency Medical Air Transportation and Children's Coverage Fund (GC section 76000.10[c]) revenues to the State Trial Court Improvement and Modernization Fund (GC section 68090.8).

In addition, the department did not properly distribute 2% of the special account (PC section 1463.14[a]) and State Restitution Fund (PC section 1463.18) revenues to the State Trial Court Improvement and Modernization Fund (GC section 68090.8). Instead, the amounts that should have been deducted from the special account (PC

section 1463.14[a]) and the State Restitution Fund (PC section 1463.18) were deducted from the county base fines (PC section 1463.001) and city base fines (PC section 1463.002).

We performed an analysis of the Emergency Medical Air Transportation and Children's Coverage Fund (GC section 76000.10[c]) and State Restitution Fund (PC section 1463.18) revenues collected by the county's probation department to determine the fiscal effect of the distribution errors. Upon completion of our analysis, we found that the errors did not have a material effect on the revenues remitted to the State.

GC section 68090.8(b) requires the county treasurer to transmit 2% of all fines, penalties, and forfeitures collected in criminal cases into the State Trial Court Improvement and Modernization Fund to be used exclusively to pay the costs of automated systems for the trial courts.

Recommendation

We recommend that the county's probation department:

- Correct its case management system to ensure that revenues are distributed in accordance with statutory requirements; and
- Periodically verify the accuracy of its distributions using the JCC's testing sheets.

County's Response

The County agrees with this finding. The Probation Department has updated their case management system to properly distribute the 2% Automation Fees.

FINDING 12— Inconsistent assessment of criminal laboratory analysis fee

During our testing of health and safety violation cases, we found that the county's probation department did not consistently assess the criminal laboratory analysis fee (HSC section 11372.5). The error occurred because the court did not consistently order the fee.

We verified, on a sample basis, distributions made by the county's probation department using its case management system. For each sample case, we recomputed the distributions and compared them to the actual distributions. During our testing, we found that the department did not consistently assess the criminal laboratory analysis fee (HSC section 11372.5). Upon further review, we found that the court did not consistently order the fee.

We did not determine the effect of the error because it cannot be reversed, as the county's probation department cannot retroactively pursue collection from defendants.

HSC section 11372.5 requires defendants convicted of violating specific Health and Safety Code sections regulating controlled substances to pay a \$50 criminal laboratory analysis fee for each separate offense, and requires the court to increase the total fine as necessary to include the increment.

Recommendation

We recommend that the county's probation department and the court work together to ensure that the criminal laboratory analysis fee (HSC section 11372.5) is assessed on applicable health and safety violation cases.

County's Response

The County agrees with this finding. The Probation Department will assess the criminal laboratory analysis fee (HSC section 11372.5) when it is ordered by the judge of the Superior Court of Kings County. The Probation Department will bring to the judge's attention if he/she does not order this fee.

Observation and Recommendation

OBSERVATION— Incorrect remittance of county parking surcharges

During our analysis of parking surcharges remitted to the county, we found that the cities of Avenal, Corcoran, Hanford, and Lemoore imposed and collected incorrect parking surcharges during the audit period. The error occurred because the cities of Avenal, Corcoran, Hanford, and Lemoore were unaware of the statutory requirements relating to parking surcharges.

External parking agencies are required to collect revenues for parking violations and remit the revenues to the county. Revenues are remitted to the county on a monthly basis and collection reports are included to support the remitted revenues. During our analysis of the collection reports, we found that the cities of Avenal, Corcoran, Hanford, and Lemoore incorrectly remitted \$12.50 in state and county parking surcharges on every parking violation instead of the required \$11.00 for the audit period. The county has paid in full the bonded indebtedness for court facilities.

Therefore, entities in Kings County should not have collected \$2.50 for the County Courthouse Construction Fund (GC section 76100). Instead, entities should have collected only \$1.00 for the County Courthouse Construction Fund (GC section 76100). The \$1.00 should have then been deposited in the county's general fund in accordance with GC section 76000(c). In addition, the county should have returned the excess \$1.50 collected for the County Courthouse Construction Fund (GC section 76100) to the parking entities.

GC section 76000(c) requires the county treasurer to deposit \$1.00 of every \$2.50 collected for the County Courthouse Construction Fund and County Criminal Justice Facilities Construction Fund into the county general fund.

GC section 76000(d) states that the \$2.50 penalty authorized by GC section 76000(b) should be reduced to \$1.00 as of the date of transfer of responsibility for facilities, except as money is needed to pay for construction provided for in GC section 76100.

Recommendation

We recommend that the parking entities impose, collect, and remit the correct county parking surcharges. We also recommend that the county work with the parking entities to determine the portion of revenues collected for the County Courthouse Construction Fund (GC section 76100) that the county should return to each parking entity.

Appendix— Summary Schedule of Prior Audit Findings

The following table shows the implementation status of Kings County's corrective actions related to the findings contained in the county's prior audit report dated September 17, 2015.

Prior Audit Finding Number	Prior Audit Finding Title	Implementation Status
1	Underremitted excess of qualified fines, fees, and penalties	Not implemented – see current Finding 1
2	Inadequate distribution of traffic violator school cases	Fully implemented
3	Recording of parking fines	Not implemented – see current Finding 4
4	Inappropriate distribution of EMAT penalties	Fully implemented

**Attachment A—
County’s Response to Draft Audit Report**



**COUNTY OF KINGS
DEPARTMENT OF FINANCE**

JAMES P. ERB, CPA • DIRECTOR OF FINANCE
1400 W. LACEY BLVD • HANFORD, CA 93230

ACCOUNTING DIVISION
(559) 852-2712 • FAX: (559) 587-9935

TAX COLLECTOR • TREASURER DIVISION
TAX: (559) 852-2479 • TREASURER (559) 852-2477
FAX: (559) 582-1236

February 4, 2022

California State Controller
Division of Audits
ATTN: Lisa Kurokawa
P.O. Box 942850
Sacramento, CA 94250

RE: Response to the Draft Audit Report issued on January 5, 2022

Ms. Kurokawa:

Thank you for helping Kings County sort out the complicated distribution requirements of Court ordered fines and fees. Please find below the responses from Kings County, Department of Finance and Probation Department. We have already made changes to our processes that will correct the deficiencies identified in the draft audit report.

Finding 1 – The County agrees with this finding. This finding is the responsibility of the Department of Finance who conducts the excess revenue calculation at the end of each fiscal year. Staff has updated the year-end process to appropriately categorize court fines and fees. In addition we will have a senior staff member review the calculation prior to submission to the state.

Finding 2 – The County agrees with this finding. The Department of Finance has worked with the Probation Department to ensure the correct distributions are made to the State Penalty Fund, the 2% Automation Fund, and the State Restitution Fund. The Probation Department updated their communication to the Department of Finance so the distribution/split is not done twice.

Finding 3 – The County agrees with this finding. The Probation Department has updated their case management system to correctly distribute base fines to the State, County, and Cities.

Finding 4 - The County agrees with this finding. The Department of Finance has updated its worksheet to ensure proper distribution of parking surcharges and equipment and registration violations penalties.

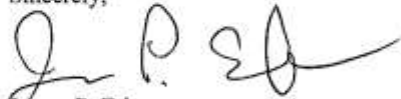
Finding 5 – The County agrees with this finding. The College of the Sequoias has taken corrective action and has already remitted the \$3,216 owed to the State as a result of this finding.

Finding 6 through Finding 10 – See January 18, 2022, response from the Superior Court of California, County of Kings.

Finding 11 - The County agrees with this finding. The Probation Department has updated their case management system to properly distribute the 2% Automation Fees.

Finding 12 – The County agrees with this finding. The Probation Department will assess the criminal laboratory analysis fee (HSC section 11372.5) when it is ordered by the judge of the Superior Court of Kings County. The Probation Department will bring to the judge's attention if he/she does not order this fee.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. P. Erb', with a long horizontal flourish extending to the right.

James P. Erb
Director of Finance
County of Kings

**Attachment B—
Superior Court’s Response to Draft Audit Report**



Superior Court of the State of California
County of Kings

Nocona Soboleski
Court Executive Officer
and
Clerk of the Court

January 18, 2022

California State Controller
Division of Audits
ATTN: Lisa Kurokawa
P.O. Box 942850
Sacramento, CA 94250

RE: Response to Draft Audit Report Issued on January 5, 2022

Please find below the responses from Superior Court of California, County of Kings in regards to the audit completed by the California State Controller for the period of July 1, 2016 through June 30, 2020.

FINDING 6 – The Court agrees with this finding and corrected the distributions in the case management system on July 23, 2021 as recommended. The Court will also be periodically verifying its distributions as suggested.

FINDING 7 – The Court agrees with this finding and corrected the distributions in the case management system on July 23, 2021 as recommended. The Court will also be periodically verifying its distributions as suggested.

FINDING 8 – The Court agrees with this finding and corrected the distributions in the case management system on July 23, 2021 as recommended. The Court will also be periodically verifying its distributions as suggested.

FINDING 9 – The Court agrees with this finding and corrected the distributions in the case management system on July 23, 2021 as recommended. The Court will also be periodically verifying its distributions as suggested.

FINDING 10 – The Court agrees with this finding and corrected the installment revenue priorities in the case management system based on statutory priority requirements on July 8, 2021 as recommended.

Thank you,


Nocona Soboleski
Court Executive Officer

**State Controller's Office
Division of Audits
Post Office Box 942850
Sacramento, CA 94250**

<http://www.sco.ca.gov>

KINGS COUNTY
OFFICE OF THE AUDITOR-CONTROLLER
BUDGET APPROPRIATION AND TRANSFER FORM

Auditor Use Only
Date _____
J/E No. _____
Page of _____

(A) New Appropriation

Expenditures:						
FUND NAME	DEPT. NAME	ACCOUNT NAME	FUND NO.	DEPT. NO.	ACCOUNT NO.	APPROPRIATION AMOUNT
General	Consolidated Courts	Miscellaneous	100000	302500	92028	525,000
TOTAL						525,000

Funding Sources:

FUND NAME	DEPT. NAME	ACCOUNT NAME	FUND NO.	DEPT. NO.	ACCOUNT NO.	APPROPRIATION AMOUNT
General	Consolidated Courts	Other Revenue	100000	302500	88025	525,000
TOTAL						525,000

(B) Budget Transfer:

Transfer From:

FUND NAME	DEPT. NAME	ACCOUNT NAME	FUND NO.	DEPT. NO.	ACCOUNT NO.	Amount to be Transferred Out
General	Contingencies	Appr. For Contignencies	100000	990000	99000	12,942
TOTAL						12,942

Transfer To:

FUND NAME	DEPT. NAME	ACCOUNT NAME	FUND NO.	DEPT. NO.	ACCOUNT NO.	Amount to be Transferred In
General	Consolidated Courts	Miscellaneous	100000	302500	92028	12,942
TOTAL						12,942

Explanation: (Use additional sheets or expand form for more data entry rows or additional narrative, if needed).

