

# **KINGS COUNTY GRAND JURY**



## **FINAL REPORT 2009-2010**

## TABLE OF CONTENTS

Letter from Presiding Judge	
Letter from the Foreperson	
Letter from the Foreperson Pro Tem	
2009-2010 Kings County Grand Jury	
Members of the 2009-2010 Grand Jury	

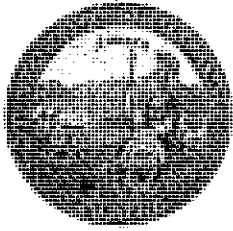
### FINAL REPORTS

Avenal, City of .....	1
Avenal High School .....	3
Bastille Building .....	5
Boot Camp .....	7
California State Prison-Corcoran .....	8
Corcoran District Hospital .....	10
Corcoran High School .....	11
Coroner's Department/Morgue .....	13
First Five .....	15
Hanford Cemetery District .....	19
Hanford City Parks .....	21
Hanford Police Department .....	28
Home Garden Community Services.....	30
Indian Gaming .....	33
Jail, Kings County .....	35
Kings Community Action Organization .....	37
Loafing Barn .....	38
Sheriff's Department .....	41
Sheriff's K-9 Unit .....	44
Sierra Pacific High School .....	46
Stratford Public Utility District .....	48
Water Issues .....	50

### FINAL RESPONSES 2009-2010

Final Responses Pending 2009-2010

### FINAL RESPONSES 2008-2009



Office of the Court Executive  
Superior Court of the State of California  
County of Kings

Steven D. Barnes  
Judge

June 18, 2010

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

The 2009 – 2010 Kings County Grand Jury has submitted enclosed reports to the Presiding Judge and/or his designee of the Kings County Superior Court in accordance with section 933 of the California Penal Code. The enclosed reports were submitted and are hereby accepted as the final reports to the Grand Jury concerning these areas of inquiry.

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

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

The Judges of the Superior Court of the County of Kings wish to express their deep appreciation for the immeasurable hours of service given by members of the 2009 – 2010 Grand Jury, with special thanks to their foreperson David Dawson and pro tem Sumner Keyes. Their efforts in service of the public good are commendable. Selfless dedication to public service, such as theirs, is clearly the foundation upon which our democracy rests.

Sincerely,

Steven D. Barnes, Judge  
Kings County Superior Court



COUNTY OF KINGS

**GRAND JURY**

County of Government Center  
1400 W. Lacey Blvd.  
Hanford, CA 93230  
Tel. No. (559) 582-3211 ext. 2892  
Fax No. (559) 587-9502

June 15, 2010

Honorable Steven D. Barnes,  
Superior Court of the State of California  
Advising Judge to County of Kings Grand Jury  
County of Kings  
Hanford, California 93230

Dear Judge Barnes:

Even during these times of economic injustices and hardships there are citizens who take up the mantle of duty to serve the greater public's interest. Kings County is fortunate to have some of these stewards, who have stepped forward to protect the many of the community from the abuse of the few.

The 2009/2010 County of Kings Grand Jury examined a broad spectrum of issues that have impacted and will continue to be of major concern to all of the citizens and agricultural interests in Kings County. One detrimental issue facing Kings County is the transfer, private sale and loss of the public's water to other agencies outside of the County. The private selling of the public's water and the fallowing of farm land will have a long term negative impact on many other Kings County farming operations. This would include dairies and other support businesses as well as water consumers and all taxpaying citizens. The County's infrastructure also may suffer because of the dramatically lowered tax revenues lost by exporting water out of the County.

It has been my honor and privilege to serve on the 2009/2010 County of Kings Grand Jury as its Foreperson. I would encourage you and the good citizens of Kings County to read all of the reports of the Grand Jury. They are an accurate reflection of the condition of the County of Kings and also highlight some issues that still need to be acted on.

All of the investigative reports of the 2009/2010 County of Kings Grand Jury are due to many long hours of hard work by the dedicated volunteer citizens of Kings County.

For the 2009/2010  
County of Kings Grand Jury

David J. Dawson  
Foreperson



COUNTY OF KINGS  
GRAND JURY  
County of Government Center  
1400 W. Lacey Blvd.  
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Honorable Steven D. Barnes,  
Superior Court of the State of California  
Advising Judge to County of Kings Grand Jury  
County of Kings  
Hanford, California

Dear Judge Barnes:

On behalf of the Kings County Grand Jury, I am pleased to submit to you the 2009-2010 Grand Jury Final Report. This is in compliance with Penal Code Section 933. Members of the Grand Jury worked with diligence, thoughtfulness, and spent many hours on the reports.

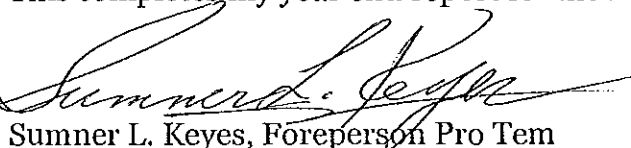
The Foreperson found it necessary to step down from active participation in early March. I, as the Pro Tem, thank Judge Barnes and County Counsel for their confidence in me, their guidance, and forgiveness when I made mistakes.

I want to thank Michael Reinhart, Chief Trial Attorney, and his associates, in the District Attorney's Office for all their assistance. I also thank Lloyd Carter of the Attorney General's Office. I also want to thank the members of this year's Grand Jury for putting up with me. I know for a few it was very intense. I really appreciate you. Thank you.

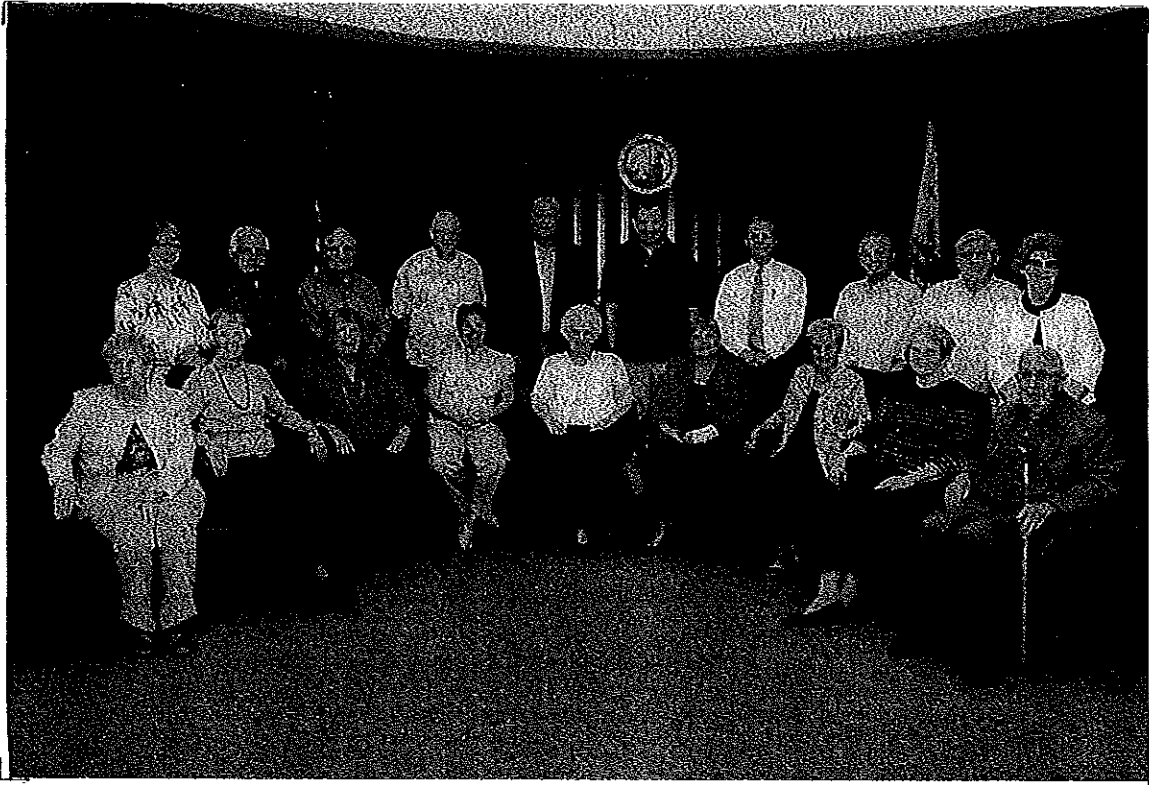
This year's Grand Jury, diverse as any other, worked hard and long on the reports and has the satisfaction that because of its work will see a few changes in some areas in Kings County. This Grand Jury, as stated by one juror, started out as strangers, but leaves as family. This group of people really worked together as a team, particularly on projects when everyone was needed.