Auditor Approval _____ Department Head _____



CAO Approval _____ Board Approval _____



COUNTY OF KINGS BOARD OF SUPERVISORS

GOVERNMENT CENTER HANFORD, CALIFORNIA 93230 (559) 852-2362
Catherine Venturella, Clerk of the Board of Supervisors

AGENDA ITEM

April 19, 2022

SUBMITTED BY: Department of Public Works – Dominic Tyburski/Mitchel Cabrera

SUBJECT: RESOLUTION OF INTENT TO FORM A ZONE OF BENEFIT AND IMPOSE A PARCEL TAX FOR ROAD IMPROVEMENTS AND MAINTENANCE WITHIN ZONE OF BENEFIT 6-7

SUMMARY:

Overview:

The Public Works Department seeks Board approval of the attached resolution and ordinance stating an intent to form a Zone of Benefit (ZOB) 6-7 and impose a parcel tax for the purpose of infrastructure maintenance in Phase 6&7 of the Armona North Subdivision.

Recommendation:

- a. Adopt the Resolution of Intent to Form a Zone of Benefit in Phase 6-7 of the Armona North Subdivision for infrastructure maintenance; and
- b. Set a Public Hearing for May 17, 2022 at 10 a.m. to hear testimony regarding the formation of Zone of Benefit 6-7; and
- c. Introduce and waive the first reading of the Ordinance to Impose a Parcel Tax for Road Improvement and Maintenance within Zone of Benefit 6-7.

Fiscal Impact:

This action will have no impact on the General Fund.

BACKGROUND:

As a condition of approval of the Armona North Subdivision, the developer was required to provide for the maintenance of street infrastructure, choosing to establish a General Road Association. Circumstances have shifted and staff has determined that collection of a parcel tax for street maintenance would be in the best interest of the County and property owners. The developer, as the sole owner of this phase, has agreed to this approach and has provided an Engineer’s Report supporting the amount of the parcel tax as well as his written consent to the tax. In order to collect the tax, it will be necessary for the Board to establish a ZOB. The developer has requested a change in the number of lots, resulting in an increase of the tax amount. The new resolution in your packet is the first step in this process replacing the previous resolution that went before your Board on March 29, 2022. It is anticipated that the ZOB will be formally established at your meeting on May 17, 2022. The Ordinance and Resolution have been reviewed and approved by County Counsel.

BOARD ACTION:

APPROVED AS RECOMMENDED: _____ OTHER: _____

I hereby certify that the above order was passed and adopted

on _____, 2022.

CATHERINE VENTURELLA, Clerk to the Board

By _____, Deputy.

BEFORE THE BOARD OF SUPERVISORS
COUNTY OF KINGS, STATE OF CALIFORNIA

In the Matter of the Resolution of Intention
to Form Zone of Benefit within County
Service Area No. 4 – Miscellaneous Extended
Services _____/

Resolution No. _____
Re: County Service Area No. 4

WHEREAS, pursuant to Government Code Section 25210 et seq. the Kings County Board of Supervisors adopted Resolution No. 93-093 on July 20, 1993 establishing County Service Area No. 4, Miscellaneous Water, Sewer and Road Maintenance Services; and

WHEREAS, the Kings County Board of Supervisors received the consent of the sole owner of property in the unincorporated area described in **Exhibit A** attached hereto to establish a zone of benefit in said area for road and street improvement and maintenance as a miscellaneous extended service under the County Service Area law and as authorized by Resolution No. 93-093; and

WHEREAS, because the planned public roads and streets within said unincorporated territory will not be part of the "County Road System" within the meaning of California Streets and Highways Code section 941, there is currently no method or means available to provide for the improvement and/or maintenance of public roads and streets within said territory; and

WHEREAS, the Kings County Board of Supervisors determined that it is in the public interest to form a zone of benefit within said unincorporated territory to provide extended road maintenance and improvement services; and

WHEREAS, the formation of a zone of benefit within a county service area is a "project" and is a discretionary action subject to the California Environmental Quality Act ("CEQA"), but it is categorically exempt because (1) the project consists of a proposed change in governmental organization of a local area where these previously existing powers were exercised, the County of Kings exercises these powers and is merely creating a subsidiary district, and no change to the physical environment will occur by implementing this project; and (2) the project consists of the repair, maintenance and/or minor alteration of otherwise existing streets and roads; and

WHEREAS, the Kings County Public Works Director has reported to the Board that all proceedings related to this matter prior to this resolution were valid and conducted in conformity with the requirements of the County Service Area law.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of the County of Kings finds as follows:

1. The Board hereby declares its intention to form a zone of benefit under Government Code section 25217 et seq., within the unincorporated territory described in Exhibit A for the

provision of miscellaneous extended road improvement and maintenance services in County Services Area No. 4, to be known as "Zone of Benefit No. 6-7".

2. The project is categorically exempt pursuant to (1) CEQA Guidelines Section 15320, which exempts the establishment of a subsidiary district, (2) CEQA Guidelines Section 15301, subdivision (a) which exempts the repair, maintenance and minor repair of existing streets and roads, (3) CEQA Guidelines Section 15060(c)(2), which exempts projects that will not result in a direct or reasonably foreseeable indirect change to the environment, and (4) CEQA Guidelines Section 15061(b)(3), which exempts projects that are not expected to have a significant impact on the environment.

3. The exterior boundaries of the territory of Zone of Benefit No. 6-7 of County Service Area No. 4 are as set forth in Exhibit A attached hereto and made a part hereof.

4. The types of extended county services proposed to be provided within said zone of benefit shall be limited to extended road and street improvement and maintenance services on public roads and streets not a part of the County Road System.

5. A fee sufficient to pay for the reasonable cost all such services, which are proposed to be furnished on an extended basis shall be levied on each lot or parcel of property within the area in accordance with Government Code sections 25215.2 and 50075 et seq.

6. All proceedings taken in this matter prior to the date of adoption of this Resolution are valid and conducted in compliance with the requirements of the County Service Area law and all other applicable laws and regulations.

7. Notice is hereby given that a Public Hearing conducted in accordance with the County Service Area Law is set for May 17th 2022 at 10:00 a.m. at the Board Chambers of the Kings County Board of Supervisors, Kings County Government Center, 1400 W. Lacey Blvd., Hanford, California.

8. At the hearing, testimony of all interested persons, residents or taxpayers for and against the establishment of Zone of Benefit No. 6-7, the boundaries of the zone or the authorization to provide extended road and street improvement and maintenance services will be heard.

9. The Clerk of the Board is hereby directed to give notice of such hearing by publishing a notice of hearing as required by law.

10. For purposes of the appropriations limit described in Article 13B of the state's constitution, revenues of the proposed zone of benefit shall be included in the County's appropriations limit, as allowed by Government Code section 25214.1.

The foregoing resolution was adopted upon motion by Supervisor _____, seconded by Supervisor _____ at a regular meeting held on the ____ day of _____, 2022, by the

following vote:

AYES: Supervisors

NOES: Supervisors

ABSENT: Supervisors

ABSTAIN: Supervisors

Joe Neves, Chairman
Board of Supervisors, County of Kings

IN WITNESS WHEREOF, I have set my hand this _____ day of _____, 2022.

Catherine Venturella, Clerk
Board of Supervisors, County of Kings

EXHIBIT A

The Land referred to herein below is situated in an Unincorporated Area in the County of Kings, State of California, and is described as follows:

PARCEL ONE:

PARCEL 1 ACCORDING TO PARCEL MAP THEREOF RECORDED MARCH 16, 2006 IN BOOK 17 AT PAGE 85 OF PARCEL MAPS.

ALSO BEING A PORTION OF THE SOUTH HALF OF SECTION 33, TOWNSHIP 18 SOUTH, RANGE 21 EAST, MOUNT DIABLO BASE & MERIDIAN IN THE COUNTY OF KINGS, STATE OF CALIFORNIA. VARIABLE WIDTH OFFER OF DEDICATION FOR PUBLIC STREET PURPOSES ALONG FRONT STREET PER THIS MAP.

EXCEPTING THEREFROM AN UNDIVIDED ONE-HALF INTEREST IN AND TO ALL OIL, GAS AND OTHER HYDROCARBON SUBSTANCES AS RESERVED BY MANUEL J. SILVA, ALSO KNOWN AS M. J. SILVA AND MARY J. SILVA, HUSBAND AND WIFE BY DOCUMENT RECORDED MARCH 25, 1950 AS DOCUMENT NO. 2678 IN BOOK 451, PAGE 182 OF OFFICIAL RECORDS.

APN: 017-110-029

**Consent and Waiver
Zone of Benefit Number 6-7
County of Kings, State of California**

Board of Supervisors
Kings County Government Center
1400 Lacey Boulevard, Bldg. 1
Hanford, CA 93230

Mr. Chairman and Members of the Board:

On April 19, 2022, at 10:00 a.m., the Board will consider adopting a resolution of intention to form "Zone of Benefit No. 6-7," under Government Code section 25217, et seq. for road maintenance and improvements within the area described in the attached **Exhibit A** (the "Proposed Zone"). It is requested the Board approve the first reading of the ordinance to form Zone of Benefit 6-7 to collect a parcel fee in the initial amount of \$156.03 per parcel, annually within the Proposed Zone to generate revenue for the reasonable cost of long-term road maintenance and improvement, pursuant to Government Code section 50075 et seq.

At present, Aspire Homes of CA, Inc. ("Aspire Homes") is the sole owner of the property described in Exhibit A (the "Property"). Aspire Homes intends to develop the Property into a residential subdivision. As a condition to approval of the subdivision map, Aspire Homes will construct roads and other improvements on the Property to be dedicated for use by the public. I am informed existing County resources are not adequate to provide for long-term repair, maintenance, rehabilitation and reconstruction of roads constructed within new residential subdivisions in unincorporated areas of the county. Consequently, the roads constructed on the Property and within the Proposed Zone will not be accepted into the County maintained system under Streets and Highways Code section 941. Establishing a zone of benefit and imposing a parcel fee is an appropriate option to ensure long-term maintenance of roads within the Proposed Zone.

There are no registered voters or other inhabitants residing in the Proposed Zone. As the sole owner of Property within the Proposed Zone, Aspire Homes waives any right of protest to the formation of Zone of Benefit No. 6-7, and consents to the imposition of the proposed parcel fee without an election. It is my understanding the fee may be approved without an election because Aspire Homes consents to the tax and there are no registered voters residing within the Proposed Zone.

Please send notices relating to the formation of the Zone of Benefit No. 6-7 and imposition of the parcel tax to: Aspire Homes of CA, Inc., 17 Mayfair Drive, Rancho Mirage, CA 92270.

Sincerely,



Daniel Baily, President/CEO
Aspire Homes of CA, Inc.