Kings County has some of the best minds for knowledge and history that I have had the pleasure to work with on a daily basis. Their dedication to the internal workings of the Grand Jury as citizens called to do a job is unique.

This completes my year end report for the 2009-2010 Kings County Grand Jury.



Sumner L. Keyes, Foreperson Pro Tem



## 2009-2010 KINGS COUNTY GRAND JURY

Elizabeth Anne Sutton	Tony Tesoriere	David J. Dawson	Sumner L. (Curly) Keyes	John Young	Garry Curtis	Ray Elizondo	Joe Furtado	Don Wilcox	Debbie Hughes
Shirley Bearden	Betty Hampton	Martha Carson	Beverly Rodriguez	Elizabeth Nail	Lucia (Lucy) Murrietta	Marlene Helmuth	Ann Kissling	Jack Schwartz	



## MEMBERS OF THE 2009-2010 GRAND JURY

David Dawson	Foreperson
Sumner Keyes	Foreperson Pro Tempore
Anne Sutton	Recording Secretary
Beverly Rodriquez	Corresponding Secretary
Garry Curtis	Sergeant at Arms/Law & Public Safety Chair
Ray Elizondo	Treasurer
Shirley Bearden	
Martha Carson	
Joe Furtado	
Betty Hampton	Edit & Review Chair
Marlene Helmuth	
Debbie Hughes	
Ann Kissling	
Lucy Murrietta	Health & Education Chair/Social Chair
Elizabeth Nail	Local Government Chair
Jack Schwartz	
Tony Tesoriere	County Government Chair
Don Wilcox	
John Young	

**FINAL  
REPORTS  
2009-2010**



## **AVENAL, CITY OF**

### **SYNOPSIS**

The discovery of oil in the early 1900s brought attention to the area of what is today the City of Avenal. The population increased as workers came to work in the oil fields. Until 2011 the law enforcement has been and will be provided by the Kings County Sheriff's Department. The city has now hired its own Police Chief, who is in the process of building a police force, which will be in full operation January 1, 2011. The citizens voted to incorporate in 1978 to allow the construction of the Avenal State Prison.

### **WHY THE GRAND JURY INVESTIGATED**

Public interest.

### **AUTHORITY**

Penal Code 925a. The Grand Jury may, at any time, examine the books and records of any incorporated city in the county.

### **METHOD OF INVESTIGATION**

The Grand Jury toured the City of Avenal, and reviewed information received from the Avenal City Manager.

### **BACKGROUND AND FACTS**

In the middle of the 19<sup>th</sup> Century the first settlers near Avenal were farmers and ranchers. The first oil well was drilled in 1900, but it wasn't until 1928 that oil was found. This transformed Avenal into a boom town. By 1936 the population was 3,000, most of them being oil workers. In 1940 the town had grown to over 4,000. In 1937 a township was established. A Constable and Justice of the Peace were appointed. Aiding them were a Deputy Sheriff, deputy, county assessor and deputy county treasurer. The community continued to use Kings County Sheriff's Department to enforce the law.

The city actively solicited the State of California asking for the new state prison to be located in Avenal. It was necessary for the city to become incorporated in order to have the prison located there. The citizens voted in 1978 to incorporate and this was accomplished in September 1979. The prison was opened in 1987, and contributes to the

local economy by providing many jobs to residents. Other residents work in agriculture or other local businesses.

In 2010 the Avenal City Council hired a Chief of Police. The new Chief of Police will be responsible for establishing a police force which will be ready to assume their duties on January 1, 2011. After the initial start up costs for staff, facilities, etc., the City's budget for law enforcement will remain about the same as it is now. The city will have a constant police presence. There will be a total of 16 officers, four of whom will be sergeants. Kings County Sheriff's deputies will continue to patrol in Avenal until December 31, 2010.

A privately-owned airport was seen on the edge of town where gliders were parked. The Avenal Glider port is home to the Central California Soaring Club. It is one of only a few in the entire United States that owns and operates its own airport. A soaring contest is held there every spring.

The Grand Jury was informed there is also a sand drag racetrack within the city limits. The sand drags have become an increasingly popular annual event, and draws thousands of visitors to Avenal.

#### **FINDINGS AND RECOMMENDATIONS**

None

#### **RESPONSE REQUIRED**

None

# AVENAL HIGH SCHOOL

## SYNOPSIS

The Grand Jury, noting that Avenal High School had not been visited by the Grand Jury since 2004, decided to visit the facility.

## WHY THE GRAND JURY INVESTIGATED

Public interest.

## AUTHORITY

California Penal Code Section 933.5. The Grand Jury may at any time examine the books and records of any special-purpose assessing or taxing district in the county.

## METHOD OF INVESTIGATION

The Grand Jury toured the science, art, metal and wood shops and physical fitness facilities as well as the library and cafeteria. The Grand Jury spoke with the Avenal School District Superintendent, the Avenal High School Principal and other school personnel.

## BACKGROUND AND FACTS

The Avenal High School is housed in one of Kings County's oldest school facilities. It was built in 1937. Enrollment is 620 students. Avenal High School serves the Reef Sunset School District. Many of the classrooms and storage areas lacked daily maintenance. The library is no longer in use. The librarian's position has been cut due to financial cutbacks. The Principal explained that the union contract with the classified employees prohibits volunteer programs to be implemented in the place of a paid position.

There are 120 students in the 2010 graduating class. Twenty-five students have been accepted into the University of California system and forty others have plans to continue their studies at West Hills College. These numbers are a reason to hold Avenal High School's college preparation program in the highest regard.

## FINDINGS AND RECOMMENDATIONS

**Finding 1** Many of the classrooms and storage areas lacked daily maintenance.  
**Recommendation 1**

School administration should discuss with all personnel better ways of maintaining the teaching facilities and storage areas, in a more organized fashion.

**Finding 2** The library is no longer in use because the librarian's position has been eliminated due to financial cutbacks.

**Recommendation 2** A resolution with the union should be made to enable volunteers to be used in the library. This could be resolved by contract negotiations between the District and the union.

**Finding 3** Out of the 120 students in the graduating class, 25 of these students have been accepted into the University of California system and 40 others have plans to continue their studies at West Hills College.

**Recommendation 3** None

## COMMENTS

The Grand Jury commends the local agricultural community for the contributions made to the Avenal High School scholarship program. The Grand Jury understands the current financial situation but feels that the school library has to be utilized to benefit the students. The Grand Jury also feels that the teachers working with the students can improve the classroom organization and appearance to better serve the students and their opportunity to learn.

## **THE BASTILLE BUILDING (Former Kings County Jail)**

### **SYNOPSIS**

After touring the City Parks and interviewing Parks Superintendent, the Grand Jury invited the Hanford Recreation Director and the City Council members to discuss the possibility of refurbishing the Bastille building. Several churches have expressed interest in working with the City of Hanford to turn the Bastille into a "Teen Center".

### **WHY THE GRAND JURY INVESTIGATED**

During an interview with the Director of Parks and Recreation and with the Hanford City Council members, it was mentioned that the City of Hanford has been approached by church groups expressing interest in working with the City to develop the Bastille as a teen center.

### **AUTHORITY**

California Penal Code 925a. The Grand Jury may at any time investigate and report on the operations of any incorporated city in the county.

### **METHOD OF INVESTIGATION**

The Grand Jury toured the Bastille building to look into the feasibility of using the Bastille as a teen center.

### **BACKGROUND AND FACTS**

The Bastille is a county-owned building leased by the City of Hanford. This building was originally constructed in 1897 and served as the Kings County jail and sheriff's office until 1964. At that time the ceiling caved in, and the building was condemned. A new and much larger sheriff's office and jail were constructed about one mile to the west on Lacey Boulevard, and the original jail was closed.

Over the years the building has been used as an art gallery, several restaurants, and nightclubs. It is interesting to note that there have been reports from the cooks in the kitchen of some unseen presence trying to frighten them. Pots and pans would be moved and the cooks felt like someone was always watching them. There have been other reports of a heavy presence in the old solitary confinement chambers, and there are

rumors that after a new stairway was built that the “presence” appeared to become old and frail.

## **FINDINGS AND RECOMMENDATIONS**

**Finding 1** There are numerous clubs and restaurants selling alcoholic beverages in close proximity to the Bastille.

**Recommendation 1** There have been numerous unlawful incidents at this location making its use as a teen center undesirable.

**Finding 2** The Bastille building is currently vacant and was left in a state of disrepair by the former tenants.

**Recommendation 2** The building should be leased to a non-profit organization at a minimal cost and would be preserved and maintained as a historical site.

## **COMMENTS**

The interviews disclosed the interest of several churches working with the City to turn this building into a teen center. However, with the findings and comments expressed above, the Grand Jury believes it would not be appropriate for said use. The Grand Jury would prefer this building be repaired and maintained as a historical site and added to the tours for visitors to Hanford.

It is the Grand Jury’s opinion that the City of Hanford should work with some non profit organization to restore The Bastille and lease it to said group for a minimal fee. This would keep the building in good repair and a valued asset to Hanford and Kings County.

## **BOOT CAMP**

### **SYNOPSIS**

On October 06, 2009, the Grand Jury visited the Kings County Boot Camp.

### **WHY THE GRAND JURY INVESTIGATED**

The Grand Jury is required to visit/tour jails and prisons in the county.

### **AUTHORITY**

California Penal Code Section 919(b)

### **METHOD OF INVESTIGATION**

An interview was conducted with a representative of the Probation Department, and an onsite visit was made.

### **BACKGROUND AND FACTS**

Educational programs are provided to all 30 juvenile inmates, ages 14 to 18. The educational programs meet state standards, and all teachers are credentialed. Some students were working on the program, "Character Counts," which emphasizes good citizenship skills. Students are encouraged to apply to local colleges for scholarships.

The Grand Jury toured several areas of the Boot Camp, including dormitory, laundry facility, command center, family visiting center, nursing station, the athletic center, and the multi-purpose room. The juveniles are actively doing volunteer community work such as repairing the Christmas lights which are used in downtown Hanford during the holidays. They also provide graffiti cleanup under supervision.

They have an excellent physical fitness program. Equipment was donated to this program by a local fitness center. To add to their fitness program, the cadets constructed an obstacle course in the yard of the Boot Camp for their use. The cadets are trained to officiate for various Hanford sports programs.

**RECOMMENDATION:** None

### **COMMENTS**

All areas were clean and well maintained.

### **RESPONSE REQUIREMENT**

None

**CALIFORNIA STATE PRISON  
PRISON-CORCORAN  
CSP-CORCORAN**

**SYNOPSIS**

On March 30, 2010, the Grand Jury met with the Acting Warden and the Public Information Officer of CSP-Corcoran, followed by a tour of the prison facilities.

**WHY THE GRAND JURY INVESTIGATED**

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

**AUTHORITY**

California Penal Code Section 919(b). The Grand Jury shall inquire into the condition and management of public jails and prisons within the county.

**METHOD OF INVESTIGATION**

Members of the Grand Jury toured California State Prison-Corcoran on March 30, 2010. The Grand Jury members were escorted by the Acting Warden and the Public Information Officer.

**BACKGROUND AND FACTS**

CSP-Corcoran opened in 1988 as a maximum security prison. CSP-Corcoran was built on what was once part of Tulare Lake, home of the Tachi Indians. The population as of March 30, 2010, was 5,600 inmates with over 1,400 inmates in the Security Housing Unit (SHU). CSP-Corcoran is a complex, multi-mission institution comprised of the following facilities: Level I, Level III, and Level IV housing areas, Administrative Segregation Unit, Security Housing Unit, Protective Housing Unit, Prison Industry Authority, and a fully licensed Acute Care Hospital.

The California State Prison (CSP)-Corcoran is providing medical, mental health, education, vocational, and self-help programs for all inmates confined to CSP-Corcoran. CSP-Corcoran is providing its employees with the proper training, **tools**, and safe working environment, and encourages ideas and collaboration between all departments.



The Grand Jury observed that the pavement inside the prison grounds is deteriorated and it is difficult to drive on, which may cause injury to pedestrians and damage to vehicles.

## **FINDING AND RECOMMENDATION**

### **Finding 1**

The Grand Jury observed that the pavement inside the prison grounds is deteriorated and it is difficult to drive on, which may cause injury to pedestrians and damage to vehicles.

### **Recommendation 1**

The pavement should be repaired as soon as funds become available. The Grand Jury is aware that officials have requested the necessary funds.

## **COMMENTS**

The Grand Jury feels it would have been helpful to have an orientation meeting prior to the tour of the facilities.

## **RESPONSE REQUIREMENT**

Penal Code Section 933(c) requires that specific responses to both the findings and recommendations contained in this report be submitted to the Presiding Judge of the Superior Court of Kings County by the Acting Warden within 90 days from the time of receipt of this report.

# **CORCORAN DISTRICT HOSPITAL**

## **SYNOPSIS**

On August 10, 2009, the Grand Jury went to the Corcoran District Hospital to obtain documents related to written complaints received concerning the Ralph M. Brown Act violations.

## **WHY THE GRAND JURY INVESTIGATED**

The Grand Jury received two complaints against Corcoran District Hospital concerning violations of the Brown Act regarding the public notice of scheduled board meetings and terminology used in agendas.

## **AUTHORITY**

California Penal Code Section 933.5: A Grand Jury may at any time examine the books and records of any special purpose assessing or taxing district in the county.

## **METHOD OF INVESTIGATION**

The Grand Jury examined Corcoran District Hospital board agendas and minutes from January 2009 to the present.