Acknowledgment on following page

Exhibit A: Legal Description

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of TULARE)

On April 11, 2022 before me, LINDA BORBA, NOTARY PUBLIC
(insert name and title of the officer)

personally appeared DANIEL N. BAILEY,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature 

(Seal)

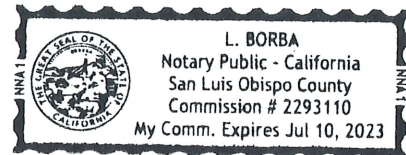


EXHIBIT A

The Land referred to herein below is an Unincorporated Area in the County of Kings, State of California, and is described as follows:

PARCEL ONE:

PARCEL 1 ACCORDING TO PARCEL MAP THEREOF RECORDED MARCH 16, 2006 IN BOOK 17 AT PAGE 85 OF PARCEL MAPS.

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APN: 017-110-029

ORDINANCE NO. _____

**AN ORDINANCE OF THE COUNTY OF KINGS
IMPOSING A PARCEL FEE FOR ROAD IMPROVEMENT AND
MAINTENANCE WITHIN ZONE OF BENEFIT 6-7**

Section 1. TITLE. This Ordinance shall be known as the “Kings County Zone of Benefit 6-7 Road Improvement and Maintenance Parcel Fee.” This Ordinance shall be applicable only within Zone of Benefit 6-7.

Section 2. AUTHORITY TO ADOPT MEASURE. The fee authorized hereby is adopted as a special tax pursuant to Government Code sections 25217 et seq. and 50075 et seq. Notwithstanding the foregoing article, the fee is adopted without election pursuant to the Consent and Waiver executed on _____ by the sole owner of property within Zone of Benefit 6-7.

Section 3. OPERATIVE DATE. The operative date of the tax authorized shall be July 1, 2022, so that the first levy of the fee shall be collected with the property tax bill for the 2022-2023 tax year.

Section 4. PURPOSE. The purpose of the fee shall be to provide a source of funds for road improvement and maintenance within Zone of Benefit 6-7. Without limiting the generality of the foregoing, funds may be reserved for use when needed for maintenance, repair, rehabilitation, and reconstruction activities, or they may be used to repay funds borrowed for such activities in any matter allowed by law if inadequate reserves exist for needed roadwork. As used throughout this Ordinance, the term “road” shall be construed broadly, and includes within its meaning streets, sidewalks, curbs, gutters, shoulders, and drainage or ponding basins or property incidental thereto used to collect runoff of storm or rainwater from the roads within the zone. The intent of this Ordinance is to enable the County of Kings to provide a benefit to property owners within Zone of Benefit 6-7, and nothing in this Ordinance shall be construed as an acceptance of roads within the zone into the County of Kings maintained system pursuant to Streets and Highways Code section 941.

Section 5. AUTHORIZATION TO LEVY SPECIAL TAX. In any fiscal year commencing on or after the operative date stated in Section 3 hereof, a special fee shall be levied for the fiscal year on each parcel of real property within Zone of Benefit 6-7 in the manner provided in this Ordinance. The amount of the fee is specified in Section 6 below, and no tax shall be levied on any parcel otherwise exempted by law from property taxation. The special tax shall be in addition to the annual tax rate allowed by law. Revenues derived from the fee shall be used exclusively for purposes stated in Section 4 hereof. Pursuant to Government Code sections 50075.1 and 50075.3, revenues of the fee shall be kept in a special fund, and the auditor shall report annually to the Board of Supervisors on the amount of funds collected and the status of any projects thereby funded. The auditor may delegate responsibility for the preparation of the report to the Director of Public Works director.

Section 6. AMOUNT OF FEE AND METHOD OF ASSESSMENT.

- (a) For the fiscal year commencing on July 1, 2022, the amount of the fee hereby imposed upon all parcels not otherwise exempted by law from taxation within Zone of Benefit 6-7 is \$156.03 per parcel of real property on an annual basis, which is derived from an engineer's report approved by the Director of Public Works and reflects the reasonable cost of maintaining the road in Zone of Benefit 6-7.
- (b) Each subsequent fiscal year thereafter, upon notice prior to the start of the fiscal year to the auditor by the Director of Public Works in a manner prescribed by the auditor, the amount of the fee may be increased from that imposed during the prior fiscal year by a percentage increase not to exceed two percent (2%) (measured for the twelve (12) month period ending in March in the calendar year of the start of the fiscal year for which the amount of the fee is being calculated), in the Engineering News Record Construction Cost Index for Los Angeles, California. If the foregoing cost index should cease to exist, then it may be substituted by using the U.S. City Average Consumer Price Index for all Urban Workers, or if that measure of inflation should cease to exist, then with any reasonable measure of inflation not to exceed two percent (2%) per year. If the appropriate inflation factor is zero or a negative number, or if the Director of Public Works fails to exercise authority to increase the amount of the fee in a timely manner as prescribed by the auditor, then the amount of the fee shall not increase from the prior fiscal year. If an inflation factor cannot be determined because at the time of calculation necessary data is not yet available, then data for the most recent month available may be substituted instead.
- (c) If, for any fiscal year, the Director of Public Works determines that the anticipated amount of the fee exceeds the amount reasonably necessary to repay existing obligations or to fund future maintenance efforts, then he or she may, upon notice to the auditor prior to the start of the fiscal year in a manner prescribed by the auditor, direct that the amount of the fee shall be reduced for that fiscal year.
- (d) This Section shall be construed liberally to effectuate its purpose of ensuring an amount of tax that is both fair and adequate.

Section 7. COLLECTION. The fee authorized hereby shall be collected by the tax collector at the same time and in the same manner as ad valorem real property taxes collected on the secured roll.

Section 8. SEVERABILITY AND LIBERAL CONSTRUCTION. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the Ordinance and the application of such provision to other persons or circumstances shall not be affected thereby. This Ordinance shall be liberally construed to achieve its purpose of establishing a fund of money to pay for the cost of road improvement and maintenance within Zone of Benefit 6-7. Notwithstanding the foregoing provision for liberal construction, if any provision of this Ordinance may be construed in more than one manner, any of which would or may render the Ordinance unconstitutional or otherwise invalid facially or as applied, in whole or in part, then the ambiguous provision shall be interpreted in the manner that best effectuates the purpose of the Ordinance without rendering any portion hereof invalid.

Section 9. EFFECTIVE DATE, DURATION, AMENDMENT, AND REPEAL. This Ordinance fixes the amount of money to be raised by taxation and shall take effect immediately pursuant to Government Code section 25123. The Ordinance shall remain in effect permanently unless repealed by the Board of Supervisors. Clerical errors in the drafting of this Ordinance may

be corrected by amendment hereto, as may any amendment to conform the Ordinance to the intent of the Board of Supervisors in adopting it where a strict construction of the language hereof would achieve an absurd result that cannot have been intended. Unless county counsel certifies that an amendment hereto is in either of the foregoing classes, then the amendment shall require the unanimous consent of the owners of real property within Zone of Benefit 6-7 or, should twelve (12) or more registered voters reside within the Zone of Benefit at the time of the approval of any such amendment, then the amendment shall not take effect unless approved by two-thirds of the voters in an election conducted within the Zone of Benefit.

Section 10. CALIFORNIA ENVIRONMENTAL QUALITY ACT. Revenues raised by this Ordinance will be used only for the maintenance, repair, alternation, improvement, rehabilitation, or reconstruction of otherwise existing streets and roadways. Other options exist for funding such work, and this Ordinance does not authorize the original construction of any public or private work of improvement. As such, the Ordinance is categorically exempt from compliance with the California Environmental Quality Act (“CEQA”) pursuant to (1) CEQA Guidelines Section 15301, subdivision (a) which exempts the repair, maintenance and minor repair of existing streets and roads, (2) CEQA Guidelines Section 15060(c)(2), which exempts projects that will not result in a direct or reasonably foreseeable indirect change to the environment, and (3) CEQA Guidelines Section 15061(b)(3), which exempts projects that are not expected to have a significant impact on the environment. In adopting this Ordinance, the Board of Supervisors hereby directs the public works director or the designee thereof to file with the clerk a CEQA notice of exemption.

Section 11. NOTICE. In adopting this Ordinance, the Board of Supervisors finds that the notice required by Government Code section 25151 has been given by posting a copy of this Ordinance at least five days before the second reading hereof on the County of Kings’ website and at the Board of Supervisors chamber. The Board further hereby directs that the Ordinance shall be published by the clerk of the board of supervisors in the manner prescribed by Government Code section 25124, and that a copy of the Ordinance shall, promptly on or after the effective date hereof, be recorded by the public works director or designee thereof on each parcel of property affected to impart constructive notice of the tax imposed on prospective future property owners. Any failure to provide notice as prescribed in this Section shall not affect the validity of any provision of this Ordinance.

PASSED AND ADOPTED by the Board of Supervisors of the County of Kings,
State of California, on _____, by the following vote:

AYES:
NOES:
ABSENT:

Joe Neves, Chairman

Attest:

Catherine Venturella, Clerk of the Board

OPINION OF PROBABLE CONSTRUCTION COST

Project Name: Tract No. 756, Armona North Phases 6 and 7, Pavement Maintenance Costs

Project No.: 20-5780

Date: 12-27-2021

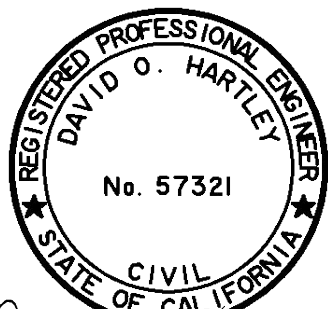
File: 20-5780-ECE-Maintenance.xls

I. Slurry Seal (Years 7 and 14)

<u>Item Description</u>	<u>Quantity</u>	<u>Unit</u>	<u>Unit Cost</u>	<u>Total Cost</u>
1. Mobilization	1	L.S.	\$1,000.00	\$1,000.00
2. Traffic Control	1	L.S.	\$1,000.00	\$1,000.00
3. Fill Cracks	1	L.S.	\$4,000.00	\$4,000.00
4. Slurry Seal (Caltrans Type 2)	112800	S.F.	\$0.45	\$50,760.00
Total (Slurry Seal)				\$56,760.00

II. AC Overlay (Year 21)

<u>Item Description</u>	<u>Quantity</u>	<u>Unit</u>	<u>Unit Cost</u>	<u>Total Cost</u>
1. Mobilization	1	L.S.	\$5,000.00	\$5,000.00
2. Traffic Control	1	L.S.	\$5,000.00	\$5,000.00
3. Fill Cracks	1	L.S.	\$4,000.00	\$4,000.00
4. Geotextile Fabric	112800	S.F.	\$0.60	\$67,680.00
5. AC Overlay (2" depth)	1,410	TON	\$80.00	\$112,800.00
Total (AC Overlay)				\$194,480.00



David O. Hartley 12/27/2021



COUNTY OF KINGS BOARD OF SUPERVISORS

GOVERNMENT CENTER HANFORD, CALIFORNIA 93230 (559) 852-2362
Catherine Venturella, Clerk of the Board of Supervisors

AGENDA ITEM April 19, 2022

SUBMITTED BY: Sheriff's Office – David Robinson
District Attorney – Keith L. Fagundes/Charlie Flores

SUBJECT: FIRST READING OF ORDINANCE FOR MILITARY EQUIPMENT USE
POLICY

SUMMARY:

Overview:

The Kings County Sheriff's Office and Kings County District Attorney's Office jointly request the first reading of the Ordinance regarding Assembly Bill (AB) 481 and a Military Equipment Use Policy. AB 481 requires law enforcement agencies to obtain approval from a local governing body before requesting, acquiring, seeking funds for, or using, military equipment. It requires the approval to be in the form of an ordinance that adopts a military equipment use policy at an open meeting of the governing body.