## **BACKGROUND OF FACTS**

The Corcoran District Hospital has been in existence since 1949. It serves the city of Corcoran as well as Corcoran State Prison and the California Substance Abuse Treatment Facility when necessary. The Board of Directors meets on a regular basis.

## **FINDINGS AND RECOMMENDATIONS**

Based on the data obtained, it was decided by the Grand Jury that the complaints were unfounded.

## **RESPONSE REQUIREMENT**

None

## **CORCORAN UNIFIED HIGH SCHOOL**

### **SYNOPSIS**

Because Corcoran High School has not been visited in a number of years the Grand Jury decided to tour the facility.

### **WHY THE GRAND JURY INVESTIGATED**

Public interest

### **AUTHORITY**

California Penal Code Section 933.5 The Grand Jury may at any time examine the books and records of any special purpose assessing or taxing district in the county.

### **METHOD OF INVESTIGATION**

The Grand Jury, guided by the principal, toured the Corcoran High School Campus and the newly built Technology Learning Center Facility. The Grand Jury visited various classrooms, spoke with teachers and students.

### **BACK GROUND AND FACTS**

The Corcoran High School is over 100 years old, making it one of the oldest high schools in the San Joaquin Valley. The school was refurbished in 1939 and the state-of-the art Technology Learning Center was added in 2009. The learning center is available to high school students, school staff and members of the community for classes, meetings, providing access to college course work and job training opportunities for the community.

Corcoran High School recognizes that not all students will attend college, therefore, the school offers many vocational classes to prepare its students for job opportunities after they graduate. The city of Corcoran, local businesses and the agricultural community also support the high school with financial assistance through the Communities and Schools Together Organization.

The school has an extensive community support system such as the Booster Club, advisory committees and parental involvement.

### **FINDINGS AND RECOMMENDATIONS**

None

## COMMENTS

The Grand Jury was impressed with the cutting edge Technology Learning Center Facility and the partnership that the high school has with the local and agricultural communities.

Corcoran High School has zero tolerance for cell phones on its campus and a dress code is enforced.

## RESPONSE REOUIREMENT

None

## **CORONER'S DEPARTMENT/MORGUE**

### **SYNOPSIS**

The purpose of this report is to provide a general overview of the Kings County Coroner's Department/Morgue.

### **WHY THE GRAND JURY INVESTIGATED**

Public interest. The Coroner's Department/Morgue has not been investigated for several years.

### **AUTHORITY**

California Penal Code 925. The Grand Jury may at anytime investigate any County agency.

### **METHOD OF INVESTIGATION**

The Grand Jury interviewed the Chief Deputy Coroner, followed by a visit to the County Morgue.

### **BACKGROUND AND FACTS**

The Sheriff is the Kings County Coroner, but there is a Sergeant who is the Chief Deputy Coroner. The current Chief Deputy Coroner has thirty years with the Sheriff's department and the last five years as the Chief Deputy Coroner. The Kings Building, where the morgue is currently located, is in the process of being demolished. It is unknown where the Morgue will be relocated.

The Coroner is required by law to investigate all unexplained deaths in an attempt to determine the cause and manner of those deaths. Not all deaths require an autopsy, but certain circumstances do require an autopsy be conducted. The basic reason is to determine the medical cause of death. Another reason is to gather evidence for presentation in a court of law.

The Chief Deputy coroner provided the Grand Jury the following information:

- The current morgue has a capacity for 9 bodies
- Autopsies can take from one and one-half hours up to twelve hours
- Examinations of the bodies are conducted by an outside Pathologist at a cost of \$50 for a telephone consultation to \$1500 for a full autopsy, depending on the complexity of the case

- Approximately 425 bodies are brought to the morgue each year
- Three to four autopsies are performed each week
- Toxicology reports are generated by an outside firm
- The Coroner utilizes an outside firm for body removal

## **FINDINGS AND RECOMMENDATIONS**

**Finding 1** It is unknown where the Morgue will be relocated when the Kings Building is demolished.

**Recommendation 1A** relocation site for the Morgue should be determined.

## **COMMENTS**

The Coroner's working area is exceptionally clean and well maintained.

## **RESPONSE REQUIREMENT**

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

Kings County Coroner's Department (90 days from the time of receipt of this report)

## **FIRST FIVE**

### **SYNOPSIS**

The First 5 Kings County Children and Families Commission has set forth a number of local objectives to best address the needs of children and families in Kings County. The Grand Jury conducted an investigation to ascertain if these objectives have been met.

### **WHY THE GRAND JURY INVESTIGATED**

Previous Grand Jury reports indicated that Kings County First 5 needed to be monitored on an on-going basis. The reports investigated how funds appropriated from the state and through grant writing were to be administered and allocated to benefit the needs of all Kings County children 0 to 5.

### **AUTHORITY**

California Penal Code Section 925. The Grand Jury shall investigate and report on the operations, accounts and records of the officers, departments or functions of the county.

### **METHOD OF INVESTIGATION**

The Grand Jury interviewed employees of First 5, and also employees and former employees of the First 5 funded Family Resource Centers. The Grand Jury reviewed the First 5 budgets, internet web site, audits and the evaluations mandated by Proposition 10. The Grand Jury visited the First 5 office, Family Resource Centers, and attended some First 5 Commission meetings.

### **BACKGROUND AND FACTS**

First 5 Kings County was established as a result of Proposition 10 which was passed by California voters in November 1998. It imposed a fifty-cent-per-pack state sales tax on cigarettes as well as a tax on all other tobacco products. The intent of the legislation was to fund a comprehensive, integrated system of early childhood (0 to 5 years 11 months) development services for California children to enter school healthy and ready to learn. Kings County currently receives approximately \$2,500,000 of declining revenues annually to accomplish this goal.

Proposition 10 requires that every county First 5 provide an outside audit and performance evaluation. Allocations to each county are based on the number of births per year. According to First 5 documents, the Kings County birth rate has increased since 2000 and in 2009 is estimated to be 2,520 and expected in 2010 to rise to 2,580. Based on First 5 statistics, the approximate number of children 0 to 5 in Kings County is 14,000. Only 3,572 of these children (25%) were served by First 5 in 2009. Of these 3,572 children, 1,189 were involved in a one-time-a-year Back Pack Program which distributes a backpack to each new kindergartner regardless of economic need.

Kings County Ordinance 609, established the parameters for First 5, where the Executive Director of First 5 is hired and given performance evaluations by the Kings County Board of Supervisors who also appoint the Board of Commissioners to direct and manage First 5. The current Commission members are department heads of the following County agencies: Human Services, Health Department, Mental Health Services, Kings County Superintendent of Schools and the County Administrative Officer. The Children's Services Deputy Director, and a member of the Board of Supervisors are mandated Commissioners by the County Board of Supervisors. Two additional members may be appointed by the Board of Supervisors from members of agencies or groups concerned with local children's affairs.

The Kings County First 5 organization sponsored a total of eight Family Resource Centers in the fiscal year 2008-2009, but this is being reduced to five in the current budget year. Currently, Kings County First 5 is funding only the Corcoran, Avenal, Lemoore, Kettleman City and Hanford Family Resource Centers while eliminating the funding for the Armona, Home Garden Resource Center and the Hanford Family Connection.