Recommendation:

Introduce and waive the first reading of the Ordinance to adopt military equipment use policy pursuant to AB481.

Fiscal Impact:

None.

BACKGROUND:

On April 12, 2022, your Board had a study session regarding Assembly Bill 481 which is intended to increase transparency, accountability, and oversight surrounding the acquisition and use of military equipment by state and local law enforcement, including but not limited to armored or weaponized vehicles, large-caliber firearms, explosive projectile launchers, explosive breaching tools, or "flashbang" grenades.

(Cont'd)

BOARD ACTION:

APPROVED AS RECOMMENDED: _____ OTHER: _____

I hereby certify that the above order was passed and adopted

On _____, 2022.

CATHERINE VENTURELLA, Clerk to the Board

By _____, Deputy.

Agenda Item

FIRST READING OF ORDINANCE FOR MILITARY EQUIPMENT USE POLICY

April 19, 2022

Page 2 of 2

To this end, it requires any law enforcement agency to obtain approval from the agency's governing body before purchasing, raising funds for, or acquiring military equipment, by any means, including requesting surplus military equipment from the federal government.

Governing body approval under AB 481 must take the form of an ordinance adopting a publicly released, written military equipment use policy, which must address a number of specific topics, including the type, quantity, capabilities, purposes, and authorized uses of each type of military equipment, the fiscal impact of their acquisition and use, the legal and procedural rules that govern their use, the training required by any officer allowed to use them, the mechanisms in place to ensure policy compliance, and the procedures by which the public may register complaints. The governing body must consider a proposed military equipment use policy in open session.

For cities that contract with another entity for law enforcement services, such as the County Sheriff, AB 481 gives the city the independent authority to adopt its own military equipment use policy based on local community needs.

For law enforcement agencies that already have existing military equipment, AB 481 provides a temporary exemption, but requires agencies to seek governing body approval for the continued use of that equipment no later than May 1, 2022.

AB 481 also requires any law enforcement agency that receives approval for the use of military equipment to submit annual reports to the governing body regarding the use of the equipment, any complaints received, any internal audits or other information about violations of the military equipment use policy, the cost of such use, and other similar information.

The Kings County Sheriff's Office and Kings County District Attorney's Office will return to the Board next week for the second reading of the Ordinance, public hearing on the Military Equipment policy, and public hearing on Annual Report for 2022.

ORDINANCE _____

ORDINANCE TO ADOPT MILITARY EQUIPMENT USE POLICY
PURSUANT TO AB 481

The Board of Supervisors of the County of Kings hereby finds and declares the following:

WHEREAS, Governor Gavin Newsom signed AB 481 into law on September 30, 2021; and

WHEREAS, the legislative intent behind AB 481 is to increase the public transparency by which California law enforcement agencies fund, acquire, and/or use military equipment, as defined under AB 481; and

WHEREAS, AB 481 requires California law enforcement agencies to obtain approval of their applicable governing body, by adoption of a military equipment use policy, prior to taking certain actions relating to the funding, acquisition, and/or use of military equipment; and

WHEREAS, AB 481 requires California law enforcement agencies that receive approval for a military equipment use policy to submit to the applicable governing body an annual military equipment report for each type of military equipment approved by the governing body within one year of approval, and annually thereafter so long as the military equipment is available for use;

WHEREAS, AB 481 requires the applicable governing body of the California law enforcement agency to annually review the military equipment use policy to either disapprove a renewal of the authorization of a type of military equipment or amend the military equipment use policy;

WHEREAS, the Board of Supervisors of the County of Kings finds that the military equipment funded, acquired, and used by the Kings County Sheriff's Office is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety; the proposed military equipment use policy will safeguard the public's welfare, safety, civil rights, and civil liberties; the equipment is reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety; and prior military equipment use complied with the military equipment use policy that was in effect at the time; and

WHEREAS, the Board of Supervisors of the County of Kings finds that the military equipment funded, acquired, and used by the Kings County District Attorney's Office Bureau of Investigations is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety; the proposed military equipment use policy will safeguard the public's welfare, safety, civil rights, and civil liberties; the equipment is reasonably cost effective compared to available alternatives

that can achieve the same objective of officer and civilian safety; and prior military equipment use complied with the military equipment use policy that was in effect at the time.

NOW THEREFORE, the Board of Supervisors of the County of Kings ordains as follows:

SECTION 1. The attached policy, titled "Military Equipment," shall be added to the Kings County Sheriff's Office Policies Manual as "Military Equipment Use Policy" and designated Policy 706 under Chapter 7, Equipment.

The attached policy, titled "Military Equipment," shall be added to the Kings County District Attorney's Office Bureau of Investigations Policies Manual as "Military Equipment Use Policy" and designated Policy 703 under Chapter 7, Equipment.

SECTION 2. This Ordinance shall take effect and be in force thirty (30) days after its adoption and before the expiration of fifteen (15) days after its passage, it shall be published once with the names of the members of the Board voting for or against the same in the *Hanford Sentinel*, a newspaper of general circulation published in the County of Kings.

The foregoing Ordinance was introduced at a meeting of the Board of Supervisors of the County of Kings held on _____, and adopted at a meeting held on _____ by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Joe Neves, Chairman of the Board of Supervisors,
County of Kings, State of California

WITNESS my hand and seal of said Board of Supervisors this _____ day of April, 2022.

Clerk of the Kings County Board of Supervisors

APPROVED AS TO FORM:

Office of the County Counsel

Military Equipment

706.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the approval, acquisition, and reporting requirements of military equipment (Government Code § 7070; Government Code § 7071; Government Code § 7072).

706.1.1 DEFINITIONS

Definitions related to this policy include (Government Code § 7070):

Governing body – The Kings County Board of Supervisors.

Military equipment – Includes, but is not limited to, the following:

- Unmanned, remotely piloted, powered aerial or ground vehicles.
- Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers.
- High mobility multipurpose wheeled vehicles (HMMWV), two-and-one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached.
- Tracked armored vehicles that provide ballistic protection to their occupants.
- Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
- Weaponized aircraft, vessels, or vehicles of any kind.
- Battering rams, slugs, and breaching apparatuses that are explosive in nature. This does not include a handheld, one-person ram.
- Firearms and ammunition of .50 caliber or greater, excluding standard-issue shotguns and standard-issue shotgun ammunition.
- Specialized firearms and ammunition of less than .50 caliber, including assault weapons as defined in Sections 30510 and 30515 of the Penal Code, with the exception of standard issue service weapons and ammunition of less than .50 caliber that are issued to officers, agents, or employees of a law enforcement agency or a state agency.
- Any firearm or firearm accessory that is designed to launch explosive projectiles.
- Noise-flash diversionary devices and explosive breaching tools.
- Munitions containing tear gas or OC, excluding standard, service-issued handheld pepper spray.
- TASER® Shockwave, microwave weapons, water cannons, and long-range acoustic devices (LRADs).
- Kinetic energy weapons and munitions.
- Any other equipment as determined by a governing body or a state agency to require additional oversight.

Military Equipment

706.2 POLICY

It is the policy of the Kings County Sheriff's Office ("Department") that members of the Department comply with the provisions of Government Code § 7071 with respect to military equipment.

706.3 USE CONSIDERATIONS

- (a) The military equipment acquired and authorized by the Department is:
 - 1. Necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.
 - 2. If purchased, reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety.
- (b) Military equipment shall only be used by a Department employee after applicable training, including any course required by the Commission on Peace Officer Standards and Training, has been completed, unless exigent circumstances arise.

706.4 MILITARY EQUIPMENT COORDINATOR

The Sheriff should designate a member of the Department to act as the military equipment coordinator. The responsibilities of the military equipment coordinator include but are not limited to:

- (a) Acting as liaison to the governing body for matters related to the requirements of this policy.
- (b) Identifying equipment that qualifies as military equipment in the current possession of the Department, or equipment the Department intends to acquire that requires approval by the governing body.
- (c) Conducting an inventory of all military equipment at least annually.
- (d) Collaborating with any allied agency that may use military equipment within the jurisdiction of the Department (Government Code § 7071).
- (e) Preparing for, scheduling, and coordinating the annual community engagement meeting to include:
 - 1. Publicizing the details of the meeting.
 - 2. Preparing for public questions regarding the Department's funding, acquisition, and use of equipment.
- (f) Preparing the annual military equipment report for submission to the Sheriff and ensuring that the report is made available on the Department's website (Government Code § 7072; Government Code §7073).
- (g) Establishing the procedure for a person to register a complaint or concern, or how that person may submit a question about the use of a type of military equipment, and how the Department will respond in a timely manner.

Military Equipment

706.5 APPROVAL

The Sheriff or authorized designee shall obtain approval from the governing body by way of an ordinance adopting the military equipment policy. As part of the approval process, the Sheriff or the authorized designee shall ensure the proposed military equipment policy is submitted to the governing body and is available on the Department's website at least 30 days prior to any public hearing concerning the military equipment at issue (Government Code § 7071). The military equipment policy must be approved by the governing body prior to engaging in any of the following (Government Code § 7071):

- (a) Requesting military equipment made available pursuant to 10 USC § 2576a.
- (b) Seeking funds for military equipment, including but not limited to applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.
- (c) Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.
- (d) Collaborating with another law enforcement agency in the deployment or other use of military equipment within the jurisdiction of the Department.
- (e) Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the governing body.
- (f) Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of military equipment.
- (g) Acquiring military equipment through any means not provided above.

706.6 COORDINATION WITH OTHER JURISDICTIONS

Military equipment used by other jurisdictions that are providing mutual aid to the Department or operating in conjunction in a law enforcement capacity with the Department, shall comply with their respective military equipment use policies in rendering mutual aid.

706.7 ANNUAL REPORT

Upon approval of a military equipment policy, the Sheriff or authorized designee should submit a military equipment report to the governing body for each type of military equipment approved within one year of approval, and annually thereafter for as long as the military equipment is available for use (Government Code § 7072; Government Code § 7073).

The Sheriff or authorized designee should also make each annual military equipment report publicly available on the Department's website for as long as the military equipment is available for use. The report shall include all information required by Government Code § 7073 for the preceding calendar year for each type of military equipment in the Department's inventory.

706.8 COMMUNITY ENGAGEMENT

Within 30 days of submitting and publicly releasing the annual report, the Department shall hold at

Kings County Sheriff's Office

Kings County SO Policy Manual

Military Equipment

least one well-publicized and conveniently located community engagement meeting, at which the Department should discuss the report and respond to public questions regarding the funding, acquisition, or use of military equipment.

706.9 PUBLIC SUBMITTAL OF COMPLAINTS, CONCERNS, AND/OR QUESTIONS

Any member of the public wishing to submit a complaint, concern, or question regarding the Kings County Sheriff's Office's acquisition or use of each specific type of military equipment can contact the Department via phone at (559) 584-1431 or by writing to:

Kings County Sheriff's Office
Attention: Military Equipment Coordinator
1444 W. Lacey Blvd.
Hanford, CA 93230

Military Equipment

703.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the approval, acquisition, and reporting requirements of military equipment (Government Code § 7070; Government Code § 7071; Government Code § 7072).

703.1.1 DEFINITIONS

Definitions related to this policy include (Government Code § 7070):

Governing body – The Kings County Board of Supervisors.

Military equipment – Includes but is not limited to the following:

- Unmanned, remotely piloted, powered aerial or ground vehicles.
- Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers.
- High mobility multipurpose wheeled vehicles (HMMWV), two-and-one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached.
- Tracked armored vehicles that provide ballistic protection to their occupants.
- Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
- Weaponized aircraft, vessels, or vehicles of any kind.
- Battering rams, slugs, and breaching apparatuses that are explosive in nature. This does not include a handheld, one-person ram.
- Firearms and ammunition of .50 caliber or greater, excluding standard-issue shotguns and standard-issue shotgun ammunition.
- Specialized firearms and ammunition of less than .50 caliber, including firearms and accessories identified as assault weapons in Penal Code § 30510 and Penal Code § 30515, with the exception of standard-issue firearms.
- Any firearm or firearm accessory that is designed to launch explosive projectiles.
- Noise-flash diversionary devices and explosive breaching tools.
- Munitions containing tear gas or OC, excluding standard, service-issued handheld pepper spray.
- TASER® Shockwave, microwave weapons, water cannons, and long-range acoustic devices (LRADs).
- Kinetic energy weapons and munitions.
- Any other equipment as determined by a governing body or a state agency to require additional oversight.

Kings County District Attorney Investigation Division

Kings County District Attorney Bureau of Investigations Policy Manual

Military Equipment

703.2 POLICY

It is the policy of this Department that members comply with the provisions of Government Code § 7071 with respect to military equipment.

703.3 USE CONSIDERATION

(a) The military equipment acquired and authorized by the Department is:

1. Necessary because there is no reasonable alternative that can archive the same objective of officer and civilian safety.
2. If purchased, reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety.

(b) Military equipment shall only be used by a Department employee after applicable training, including courses required by the Commission on Peace Officer Standards and Training, has been completed, unless exigent circumstances arise.

(c) Military equipment used by other jurisdictions that are providing mutual aid to this Department or operating in conjunction in a law enforcement capacity with this Department, shall comply with their respective military equipment use policies.

703.4 MILITARY EQUIPMENT COORDINATOR

The Chief Investigator should designate a member of the Department to act as the military equipment coordinator. The responsibilities of the military equipment coordinator include but are not limited to:

- (a) Acting as liaison to the governing body for matters related to the requirements of this policy.
- (b) Identifying equipment that qualifies as military equipment in the current possession of the Department or the equipment the Department.

703.5 APPROVAL

The Chief Investigator or the authorized designee shall obtain approval from the governing body by way of an ordinance adopting the military equipment policy. As part of the approval process, the Chief Investigator or authorized designee shall ensure the proposed military equipment policy is submitted to the governing body and is available on the Department's website at least 30 days prior to any public hearing concerning the military equipment at issue (Government Code § 7071). The military equipment policy must be approved by the governing body prior to engaging in any of the following (Government Code § 7071):

- (a) Requesting military equipment made available pursuant to 10 USC § 2576a.
- (b) Seeking funds for military equipment, including but not limited to applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.

Kings County District Attorney Investigation Division

Kings County District Attorney Bureau of Investigations Policy Manual

Military Equipment

- (c) Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.
- (d) Collaborating with another law enforcement agency in the deployment or other use of military equipment within the jurisdiction of the District Attorney's Office..
- (e) Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the governing body.
- (f) Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of military equipment.
- (g) Acquiring military equipment through any means not provided above.

703.6 ANNUAL REPORT

Upon approval of a military equipment policy, the Chief Investigator or authorized designee should submit a military equipment report to the governing body for each type of military equipment approved within one year of approval, and annually thereafter for as long as the military equipment is available for use (Government Code § 7072; Government Code § 7073).

The Chief Investigator or authorized designee should also make each annual military equipment report publicly available on the Department's website for as long as the military equipment is available for use. The report shall include all information required by Government Code § 7072; Government Code § 7073 for the preceding calendar year for each type of military equipment in the Department's inventory.

703.7 COMMUNITY ENGAGEMENT

Within 30 days of submitting and publicly releasing the annual report, the Department shall hold at least one well-publicized and conveniently located community engagement meeting, at which the Department should discuss the report and respond to public questions regarding the funding, acquisition, or use of military equipment.

Pursuant to California Government Code section 7070(d)(7), members of the public may register complaints or concerns or submit questions about the use of each specific type of Military Equipment in this policy by any of the following means:

1. In person at the Kings County District Attorney's Office during normal working hours 8:00 am to 5:00 pm Monday - Friday. 1400 W. Lacey Blvd, Hanford Ca., 93230
2. Via telephone at (559) 582-0326
3. Via mail sent to:

Kings County District Attorney's Office

Kings County District Attorney Investigation Division

Kings County District Attorney Bureau of Investigations Policy Manual

Military Equipment

Attention Military Equipment Use Coordinator

1400 W. Lacey Blvd, Hanford, Ca., 93230



COUNTY OF KINGS BOARD OF SUPERVISORS

GOVERNMENT CENTER HANFORD, CALIFORNIA 93230 (559) 852-2362
Catherine Venturella, Clerk of the Board of Supervisors

AGENDA ITEM April 19, 2022

SUBMITTED BY: Administration – Edward Hill/Fran Lizaola

SUBJECT: HEALTH INSURANCE RENEWAL FOR FY 2022/2023

SUMMARY:

Overview:

The County's employee self-insured Health Insurance Plan is scheduled to renew on July 1, 2022. The Health Insurance Advisory Committee has met with the broker/consultants, Burnham Benefits, to review plan expenses and explore options.

Recommendation:

Approve the FY 2022/2023 Health Insurance renewal rate that includes the following: a 0% increase, and a continuation of the Wellness Program that includes a \$50 incentive to be paid to eligible employees and their dependents who participate in the blood draw.

Fiscal Impact:

The industry trend is averaging a nine to 12% increase, however, due to a combination of our claims experience, our broker getting us the best possible rates, and changing to Amalgamated Life for our stop loss carrier, we have no increase to our FY 2022/2023 Health Insurance Premium.

BACKGROUND:

The County's Health Insurance Plan has been self-funded for the past 17 fiscal years. Expenses from the first nine months of this fiscal year has been, on average, at or below the projections used to determine premium rates for the current year.

(Cont'd)

BOARD ACTION :

APPROVED AS RECOMMENDED: _____ OTHER: _____

I hereby certify that the above order was passed and adopted
on _____, 2022.

CATHERINE VENTURELLA, Clerk of the Board

By _____, Deputy.

Agenda Item

HEALTH INSURANCE RENEWAL FOR FY 2021/2022

April 19, 2022

Page 2 of 2

On April 11, 2022, the Health Insurance Advisory Committee met by conference call to review updated renewal information with Burnham Benefits and to vote on recommendations to bring to your Board. The Health Insurance Advisory Committee voted on the following:

- 1) Recommend that the dental benefits increase annual maximum from \$2,000 to \$2,500, increase major services benefit from 50% to 60% and increase Orthodontia lifetime maximum from \$2,000 to \$2,500.
(Vote: unanimous)

Renewal Presentation

Plan Year: July 2022 - June 2023



Presented on: April 11, 2022

Presented to you by:
LeRoy Tucker, Senior Vice President
Ashley Oana, Account Executive

Burnham Benefits Insurance Services

www.burnhambenefits.com



COUNTY OF KINGS | PAID CLAIMS HISTORY

2020-21 Plan Year - HealthNow Administrative Services with Blue Shield Network

Month-Year	Enrollment				Medical	Rx	Dental	Vision	Combined
	EE Only	EE + Deps	Total EEs	D/V					
Jul-20	556	743	1,299	1,328	612,916	262,191	109,923	10,039	995,069
Aug-20	550	743	1,293	1,313	562,694	210,055	90,743	15,292	878,783
Sep-20	542	735	1,277	1,296	725,180	252,975	109,115	12,051	1,099,321
Oct-20	548	732	1,280	1,300	625,007	270,645	132,351	12,390	1,040,393
Nov-20	546	731	1,277	1,297	993,226	236,020	86,109	11,879	1,327,234
Dec-20	545	733	1,278	1,293	707,214	257,901	91,697	8,074	1,064,887
Jan-21	555	733	1,288	1,304	858,730	193,084	74,120	6,829	1,132,763
Feb-21	551	731	1,282	1,299	797,070	245,681	99,290	12,197	1,154,238
Mar-21	554	731	1,285	1,302	700,240	309,588	91,080	11,198	1,112,106
Apr-21	556	728	1,284	1,301	885,162	249,477	99,482	8,325	1,242,446
May-21	556	725	1,281	1,296	672,713	244,671	85,917	8,266	1,011,567
Jun-21	555	722	1,277	1,293	1,016,422	271,909	83,444	13,404	1,385,179
Subtotals	6,614	8,787	15,401	15,622	\$ 9,156,574	\$ 3,004,196	\$ 1,153,271	\$ 129,945	\$ 13,443,986
Stop Loss Reimbursement (Pooling Limit @ \$250K)					\$ 10,833	\$ -	\$ -	\$ -	\$ 10,833
Net Paid Claims					\$ 9,145,741	\$ 3,004,196	\$ 1,153,271	\$ 129,945	\$ 13,433,153
Average Claim PEPM (medical includes 2 month enrollment lag)			15,471	15,622	\$591.15	\$194.18	\$73.82	\$8.32	\$867.48
% Change from Prior Year					-8.4%	14.6%	20.7%	-9.0%	-2.0%
Projected at Renewal					\$716.21	\$185.50	\$75.41	\$10.37	\$987.49