The recommended and requested Kings County budget for 2009-2010 shows an increase in fixed assets, professional services, regular employees, salaries and benefits. County salaries for First 5 employees are funded by First 5. Four additional employees were hired in 2009, increasing the total of First 5 County employees to 13. These new County employees were former First 5 private contracted vendors. Now they are eligible for County employee salaries and all the additional benefits provided to Kings County employees. According to 2009-2010 budget recommendations, the salary and benefits for these 13 First 5 County employees is estimated to be \$833,997 (Exhibit A).

## **FINDINGS AND RECOMMENDATIONS**

**Finding 1** First 5 funding for the Stratford Family Resource Center was terminated in 2006. Resource centers in Armona, Home Gardens, and a Hanford Family Connection Center were closed in 2009.

### **Recommendation 1**

A stronger effort should be made to reach more than 25% of eligible children, especially in those areas of the county where resource centers have been closed.

**Finding 2** Funds from tobacco taxes are declining each year and are projected to diminish further in the future.

### **Recommendation 2**

First 5 should be judicious in conserving available funds for services and programs.

**Finding 3** Four additional County employees were hired by First 5 in 2009.



**Recommendation 3** Future hiring of First 5 County employees should be closely scrutinized by the First 5 Commission and Director. The Grand Jury believes that the possibility of part time or voluntary parental help should be investigated.

**Finding 4** In 2008-2009, First 5 budgeted and spent \$75,000 to purchase three new vehicles.

**Recommendation 4** More consideration should be made before making large purchases, especially when Resource Centers and programs for children 0 to 5 are being reduced.

**Finding 5** Proposition 10 requires that a yearly audit/evaluation be conducted on all First 5 agencies. Kings County First 5 hires an outside firm to perform the audit/evaluation.

**Recommendation 5** The Grand Jury believes that such an evaluation could be less costly. When compared with other similar counties, Kings County First 5 spends considerably more for these state-required evaluations/audits, based on the Kings County First 5 Annual Report. The Grand Jury recommends that the Kings County First 5 solicit bids from other auditing firms to compare costs. There appears to be an opportunity for significant financial savings to Kings County First 5.

## COMMENTS

Based on the current financial condition in California, the Grand Jury concludes that the First 5 Commission and Director must stay focused on serving the children 0 to 5 in Kings County.

The Grand Jury is of the opinion that the First 5 Commission and Director must be judicious in their discretionary spending, be it fixed salaries, outside evaluations or capital expenditures.

Although the First 5 revenues are declining, a projected \$2,500,000 funding is a great opportunity to benefit the needs of all children 0 to 5 in Kings County. Previous Grand Juries have recommended that First 5 be investigated on an on-going basis. The current Grand Jury concurs.

## RESPONSE REQUIREMENT

Pursuant to California Penal Code 933 and 933.05 the following agency and its Director are required to respond to the findings and recommendations contained in this report

Kings County Board of Supervisors, response time 90 days

First 5 Commissioners, response time 90 days

First 5 Director, response time 90 days

## **HANFORD CEMETERY DISTRICT**

### **SYNOPSIS**

The Hanford Cemetery District consists of four cemeteries: Hanford, Calvary, Lakeside, and Kings River. The Grand Jury visited each of the four cemeteries. Hanford Cemetery is made up of two locations across the street from one another on 10<sup>th</sup> Avenue, just south of Highway 198. The District Office is located on the grounds of Hanford Cemetery next to the military tank. Calvary Cemetery is located southwest of the district office, Lakeside Cemetery is on Kent Avenue south of Hanford, and Kings River is located on Dover Avenue north of the city of Hanford.

### **WHY THE GRAND JURY INVESTIGATED**

Public interest.

### **AUTHORITY**

California Penal Code 925a.

### **METHOD OF INVESTIGATION**

The Grand Jury interviewed the District Manager and the Administrative Assistant, followed by a visit to each cemetery site. Cemetery staff provided documents which were reviewed by the Grand Jury.

### **BACKGROUND AND FACTS**

The Hanford Cemetery District was created in 1882. It consists of four cemeteries: Hanford Cemetery consists of 17 acres, Calvary has 18 acres, of which 13.2 acres are to be developed; Kings River is expanding an additional 1.5 acres, and Lakeside Cemetery, originally a family plot, is a very small area. Each of the cemeteries has one gate left open at all times to accommodate the public.

Hanford Cemetery and Calvary Cemetery have special areas called "Babyland" for the burial of infants and small children. The District is non-denominational.

Calvary Cemetery has been vandalized several times, which led to the installation of security cameras on the property. Lighting has also been added around the District Office. Deputies from the Kings County Sheriff's office patrol the cemeteries in the evening hours. The Cemetery District needs a new and larger maintenance/storage facility. The building currently being used is old and deteriorating. The building is neat

and well organized. New sprinkler systems are being installed at each district cemetery and existing systems are being upgraded.

The District employs nine people, and also utilizes youth from the Job Training Office during the summer months. The jury was told there is a low turnover rate among the employees.

The District consists of a five-member Board of Trustees appointed by the Kings County Board of Supervisors. Each appointee must be a registered voter and reside within the cemetery district. Members serve a four-year term, and normally meet monthly. At this time the members receive an allotment of \$50 per meeting for serving on the board; however, after the new draft Policies of July 2009 are finalized, the rate will be increased to \$100 per meeting, not to exceed four meetings per month.

## **FINDINGS AND RECOMMENDATIONS**

**Finding 1** The compensation for members of the Board of Trustees will be increased to \$100 per meeting.

**Recommendation 1** None

**Finding 2** A new maintenance/storage facility needs to be constructed at the Hanford Cemetery.

**Recommendation 2** A new maintenance/storage facility needs to be constructed when funding is available.

**Finding 3** New and upgraded sprinkler systems are being installed at each location which will result in water conservation.

**Recommendation 3** None

## **COMMENTS**

The cemeteries in Hanford Cemetery District are well maintained and operated by a dedicated staff.

## **RESPONSE REQUIREMENT**

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

Hanford Cemetery District Board of Trustees (90 days from date of receipt)

# HANFORD CITY PARKS

## SYNOPSIS

The City of Hanford has drafted a 10-year plan for the city's park system. The Grand Jury decided to visit some of the city's parks to gather information on the condition and use of the facilities, and maintenance of the grounds at those parks. Hidden Valley Park was of particular interest because of the major residential growth in the northwest area of the city of Hanford.

## WHY THE GRAND JURY INVESTIGATED

Due to the growth of the Hanford city boundaries, population in North Hanford has increased in size, but the expansion of Hidden Valley Park has not taken place. Public interest in city parks, particularly Hidden Valley Park, has been sparked due to recent news articles which mention the possible sale of the undeveloped portion of the park.

## AUTHORITY

California Penal Code Section 925a. The Grand Jury may at any time investigate and report on the operations, accounts, and records of any city agency.

## METHOD OF INVESTIGATION

After interviewing the Park Superintendent and Recreation Supervisor, the Grand Jury conducted on-site inspections of parks in Hanford.

## BACKGROUND AND FACTS

Public Works Parks Division is overseen by a Parks Superintendent and two full time lead workers. There are fifteen full-time and two part-time maintenance staff members. The employees maintain 210 acres (172.5 park acres plus medians) throughout the city. There are workers in each park every day.

### **Hidden Valley Park**

the city. It attracts many visitors, and is in constant use. However, the entire park needs some improvements. The park is not handicapped-friendly. There is a need for additional parking spaces to provide off-street parking in this residential area. Some of

the fixtures are in need of repair; there is a broken water faucet in the men's restroom, a broken drinking fountain, and graffiti on the ceiling of the covered picnic shelter. There are no bicycle racks, and only two sheltered picnic areas. There is a need for additional benches throughout the park.