2021-22 Plan Year - HealthNow Administrative Services with Blue Shield Network

Month-Year	Enrollment				Medical	Rx	Dental	Vision	Combined
	EE Only	EE + Deps	Total EEs	D/V					
Jul-21	560	736	1,296	1,309	528,777	277,855	129,758	9,729	946,119
Aug-21	562	727	1,289	1,301	673,887	309,196	91,312	10,797	1,085,192
Sep-21	560	712	1,272	1,287	991,302	226,570	125,854	9,378	1,353,104
Oct-21	554	712	1,266	1,279	1,247,799	243,563	96,690	11,359	1,599,411
Nov-21	560	716	1,276	1,289	987,688	231,949	87,224	10,318	1,317,179
Dec-21	560	716	1,276	1,290	805,269	276,522	94,107	8,635	1,184,533
Jan-22	552	716	1,268	1,281	1,151,861	308,190	78,545	10,231	1,548,827
Feb-22	550	713	1,263	1,280	283,012	258,456	113,457	10,433	665,358
Mar-22									
Apr-22									
May-22									
Jun-22									
Subtotals	4,458	5,748	10,206	10,316	\$ 6,669,595	\$ 2,132,301	\$ 816,947	\$ 80,880	\$ 9,699,723
Stop Loss Reimbursement (Pooling Limit @ \$250K)					\$ 104,080	\$ -	\$ -	\$ -	\$ 104,080
Net Paid Claims					\$ 6,565,515	\$ 2,132,301	\$ 816,947	\$ 80,880	\$ 9,595,643
Average Claim PEPM (medical includes 2 month enrollment lag)			10,233	10,316	\$641.60	\$208.37	\$79.19	\$7.84	\$937.01
% Change from Prior Year					8.5%	7.3%	7.3%	-5.7%	8.0%
Projected at Renewal					\$ 592.10	\$ 211.42	\$ 66.62	\$ 7.49	\$ 877.63
Rolling 12 Months Less S/L Refunds (medical includes 2 month enrollment lag)			15,372	15,508	\$ 9,838,909	\$ 3,207,946	\$ 1,176,870	\$ 122,073	\$ 14,345,798
Average Claims					\$ 640.05	\$ 208.69	\$ 75.89	\$ 7.87	\$ 932.50
% Change from Prior Year					8.27%	7.47%	2.80%	-5.37%	7.50%

COUNTY OF KINGS
Large Claim History

2020-2021 Policy Year			
Specific Deductible: \$250,000			
Relationship	Paid	Reimbursement	Diagnosis
Employee	\$255,056	\$5,056	Malignant neoplasm of sigmoid colon
Spouse	\$243,172	\$0	Secondary malignant neoplasm of bone
Spouse	\$241,261	\$0	Multiple myeloma not having achieved remission
Child	\$201,420	\$0	Neoplasm of uncertain behavior of craniopharyngeal duct
Employee	\$193,171	\$0	Guillain-Barre syndome
Spouse	\$171,635	\$0	Huntingtons disease
Child	\$161,535	\$0	Single liveborn infant
Employee	\$140,156	\$0	PHI
Child	\$138,647	\$0	Complete traumatic metacarpophalangeal amputation of right thumb
Total Reimbursement		\$5,056	

2021-2022 Policy Year			
Specific Deductible: \$250,000			
Relationship	Paid	Reimbursement	Diagnosis
Employee	\$271,462	\$21,462	Thyrotoxicosis with diffuse goiter
Spouse	\$154,945	\$0	Multiple myeloma not having achieved remission
Spouse	\$145,211	\$0	Nonrheumatic aortic valve stenosis
Child	\$140,365	\$0	Complete traumatic metacarpophalangeal amputation of right thumb
Spouse	\$127,836	\$0	Secondary malignant neoplasm of bone
Total Reimbursement		\$21,462	

COUNTY OF KINGS
2022-2023 Claims Projection Calculation
Paid Claims Period: March 2021 - February 2022

	<u>Medical</u>	<u>Rx</u>	<u>Dental</u>	<u>Vision</u>	<u>Total</u>
Total Paid Claims	\$ 9,944,132	\$ 3,207,946	\$ 1,176,870	\$122,073	\$14,451,021
Claims in Excess of \$250,000	\$105,223	\$0	\$0	\$0	\$105,223
Total Paid Claims Net of Pooling & Rebates	\$9,838,909	\$3,207,946	\$1,176,870	\$122,073	\$14,345,798
Enrollment	15,372	15,372	15,508	15,508	
Average Paid Claim for Period	\$640.05	\$208.69	\$75.89	\$7.87	\$932.50
Trend (Med: 6%, Rx: 8%, D: 4%, V:2%)	1.085	1.113	1.057	1.028	
Projected Paid Claim	\$694.46	\$232.34	\$80.19	\$8.09	\$1,015.08
Current Enrollment	1,263	1,263	1,280	1,280	
Monthly Projected	\$877,101	\$293,444	\$102,641	\$10,361	\$1,283,547
Annual Projected Claims	\$10,525,214	\$3,521,328	\$1,231,691	\$124,334	\$15,402,567
Margin	1.25	1.25	n/a	n/a	
Projected Aggregate Stop Loss Attachment	\$13,156,517	\$4,401,660	n/a	n/a	\$17,558,177
Estimated Reserve Requirement (Med/Den/Vis/Rx: 25%)	\$2,631,303	\$880,332	\$307,923	\$31,083	\$3,850,642
Current Reserve as of 4/11/22 *Includes 2021 Rx Rebates of \$787,027					\$7,954,122

COUNTY OF KINGS

Self Funded Renewal • Effective July 1, 2022

	Single	2 Party	Family	Total Members
Medical/Rx	550	290	423	1,263
Dental/Vision	557	294	429	1,280

CURRENT: SELF-INSURED 2021-22 • HealthNow Administrators, BSC PPO, Amalgamated Life @ \$250,000

	Single	Two Party	Family	Annual Totals	
*Amalgamated Life (24/12 w/Rx)	23.01	70.18	70.18	\$	752,326
*Amalgamated Life Aggregate Excess (24/12)	2.60	2.60	2.60	\$	39,406
Medical Administration/Consulting	28.14	28.14	28.14	\$	426,490
Blue Shield of California Network Access	20.63	20.63	20.63	\$	312,668
Delta Dental Administration (rate guarantee until 7/2024)	4.68	4.68	4.68	\$	71,885
EyeMed Vision Administration (rate guarantee until 7/2024)	0.59	0.59	0.59	\$	9,062
Halcyon Behavioral Health Administration with Integrated EAP	3.92	3.92	3.92	\$	59,412
Total	\$ 83.57	\$ 130.74	\$ 130.74	\$	1,671,249
Projected Med/Rx Paid Claims	797.92	797.92	797.92	\$	12,093,276
Projected Dental Paid Claims	73.01	73.01	73.01	\$	1,121,434
Projected Vision Paid Claims	7.55	7.55	7.55	\$	115,968
Total Projected Claims	\$ 878.48	\$ 878.48	\$ 878.48	\$	13,330,677
Aggregate Attachment Factor (Medical/Rx Only)	\$ 531.73	\$ 1,524.92	\$ 1,524.92	\$	16,556,634
Maximum Paid Claim Exposure (Fixed and Funding)	\$ 615.30	\$ 1,655.66	\$ 1,655.66	\$	18,227,882
Combined Fixed Costs Plus Projected Paid Claims				\$	15,001,926
Rate Matrix Inc/(Dec)				\$	(1,957,340)

* includes no new lasers and 49% rate cap

RENEWAL: SELF-INSURED 2022-23 • HealthNow Administrators, BSC PPO, Amalgamated Life @ \$250,000

	Single	Two Party	Family	Annual Totals	
*Amalgamated Life (24/12 w/Rx)	24.62	75.09	75.09	\$	804,962 7.0%
*Amalgamated Life Aggregate Excess (24/12)	2.60	2.60	2.60	\$	39,406 0.0%
Medical Administration/Consulting	28.68	28.68	28.68	\$	434,674 1.9%
**Blue Shield of California Network Access	21.04	21.04	21.04	\$	318,882 2.0%
Delta Dental Administration (rate guarantee until 7/2024)	4.68	4.68	4.68	\$	71,885 0.0%
EyeMed Vision Administration (rate guarantee until 7/2024)	0.59	0.59	0.59	\$	9,062 0.0%
Halcyon Behavioral Health Administration with Integrated EAP	4.23	4.23	4.23	\$	64,110 7.9%
Total	\$ 86.44	\$ 136.91	\$ 136.91	\$	1,742,981 4.3%
Projected Med/Rx Paid Claims	926.80	926.80	926.80	\$	14,046,542 16.2%
Projected Dental Paid Claims	80.19	80.19	80.19	\$	1,231,691 9.8%
Projected Vision Paid Claims	8.09	8.09	8.09	\$	124,334 7.2%
Total Projected Claims	\$ 1,015.08	\$ 1,015.08	\$ 1,015.08	\$	15,402,567 15.5%
Aggregate Attachment Factor (Medical/Rx Only)	\$ 572.94	\$ 1,643.11	\$ 1,643.11	\$	18,969,683 1.6%
Maximum Paid Claim Exposure (Fixed and Funding)	\$ 659.38	\$ 1,780.02	\$ 1,780.02	\$	20,712,664 13.6%
Combined Fixed Costs Plus Projected Paid Claims				\$	17,145,548 14.3%
Rate Matrix Inc/(Dec)				\$	16,959,265 1.1%

* includes no new lasers and 49% rate cap

** \$10,000 wellness stipend

Network Utilization

– Excluding orthodontics

County of Kings #20042

Paid Period: March 2021 - Feb 2022 compared to prior year

Network Utilization by Approved Procedures

Network	Prior year		Current year		Benchmark
PPO	9,214	71.4%	10,862	74.7%	59.6%
Premier	3,319	25.7%	3,333	22.9%	34.7%
Non-contracted	371	2.9%	351	2.4%	5.8%

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PROPRIETARY AND CONFIDENTIAL

98% of approved procedures were performed by an in-network dentist in the current year.



Distribution of Services

County of Kings #20042 Paid Period: March 2021-Feb 2022

% of Utilizers vs.
% of Paid Amount
by Type of Service

Type of Service	Utilizers	% of Utilizers	Paid Amount	% of Paid
D&P	1,797	60%	\$417,979	35.5%
Basic	779	26%	\$431,999	36.7%
Major	299	10%	\$190,714	16.2%
Ortho	121	4%	\$136,178	11.5%
Total	3,178	100.0%	\$1,176,870	100.0%

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PROPRIETARY AND CONFIDENTIAL

D&P made up 35.5% of total paid dollars.



Benchmarking – Annual Maximum

County of Kings #20042 Compared to Delta Dental's customers in Government/Municipality

Annual Maximums	Government/Municipality	Delta Book of Business
\$1,000	20.2%	19.4%
\$1,500	27.7%	29.8%
\$2,000	18.5%	21.5%

2021

	Unique members	Unique utilizers	Utilizers reaching maximum			
			Count	% of members	% of utilizers	
Primary enrollee	1,464	795	54.3%	21	1.7%	3.1%
Adult dependent	617	315	51.1%	15	2.4%	4.8%
Child dependent	1,316	758	57.6%	19	1.4%	2.5%
Total	3,397	1,868	55.0%	59	1.7%	3.2%

2020

	Unique members	Unique utilizers	Utilizers reaching maximum			
			Count	% of members	% of utilizers	
Primary enrollee	1,429	733	51.3%	17	1.2%	2.3%
Adult dependent	607	321	52.9%	6	1.0%	1.9%
Child dependent	1,281	711	55.5%	10	0.8%	1.4%
Total	3,317	1,765	53.2%	33	1.0%	1.9%

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PROPRIETARY AND CONFIDENTIAL

The percentage of utilizers reaching the annual maximum in 2021 is above Delta Dental's benchmark of 1.3% for Municipalities.

Benchmarking – Plan Design

County of Kings #20042 compared to Delta Dental's customers in Government/Municipality

D&P and Basic Services

	100%	90%	80%
Diagnostic & Preventive	88.2%	1.0%	5.7%
Basic Restorative	16.6%	14.0%	54.3%
Endodontics	23.6%	11.1%	49.2%
Periodontics	17.4%	10.9%	48.1%
Oral Surgery	23.2%	11.3%	52.0%

Major Services

	80%	60%	50%
Major Restorative/Crown	16.0%	13.6%	49.9%
Prosthodontics	23.6%	11.8%	41.2%

Deductibles

	Gov/Municipality
\$0/\$0	37.2
\$25/\$75	14.0%
\$50/\$150	31.5%

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PROPRIETARY AND CONFIDENTIAL

COK'S benefits are richer compared to other employers in the same industry



COUNTY OF KINGS

Dental Renewal • Effective July 1, 2022

	Current Delta Dental		Renewal Delta Dental	
	In Network	Out of Network	In Network	Out of Network
Deductible (calendar year)				
Individual	\$25	\$25	\$25	\$25
Family	\$75	\$75	\$75	\$75
Annual Maximum	\$2,000	\$2,000	\$2,500	\$2,500
Diagnostic & Preventive Services (exams, cleanings, x-rays)	100%	100%	100%	100%
Basic Services (fillings, posterior composites, sealants, space maintainers and denture repair/relining, root canals, gum treatment)	100%	100%	100%	100%
Major Services (crowns, inlays, onlays, bridges, dentures, implants, occlusal guards)	50%	50%	60%	60%
Orthodontia for Adults & Dependent Children	50%	50%	50%	50%
Lifetime Maximum	\$2,000	\$2,000	\$2,500	\$2,500
Rates	<u>Administration</u>		<u>Administration</u>	
Employee Only	557			
EE+Spouse	170			
EE+Child	191	\$4.68		\$4.68
Family	<u>362</u>			
	1,280			
Monthly Administration Cost		\$5,990		\$5,990
Annual Total/Projected		\$71,885		\$71,885
Increase/decrease from Current (\$)		n/a		n/a
Increase/decrease from Current (%)		n/a		n/a
<i>Deductible waived for Diagnostic, Preventive & Orthodontics</i>				
<i>Rate guarantee until 7/2024</i>				

* Increase Annual Maximum from \$2,000 to \$2,500: .66% impact
 * Increase Major Services benefit from 50% to 60%: 3.2% impact
 * Increase Ortho Lifetime Maximum from \$2,000 to \$2,500: 2.81% impact
TOTAL (\$) IMPACT TO CLAIMS:

\$7,767
 \$38,000
\$33,070
\$78,837

TOTAL ESTIMATED CLAIMS SPEND W/ENHANCEMENTS:

\$1,310,529

COUNTY OF KINGS

Vision Renewal • Effective July 1, 2022

	Current / Renewal (rate guarantee through 2023) EyeMed (Access Network)	
	In-Network	Out of Network
Copays		
Exams (every 12 months)	\$20	up to \$50
Frame Allowance (every 24 months)	\$150 allowance (plus 20% off balance)	up to \$80
Lens Options (every 12 months)		
Single Vision	\$20	up to \$45
Bifocal	\$20	up to \$65
Trifocal	\$20	up to \$80
Premium Progressive Lenses	\$95 - \$120	\$65 - \$100
Contacts - instead of glasses (every 12 months)	\$150 allowance (plus 15% off balance)	up to \$100
Rates	<u>Administration</u>	
Employee Only	557	
Employee + 1	170	
Family	191	
	<u>362</u>	
	1,280	
Monthly Administration Cost		\$755
Annual Total/Projected		\$9,062
Increase/decrease from Current (\$)		N/A
Increase/decrease from Current (%)		N/A

COUNTY OF KINGS

Basic Life & AD&D Renewal • Effective July 1, 2022

	Current/Renewal The Standard
Life/AD&D Amount Class 1: Elected Officials and Department Heads Class 2: Prosecutors and Management Class 3: All Others	\$50,000 \$40,000 \$10,000
Age Reduction Schedule Age 65 Age 70	35% 50%
Waiver of Premium Accelerated Benefit Conversion Portability	Included Included Yes Yes
Rates Volume Life/AD&D Rate (per \$1,000) Monthly Premium Total Annual Premium Total Increase/decrease from Current (\$) Increase/decrease from Current (%) Rate Guarantee	\$18,227,000 0.185 \$3,372 \$40,464 n/a n/a 7/1/2023 (matches LTD)

COUNTY OF KINGS
Long Term Disability Renewal
Effective July 1, 2022

	The Standard Current/Renewal
Monthly Premium	\$4,539
Annual Premium	\$54,472
Annual Relationship to Current \$	n/a
Relationship to Current %	n/a
Rate guarantee	7/1/2023 (matches Basic Life/AD&D)
Rates	
Rate per \$100 of covered payroll	\$0.278
All covered Management employees	
# Employees	210
Monthly Covered Payroll	\$1,632,854
Benefits	
Benefit Percentage	60%
Maximum Monthly Benefit	\$10,000
Maximum Annual Covered Income	\$200,000
Benefit Waiting Period	30 days
Benefit Duration	SSNRA
Contract Provisions	
Definition of Disability	12 months own occ
Earnings Test (and / or %)	20% earnings loss
MHSA Limitation	24 months
Pre-existing Condition Exclusion	3 / 12
Rate Guarantee	until 7/1/2023
EAP	limited; grief counseling and legal/financial support only

COUNTY OF KINGS
Rate Matrix Effective July 1, 2022

EMPLOYEE CLASS	2021-22 Plan Year					2022-23 Plan Year						
	Employee Share	Reserve Contribution	Employee Total	Employer Share	Total	Employee Share	Reserve Contribution	Employee Total	Employer Share	Total		
MGMT 1	28	0.00	0.00	0.00	641.44	641.44	0.00	0.00	0.00	641.44	641.44	
MGMT 2	49	0.00	0.00	0.00	1,167.86	1,167.86	0.00	0.00	0.00	1,167.86	1,167.86	
MGMT 3+	128	0.00	0.00	0.00	1,757.26	1,757.26	0.00	0.00	0.00	1,757.26	1,757.26	
SUPERVISORS 1	19	190.66	0.00	190.66	450.78	641.44	190.66	0.00	190.66	450.78	641.44	
SUPERVISORS 2	13	347.20	0.00	347.20	820.66	1,167.86	347.20	0.00	347.20	820.66	1,167.86	
SUPERVISORS 3+	29	522.46	0.00	522.46	1,234.80	1,757.26	522.46	0.00	522.46	1,234.80	1,757.26	
PROS 1	10	33.20	0.00	33.20	608.24	641.44	33.20	0.00	33.20	608.24	641.44	
PROS 2	5	60.46	0.00	60.46	1,107.40	1,167.86	60.46	0.00	60.46	1,107.40	1,167.86	
PROS 3+	4	90.98	0.00	90.98	1,666.28	1,757.26	90.98	0.00	90.98	1,666.28	1,757.26	
SHERIFF/DPO 1	37	190.66	0.00	190.66	450.78	641.44	190.66	0.00	190.66	450.78	641.44	
SHERIFF/DPO 2	24	347.20	0.00	347.20	820.66	1,167.86	347.20	0.00	347.20	820.66	1,167.86	
SHERIFF/DPO 3+	57	522.46	0.00	522.46	1,234.80	1,757.26	522.46	0.00	522.46	1,234.80	1,757.26	
FIRE 1	10	190.66	0.00	190.66	450.78	641.44	190.66	0.00	190.66	450.78	641.44	
FIRE 2	12	347.20	0.00	347.20	820.66	1,167.86	347.20	0.00	347.20	820.66	1,167.86	
FIRE 3+	31	522.46	0.00	522.46	1,234.80	1,757.26	522.46	0.00	522.46	1,234.80	1,757.26	
GENERAL 1	306	190.66	0.00	190.66	450.78	641.44	190.66	0.00	190.66	450.78	641.44	
GENERAL 2	110	347.20	0.00	347.20	820.66	1,167.86	347.20	0.00	347.20	820.66	1,167.86	
GENERAL 3+	106	522.46	0.00	522.46	1,234.80	1,757.26	522.46	0.00	522.46	1,234.80	1,757.26	
DET DEP 1	52	190.66	0.00	190.66	450.78	641.44	190.66	0.00	190.66	450.78	641.44	
DET DEP 2	28	347.20	0.00	347.20	820.66	1,167.86	347.20	0.00	347.20	820.66	1,167.86	
DET DEP 3+	32	522.46	0.00	522.46	1,234.80	1,757.26	522.46	0.00	522.46	1,234.80	1,757.26	
BLUE COLLAR 1	11	163.76	0.00	163.76	477.68	641.44	163.76	0.00	163.76	477.68	641.44	
BLUE COLLAR 2	8	309.54	0.00	309.54	858.32	1,167.86	309.54	0.00	309.54	858.32	1,167.86	
BLUE COLLAR 3+	11	474.04	0.00	474.04	1,283.22	1,757.26	474.04	0.00	474.04	1,283.22	1,757.26	
KCWMA 1	3	196.80	0.00	196.80	444.64	641.44	196.80	0.00	196.80	444.64	641.44	
KCWMA 2	2	370.94	0.00	370.94	796.92	1,167.86	370.94	0.00	370.94	796.92	1,167.86	
KCWMA 3+	5	568.26	0.00	568.26	1,189.00	1,757.26	568.26	0.00	568.26	1,189.00	1,757.26	
Ret/COBRA 1	51	641.44	0.00	641.44	0.00	641.44	641.44	0.00	641.44	0.00	641.44	
Ret/COBRA 2	31	1,167.86	0.00	1,167.86	0.00	1,167.86	1,167.86	0.00	1,167.86	0.00	1,167.86	
Ret/COBRA 3+	5	1,757.26	0.00	1,757.26	0.00	1,757.26	1,757.26	0.00	1,757.26	0.00	1,757.26	
All Others 1	12	220.62	0.00	220.62	420.82	641.44	220.62	0.00	220.62	420.82	641.44	
All Others 2	8	401.66	0.00	401.66	766.20	1,167.86	401.66	0.00	401.66	766.20	1,167.86	
All Others 3+	6	604.38	0.00	604.38	1,152.88	1,757.26	604.38	0.00	604.38	1,152.88	1,757.26	
Dental/Vision (for Military Only)												
Employee Only	1	15.16	0.00	15.16	31.14	46.30	15.16	0.00	15.16	31.14	46.30	
Employee + 1	4	28.48	0.00	28.48	58.42	86.90	28.48	0.00	28.48	58.42	86.90	
Family	7	44.80	0.00	44.80	91.88	136.68	44.80	0.00	44.80	91.88	136.68	
TOTALS (adjusted for current enrollment)	1255	4,575,504	0	4,575,504	12,383,761	16,959,265	4,575,504	0	4,575,504	12,383,761	16,959,265	
		16,959,265				0.00%			16,959,265			

COUNTY OF KINGS
Stop Loss Analysis

	Carrier	Results
1	Amalgamated Life	Presented
2	American National	DTQ, uncompetitive
3	Anthem Life	DTQ, uncompetitive
4	Companion Life	Quoted, uncompetitive
5	HM Life	DTQ, uncompetitive
6	Independence Life	DTQ, uncompetitive
7	Ironshore Indemnity	DTQ, uncompetitive
8	North American	DTQ, uncompetitive
9	Reliastar Life	DTQ, uncompetitive
10	Sun Life	DTQ, uncompetitive
11	Zurich American	DTQ, uncompetitive
12	Blue Shield Life	DTQ, uncompetitive

Disclosures

The information contained in this Claims Experience Review was obtained from insurance carrier proposals. It is intended to be used for comparative rate and benefit purposes only. If there are any discrepancies in the actual insurance carrier benefits summary and the following benefits summary, the insurance company contract will prevail.