Another attraction is the fishing pond which is restocked yearly. Fishing is a favorite year-round activity for both young and old. The city provides dog-waste stations, the restrooms are stocked with paper products, and the park grounds appear to be in good condition. The gazebo is used regularly for weddings and This is a 36-acre parcel, only half of which has been developed as a park.

Mussel Slough runs through the east one-third of this park, separating it from the picnic area. While the City of Hanford currently has no specific plans to develop the rest of the acreage, the Grand Jury believes that the area should be utilized for additional park activities: walking trails, basketball courts, t-ball, small soccer field, an additional restroom, and additional parking for those using the park.

Hidden Valley Park is the only large, open-space facility on the northwest side of general play, and is a nice feature on the park grounds.

### **Centennial Park**

Centennial Park is a community park. The park at 14.4 acres is the largest developed park facility south of Highway 198. The only access to this Community Park is Hanford-Armona Road on the north perimeter of the park. The parking lot is located on the north central side, where it was noted that maintenance trucks were driving over the curb to access the park. There is a need for more parking and bike racks.

Walking trails to amenities are near the parking lot. Some are concrete and others are decomposed granite. Some of the concrete is uneven and is a safety hazard. The site includes two sets of picnic shelters with barbeques which need repair or replacement. There should be at least one more picnic shelter added. Additional picnic tables are placed through out the park, some of which are not leveled. It was noted that restrooms were not maintained up to standard.

The latest style up-to-date water feature has been installed. There are two playgrounds both of which have soft rubber-based material or sand, and one which was fenced for small and/or handicapped children. However, neither of the playgrounds is equipped with handicapped swings. The park has excellent walking trails, but it was noted depressions which need to be filled exist at the base of the light poles.

## **Coe Park**

Coe Park is a neighborhood park which consists of 4.1 acres. The park is located between Douty and Harris Streets south of Highway 198. There is adequate parking.

The west side of the park has one picnic shelter and there are benches under two canvas-covered shade structures. There is a water feature near the play area. There are two playgrounds with swings for the handicapped. There are permanently installed digging shovels used by children. The shovels have damaged the soft rubber-based padding underneath.

Handicap playground equipment is placed over a soft rubber-based surface, making it safer for children to play on. There was a raised concrete structure with a miniature roadway laid out similar to train track layouts where a child could run toy cars. We saw nothing like it in any other playground. There are two basketball courts. A pre-school building adjoined the park. A water feature with a recirculating, filtering pump was available for the warm months, creating a shower effect in a former wading pool.

The women's restroom was functional with no graffiti. The men's restroom had graffiti inside and out, and an employee was removing it. The employee said this is only the first or second time this was necessary. The building is coated with anti-graffiti paint to make it easier to remove.

## **Lacey Park**

Lacey Park is 2.7 acres, one city block, bordered by Florinda, Douty, Harris and Elm Streets. It is a popular and frequently used park in a central location, with adequate street parking on all four sides. It includes a wide variety of facilities, including a picnic shelter, restrooms, a water feature, two playgrounds for different ages, an open grass area with a backstop, and three basketball courts with lights.

The restrooms were clean, although the dryer in the men's restroom was broken, and there was no toilet paper available. Some of the padding around the playground area was damaged and in need of repair or replacing. A handicap swing was missing, and one of the toy cars was missing a steering wheel. The sprinkler system is out of adjustment, causing playground equipment to be very wet. The surface of the water feature has been damaged by skateboarders, according to park officials. It is anticipated that the surface area and water feature will be repaired and available for use by next summer.

There is one large covered picnic area with a large barbeque, and numerous mature trees provide natural shade. The basketball courts are frequently used and remain lighted until 10:00 P.M.

## **Earl F. Johnson Park**

Earl F. Johnson Park is a neighborhood park on 4.2 acres of land. The park is located across the street from Hanford High School and consists primarily of a large grassy area. The fixtures include a large gazebo at the northeast corner, a small playground area at the southwest corner, and a city water tower at the southeast corner of the park. The gazebo area is used primarily as a gathering spot by Hanford High School students. There are no picnic areas, benches, or restroom facilities. A local fraternal organization donated the only barbeque, but it has been bricked over and is no longer used. The grass area is patchy and uneven, although it is kept mowed by the city workers.

## **Freedom Park**

Freedom Park is a beautiful, far above-average community park. As Hanford's newest park, it comprises 16.7 acres of land on the east side of the city. It contains state of the art, innovative, handicap-friendly, playground equipment. There is a large, paved parking area. The park has two dog runs, one for large and one for small dogs. The concrete walking path goes all around the perimeter of the park, with a large grassy area in the center. A small amphitheater is available that can accommodate plays, puppet shows, or other performances. There is a water feature/splash pad, a disc golf course, three large sheltered picnic areas, and many benches throughout the park. Restroom facilities are clean and well-maintained, and the entire park is well-lighted.

## **FINDINGS AND RECOMMENDATIONS**

### **Hidden Valley Park**

**Finding 1** The undeveloped west half of Hidden Valley Park is not being utilized.

**Recommendation 1** Due to the population growth of the northwest area of Hanford, it is recommended that, as originally planned, the undeveloped west half of Hidden Valley Park should be completed as a park for the community.

**Finding 2** There are only two shaded pavilions with barbeques.

**Recommendation 2** Due to the large amount of available developed and undeveloped space within the park, it is recommended that several more picnic pavilions be added.

**Finding 3** There is inadequate parking available for public use.



**Recommendation 3** Additional parking spaces should be developed for present use and future park expansion.

**Finding 4** There is only one restroom facility within the park.

**Recommendation 4** Additional restroom facilities should be built for present use and future park expansion.

### **Centennial Park**

**Finding 1** Maintenance vehicles must drive over a curb to access the park grounds.

**Recommendation 1** A driveway should be cut into the curb to allow access for maintenance vehicles.

**Finding 2** Barbeques in picnic areas are rusted out and need to be replaced.

**Recommendation 2** Replace or repair rusted barbeques.

**Finding 3** Some areas of the concrete walkway are uneven and can be hazardous.

**Recommendation 3** Repair the uneven walkway surfaces.

**Finding 4** The depressions at the base of the light poles are a safety hazard.

**Recommendation 4** The depressions at the base of the light poles should be filled.

**Finding 5** It was noted that there were no swings available in the play area for handicapped use.

**Recommendation 5** Add at least two swings for handicapped individuals.

### **Coe Park**

**Finding 1** The shovels in the playground area have damaged the soft rubber-based surface.

**Recommendation 1** The shovels need to be repositioned.

### **Lacey Park**

**Finding 1** The dryer in the men's restroom was non-operational.

**Recommendation 1** Repair or replace the dryer.

**Finding 2** There was no toilet paper in the men's restroom.

**Recommendation 2** Toilet paper containers should be checked frequently and refilled when necessary.

**Finding 3** The padding was damaged under the playground equipment.

**Recommendation 3** Repair or replace the padding.

**Finding 4** A handicapped swing was missing.

**Recommendation 4** Replace the swing.

**Finding 5** The steering wheel of one of the toy cars was missing.

**Recommendation 5** Replace the steering wheel.

**Finding 6** The playground equipment was wet because the sprinklers were not properly adjusted.

**Recommendation 6** Adjust the sprinklers.

**Finding 7** The surface of the water feature has been damaged.

**Recommendation 7** Repair the surface of the water feature.

**Earl F. Johnson Park**

**Findings and Recommendations: None**

**Freedom Park**

**Findings and Recommendations: None**

**COMMENTS**

These were the conditions at the time the Grand Jury toured the parks.