1. The following renewal premium rates may include an estimated allocation for fees imposed on health insurers as a result of The Patient Protection and Affordable Care Act that become effective on January 1, 2014. Accordingly, the health insurers have reserved the right to modify these rates subsequent to the effective date of this renewal in the event the estimated amount be materially understated or unanticipated legislative action results in an additional fee assessment to the insurer(s).
2. The following rate and benefit analysis is based upon the financial and underwriting information compiled from your existing company benefit plan data. In the event of significant enrollment change, or if we are missing benefit eligible employee census data, the terms and conditions, premium, or even availability of the insurance plan rates and benefits included in this summary may change. If changing carriers, actual rates will be based upon insurance carrier approval based and final enrollment.
3. This market summary proposal is intended to reflect accurate premium costs of the plans benefits under consideration for illustrative purposes. Please refer to the insurance carrier's proposed plan benefit summary for actual terms, conditions, limitations, and exclusions. If there is a discrepancy in this marketing summary proposal and the insurance carrier plan benefits, the insurance carrier plan benefits will prevail.
4. Insurance carrier plan administration, billing procedures, and network providers vary by company and should be reviewed prior to any carrier change.
5. Active at work take-over provision: It is imperative any new carrier be notified of any employee or dependent who is hospitalized or otherwise disabled and not actively at work on the effective date of any new contract as coverage may not be available for these individuals.



COUNTY OF KINGS BOARD OF SUPERVISORS

GOVERNMENT CENTER HANFORD, CALIFORNIA 93230 (559) 852-2362
Catherine Venturella, Clerk of the Board of Supervisors

AGENDA ITEM April 19, 2022

SUBMITTED BY: Administration – Edward Hill

SUBJECT: APPOINTMENT OF HUMAN SERVICES AGENCY DIRECTOR

SUMMARY:

Overview:

The current Human Services Agency Director, Sanja Bugay, has resigned her position with the County. Her last date of employment will be Friday, April 22, 2022. To ensure continuity of operations the Kings County Board of Supervisors is considering appointment of Wendy Osikafo, the current Assistant Director, as Director.

Recommendation:

Approve the appointment of Wendy Osikafo to the position of Human Services Agency Director effective April 25, 2022 and set the compensation.

Fiscal Impact:

The position is recommended to start at \$14,201 per month including management benefits. The salary and benefits are included in the Fiscal Year 2021-2022 Proposed Budget.

BACKGROUND:

The current Human Services Agency Director, Sanja Bugay, has resigned her position with the County. Her last date of employment will be Friday, April 22, 2022. To ensure continuity of operations the Kings County Board of Supervisors is considering appointment of Wendy Osikafo, the current Assistant Director, as Director.

BOARD ACTION :

APPROVED AS RECOMMENDED: _____ OTHER: _____

I hereby certify that the above order was passed and adopted
on _____, 2022.

CATHERINE VENTURELLA, Clerk of the Board

By _____, Deputy.



COUNTY OF KINGS BOARD OF SUPERVISORS

GOVERNMENT CENTER HANFORD, CALIFORNIA 93230 (559) 852-2362
Catherine Venturella, Clerk of the Board of Supervisors

AGENDA ITEM April 19, 2022

SUBMITTED BY: Human Services Agency – Sanja Bugay/Esam Abed

SUBJECT: STUDY SESSION KINGS COUNTY HOMELESSNESS PROJECTS

SUMMARY:

Overview:

This study session is to provide the Board of Supervisors updates on the Kings County Homelessness Collaborative (KCHC) as well as on multiple projects administered through the Human Services Agency (HSA), in coordination with the Collaborative.

Recommendation:

Receive updates on Kings County Homelessness Collaborative, Project Roomkey Transition, and Homekey Projects.

Fiscal Impact:

There is no direct fiscal impact associated with acceptance of the presentation on the multiple Homelessness Projects.

BACKGROUND:

The KCHC, established on September 10, 2019, is a group of key community stakeholders from various entities such as government agencies and departments, elected officials, housing and services providers, and non profits working in coordinated efforts. The purpose of the KCHC is to advise and assist the County efforts to address homelessness issues affecting the community, and report to the Kings County Board of Supervisors on a periodic basis. Collaborative efforts made through the collaborative have resulted in a review and evaluation of the current landscape of homelessness in Kings County, including local needs and the solutions that have set underway work to respond to the homelessness crisis. KCHC continues to meet monthly on the 3rd Monday of every month, and hold public meetings. Top priorities include: increase community awareness and collaboration, establish a low barrier shelter, and increase permanent housing stock.

(Cont'd)

BOARD ACTION:

APPROVED AS RECOMMENDED: ____ OTHER: ____

I hereby certify that the above order was passed and adopted
on _____, 2022.

CATHERINE VENTURELLA, Clerk of the Board

By _____, Deputy.

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Kings County HSA set several projects underway and is providing updates on the following projects that are being administered by HSA in collaboration with the KCHC:

- Project Roomkey Transition
- Project Homekey
 - Kings Triangle Courtyard
 - Stardust Motel conversion to Sunrise Apartments

Project RoomKey

In response to Coronavirus Disease 2019 (COVID-19) global pandemic, Project Roomkey (PRK) was established by HSA since March 2020. HSA entered into occupancy agreements to secure 67 motel rooms at Holiday Lodge and Stardust Motel to provide non-congregate shelter to allow vulnerable homeless population to shelter in place and limit the spread of COVID-19 and has remained in operation. These projects served to meet an immediate need when congregate shelter sites were impacted and congregate meals and access to clean water was severely restricted upon various shutdowns in the county. These projects also helped the county demonstrate 15% sheltering capacity of homeless individuals that was required in order to receive the Coronavirus Relief Fund (CARES) Act funds and 1991 and 2011 Realignment State backfill funds by Justice and Health and Human Services Departments. The County Administrative Office filed certifications over time that these conditions were met by the county. The Board approved \$500,000 in CARES act funding for PRK operations 25% match needs during 2020 CARES act funding allocation discussions. These funds however were not utilized as 100% Federal Emergency Management Agency (FEMA) funding became available during 2021 for this project retroactively to its beginning.

This project has sheltered 346 individuals, of which 86 were COVID positive and the remaining individuals were highly vulnerable. While there has never been sufficient capacity to shelter all those in need, the project prioritized individuals who were elderly, families, or individuals with multiple health conditions. The project utilized the Whole Person Care program for case management and supportive services purposes and to connect individuals from the shelter to permanent housing.

Given the project outcomes, the State has provided additional funds for rehousing of the PRK residents and to maintain or transition operations. The department in collaboration with Kings Tulare Homeless Alliance (KTHA) and Kings Community Action Organization (KCAO) will continue sheltering operations in the Stardust Motel until the full funding for the conversion to Sunrise Apartments is complete. The sheltering operation would then completely cease at this site. All necessary agreements for ongoing operations have already been executed.

The department has been working with the Holiday Lodge owner and other vendors to negotiate reduction in costs and start transitioning and/or reducing services at this site. The department has sufficient funding for operations to continue through September 30, 2022. The department anticipates returning to the Board with agreements that reduce monthly costs during the transition period.

Project Homekey:

In August 2020, the Department in collaboration with community-based organizations applied for two Homekey projects that when completed will result in permanent housing units that will serve individuals with

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income limits of up to 30% of Average Median Income (AMI) for Kings County. The two projects will result in 46 permanent housing units (22 studio apartments and 24 two bedroom manufactured homes).

Project Homekey: Kings Triangle Courtyard

Awarded Homekey grant #0047, authorized by Assembly Bill 83, allowed site development of undeveloped land donated by Kings Gospel Mission on 11360 10th Avenue. Acquisition and installation of 24 two bedroom factory built manufactured homes for a total of 36 doors. The housing units are to be owned and operated by Kings Gospel Mission to operate as permanent affordable housing for Kings County.

This project required land development (brining water, sewer and electricity to the site) as well as purchase and installation on permanent foundations of 24 manufactured homes. The underground site development portion of this project has been completed. Vendors for foundation (housing pads) and sidewalk and parking work have been scheduled. The manufactured homes from Champion builders have been ordered. The project completion is currently delayed due to waiting on the Electrical Equipment AMP meter panels necessary for electricity distribution to homes and electrify the site. The expected delivery date for these materials were 200 days from the date of order and supply chain issues across this industry have severely impacted the delivery timelines on this project. The State's Housing Community Development Department has worked with the county for this project to remain in good standing despite the project delivery delays. The department will be returning to the Board for contract amendment to ensure full compliance and completion of this project.

Project Homekey: Sunrise Apartments Conversion

Awarded Homekey grant #0031, authorized by Assembly Bill 83, allowed for the purchase and acquisition of Stardust Motel, 1100 sq ft, management office, and 2 vacant lots. It immediately began being utilized as a PRK site and has been providing shelter during the COVID pandemic. It continues to operate as a temporary housing, and is to be converted into 22 studio apartment and operate as permanent affordable housing once fully converted to Sunrise Apartments. Homekey Standard Agreement allows for up to 10 years for this conversion to occur, however, in the application the Department's expectation was that this conversion could be accomplished within 5 years. The Standard Agreement was signed in December 2020. The Department has separated the conversion into two phases. The Phase I included refurbishment of 6 rooms, significant fixes including ADA compliance and some outdoor repairs and renovations. This phase is complete. Phase II includes the full electrical upgrade and the conversion of the balance of the rooms and kitchen installation in order to convert the rooms to apartments. No conversion activities for Phase II are occurring until the full funding is obtained. Total cost is an estimate of \$2.5 million to \$3 million depending on solar inclusion, reserves, and Request for Proposals (RFP) for the actual construction. Actual costs will be known once RFPs have been completed. This project is in good standing and ahead of schedule. Additional funding sources have been identified necessary to complete the conversion.