**RESPONSE REQUIREMENT**

Penal Code Sections 330 and 330.05 require that a specific response to the findings and recommendations contained in this report be submitted to the Presiding Judge within 90 days of receipt of this report.

## HANFORD POLICE DEPARTMENT

### SYNOPSIS

This report contains an explanation of how the Hanford Police Department responds to 911 calls.

### WHY THE GRAND JURY INVESTIGATED

A Letter to the Editor, published in the Hanford Sentinel on November 27, 2009, complained about the slow response by the Hanford Police Department to a 911 call.

### AUTHORITY

California Penal Code 925. The Grand Jury may at anytime investigate any city agency.

### METHOD OF INVESTIGATION

The Grand Jury interviewed the Hanford Chief of Police and a Captain who is in charge of operations. A printed complaint form, readily available to the public, and Procedure Policy were also reviewed by the Grand Jury. The Hanford Police Department representatives also brought in a tape of the actual 911 call in question, and it was played for the Grand Jury.

### BACK GROUND AND FACTS

The Hanford Police representatives explained the actual staffing and deployment of the City Police at the particular time of this citizen's telephone call. They also explained that the dispatchers answer approximately 50,000 emergency 911 calls per year. Ninety-eight percent of the telephone calls are answered within 10 seconds. The normal length of time for an officer to arrive at the scene of an emergency is approximately 6 to 8 minutes depending on the priority. Response time is based on the gravity of each situation as explained below.

The Hanford Police Department uses the following Priority List for 911 calls:

- Priority 1     In progress
- Priority 2     It just occurred
- Priority 3     It happened a while ago

## **FINDING AND RECOMMENDATION**

Finding 1 Based on the interviews, the Grand Jury understands why this 911 call was delayed. This 911 call was classified as a Priority 3 because “it happened a while ago” and officers were responding to higher priority calls.

**Recommendation 1** None

## **COMMENTS**

The Grand Jury understands the frustration of the citizen’s complaint. The Grand Jury would like to point out that the Chief of Police was also duly concerned and will take action to resolve this frustration. The Chief of Police states he would be instituting a policy where he would have his dispatcher call a citizen back and explain why there may be a possible delay. The Grand Jury agrees with this proactive proposal and hopes this policy is adopted as soon as possible. Complaints are not taken lightly and, as stated in the Hanford Police Department’s complaint form, “You will be notified by the Chief of Police of the disposition of our investigation.”

## **RESPONSE REQUIREMENT**

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

City of Hanford Police Department (90 days from receipt of this report).

## HOME GARDEN COMMUNITY SERVICES DISTRICT

### SYNOPSIS

The Home Garden Community Services District (HGCSD) has been working to improve the operation of the District. There are still some areas of improvement needed. These concern the office of Treasurer, the position of Water Master, and recovery of a payment incorrectly made.

### WHY THE GRAND JURY INVESTIGATED

This report is a follow-up of the investigation of the HGCSD by the 2007-2008 Grand Jury.

### AUTHORITY

California Penal Code Section 933.5. The Grand Jury may at any time examine the books and records of any special purpose assessing or taxing district in the County.

### METHOD OF INVESTIGATION

Interviews were conducted, documents were reviewed, meetings were attended, and on-site visits were made.

### BACKGROUND AND FACTS

The District was formed in 1959. The District operates with five elected Board Members. Board members are required to be residents of the District. Staff consists of District Manager, Office Manager, part time office help, and two utility workers, one of whom the District calls Water Master. In addition, the District has hired a new law firm.

Currently the District does not hold licenses to operate the distribution of water, or for the water treatment facilities. At this time they are using the licenses of an outside source. This will be discontinued when Phase II of the water treatment facility is completed.

The Board of Directors voted three to two declining payment of \$25,000 to their former attorney, who initiated, but did not complete, writing a grant to pay for Phase II of the

water treatment facility. However, two members of the Board signed a voucher to authorize the payment be made. In addition to the payment not being approved by the Board, the check was drawn on the wrong account. To date the Board has been unable to recover the payment which was made without Board authorization.

Under the provisions of Government Code sections 61050, 61052 and 61053, the Board is required to designate a treasurer if the county treasurer does not act as the District's treasurer. At present the District does not have an in-house person designated as treasurer. The Board is under the assumption that their accounting firm is performing this function; however, the accounting firm denies that they are the District's Treasurer.

There appears to be a lack of control of who handles money coming in to the District Office, and who makes deposits to bank accounts. It was found that at least three to four employees are handling District daily receipts.

## **FINDINGS AND RECOMMENDATIONS**

**Finding 1** The District does not have a licensed Water Treatment Plant Operator (Water Master), though one utility employee and an assistant perform that work.

**Recommendation 1** The District should comply with State requirements and employ a licensed Water Treatment Plant Operator when Phase II of the water treatment facility is complete. The District should also obtain a license to operate the distribution of water.

**Finding 2** An unauthorized payment of \$25,000, signed by two members of the Board of Directors, was paid to the former attorney.

**Recommendation 2** The Board of Directors should continue to pursue the recovery of the \$25,000 from either the former attorney or the two board members who signed the voucher without authority to do so.

**Finding 3** The District does not have a designated treasurer.

**Recommendation 3** Because of a past history of alleged mishandling of funds, the Board of Directors should consider using the Kings County Treasurer. If the District does not use the Kings County Treasurer, the Board of Directors should designate an in-house treasurer in compliance with Government Code section 61053.

**Finding 4** Several employees currently handle money coming in to the District Office.

**Recommendation 4** Only the District Manager and/or the Office Manager should be collecting, posting, and depositing the daily receipts.

## COMMENTS

The Grand Jury commends the Home Garden Community Services District for implementing the majority of the recommendations in the 2007-2008 Grand Jury final report. The District has established and operates with a generally accepted form of Bylaws. The Board is receiving training that will greatly improve its understanding of authority, responsibilities, and Board meeting procedures.

The Board has hired a District Manager, and has installed a fireproof-locking safe in the District Office.

## RESPONSE REQUIREMENT

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

Home Garden Community Services District Board of Directors (90 days from the time of receipt of this report).



## **INDIAN GAMING**

### **SYNOPSIS**

The Tachi Indian Palace Casino has had an effect on Kings County's roads and emergency services. Funding has been disbursed by the Indian Gaming Special Distribution Fund to alleviate the negative impact resulting from Indian Gaming (California Government Code Section 12710-12718).

### **WHY THE GRAND JURY INVESTIGATED**

Public interest

### **AUTHORITY**

California Penal Code Section 933.5. The Grand Jury may at any time examine the books and records of any special-purpose assessing or taxing district in the county.

### **METHOD OF INVESTIGATION**

The Grand Jury reviewed Kings County audit reports on funds received from the Indian Gaming Special Distribution Fund.

### **BACKGROUND AND FACTS**

In 1999 the State of California established a fund called the "Indian Gaming Special Distribution Fund" for the receipt and deposit of moneys received from the Indian tribes pursuant to the terms of Tribal-State Gaming Compacts. The funds are distributed to, and are to be used by, the county entities to alleviate the negative impacts caused by Indian Gaming casinos within those counties. Those negative impacts include increased traffic resulting in the necessity for road expansion and repairs and the need for additional fire and emergency response manpower and equipment.

## **FINDINGS**

The Indian Gaming funds received by Kings County are being used in accordance with, and as required by, the State of California.

## **RECOMMENDATIONS**

None

## **COMMENTS**

Indian Gaming Special Distribution Funds have been used to purchase a fire engine, a ladder truck, and other safety equipment for Kings County. In addition, Tachi Palace Casino has given various grants within Kings County. Every Fourth of July the casino provides a fire works show free to the public. This generous community spirit is commended.

## **RESPONSE REOUIREMENT**

None

## **JAIL**

### **SYNOPSIS**

On May 11, 2010, the Grand Jury met with a Sheriff's Deputy Sergeant for a tour of the Kings County Jail.

### **WHY THE GRAND JURY INVESTIGATED**

Public interest. The Grand Jury is required to visit jails and prisons in the county.

### **AUTHORITY**

California Penal Code Sections 919(b). The Grand Jury shall inquire into the condition and management of jails and public prisons within the county.

### **METHOD OF INVESTIGATION**

A Kings County Sheriff's Deputy Sergeant conducted a tour of the Kings County Jail with the Grand Jury. During the tour, some questions were asked that required additional information from the Public Works Department and the Health Department. The Grand Jury followed up with written information from the Health Department and had an interview with the Director of Public Works and a Building Maintenance Supervisor. The Grand Jury was also given a tour of the County backup generator systems.

### **BACKGROUND AND FACTS**

During the tour, the Grand Jury observed that contractors were replacing floor tiles. Although the County Jail was completed in 2007, the floor tiles were buckling and required that they be replaced. The Director of Public Works, after research with outside sources, indicated that this issue was not a problem with the original construction or quality of the tiles. The replacement cost of \$7,800 would have to come out of the current County budget.

There had also been issues with sporadic power outages at the County Jail over the last couple of months. The Director of Public Works explained the power outage situations, the emergency generator backup system and some of the short term remedies implemented and some of the long range investments that the County must make.

The Sheriff's Deputy Sergeant also stated that the County Jail had a maximum capacity of 361 inmates. The current population was 337 inmates. This consists of 277 men and 60 women. The County Jail has 68 full time staff members. The Jail staff also administers the Alternative Sentencing/Community Services work programs for criminal offenders.

The County Health Department provided a complete 2009 audit inspection report of compliance with the State of California requirements.

## **FINDING AND RECOMMENDATION**

### **Finding 1**

The sporadic power outage situation at the County Jail must be resolved to insure the safety and security of staff and inmates.

### **Recommendation 1**

Although the short term power problems are resolved, long range plans should be implemented to eliminate this problem.

## **COMMENTS**

The Grand Jury was impressed with the professional appearance of the County Jail and its employees. The Grand Jury appreciates the County Jail employees' service to the citizens of Kings County. The Grand Jury was also very impressed with the organization and cleanliness of the Public Works mechanical room.

## **RESPONSE REQUIREMENT**

Penal Code Section 933 (c) requires that specific response to the finding and recommendation contained in this report be submitted to the Presiding Judge of the Superior court by the Kings County Sheriff within 60 days from date of receipt of this report.

## **KINGS COMMUNITY ACTION ORGANIZATION**

### **WHY THE GRAND JURY INVESTIGATED**

This is a follow-up from the 2008 – 2009 Grand Jury report.

### **AUTHORITY**

California Penal Code Section 933.6: A Grand Jury may at any time examine the books and records of any nonprofit corporation established by or operated on behalf of a public entity.

### **METHOD OF INVESTIGATION**

Two Kings Community Action Organization (KCAO) contracts with Kings County were reviewed by the County Auditor's office at the request of the Kings County Grand Jury.

### **BACKGROUND AND FACTS**

KCAO was formed by the Kings County Board of Supervisors for the purpose of developing, administering and coordinating a community action program within the county under the provisions of the "Economic Opportunity Act of 1964." Currently KCAO and Kings County have two contracts in effect.

### **FINDINGS**

The two contracts in effect are being properly administered and undergo regular audits by the Kings County Auditor's office.

### **RECOMMENDATIONS**

None

### **RESPONSE REQUIREMENT**

None

## **THE LOAFING BARN**

### **SYNOPSIS**

A dairy barn constructed in Kings County was not the type, size, or in the location for which the building permit was issued.

### **WHY THE GRAND JURY INVESTIGATED**

While attending the Board of Supervisors meeting on September 29, 2009, the Grand Jury was disturbed by the fact that the Board did not uphold the recommendation of the Community Development Agency, Planning Commission and the County Counsel to deny a variance on the construction of a dairy barn. It was built too close to the road and was not the same type of barn as originally permitted.

### **AUTHORITY**

California Penal Code Section 925: The Grand Jury shall investigate and report on the operations, accounts and records of the officers, departments or functions of the county.

### **METHOD OF INVESTIGATION**

Members of the Community Development Agency and Planning Commission staff members were interviewed in order to get a better understanding of the facts in the case. In addition, the minutes of the Planning Commission were reviewed. All members of the Board of Supervisors were interviewed individually to determine their reasons for disagreeing with the Planning Division and the County Counsel. Visits were made to the site of the barn at different times so the Grand Jury could become acquainted with, and have a better understanding of, the problem.

### **BACKGROUND AND FACTS**

On July 30, 2002, the Dairy Element of the Kings County General Plan was adopted by the Kings County Board of Supervisors. "Section V provides that the Code Compliance division of the Kings County Planning Agency will monitor new and expanded existing dairy operations to ensure that they operate according to their approval requirements. In addition, dairies established before permits were required will be more closely monitored to ensure they do not create nuisances."

Currently there is no provision in the Dairy Element to enforce compliance with its policies. The project in question has cost the County of Kings extra manpower, paperwork and funds which cannot be recouped.

In January 2008 the Kings County Zoning Administrator approved a proposal to construct a loafing barn incidental to an existing dairy. In May 2008 the Kings County Community Development Agency and Planning Division issued a "Notice of Violation" on the site. The main violations were that the barn actually built was a free stall barn, not the loafing barn originally approved, and was constructed too close to the road.

In October 2008 the Planning Commission revoked the building permit.

In May 2009 the applicant filed an application for a variance for the barn which had already been built. The Zoning Administrator was unable to determine if any of the five required findings were made in order to approve the variance.

On August 11, 2009, the applicant filed an appeal to the Board of Supervisors to grant a variance.

On September 29, 2009, the Board of Supervisors voted to not uphold the denial of the variance. This was contrary to the Planning Commission and the County Counsel recommendations.

Visits to the site by the Grand Jury confirmed the planning staff reports. The original building permit was for a loafing barn, which is essentially just a shade structure. The actual structure is a free-stall barn where cows get food and water. In addition, the structure was built only 41 feet from the road centerline instead of the 61 feet required. This location crowds the road when equipment is used in operating the dairy and presents a hazard to traffic, particularly in foggy weather.

Testimony from the planning staff indicates that only a final inspection of a loafing barn is required by the building inspectors thus the incorrect location of the structure was only determined after it was completed. This appears to be a flaw in Dairy Element which requires no inspections. The fact that a free stall barn was built instead of the permitted loafing barn resulted in additions to the building permit to include electricity.

## **FINDINGS AND RECOMMENDATIONS**

**Finding 1** The barn was built closer to the road than was allowed in the building permit.

**Recommendation 1** The Dairy Element should be revised to include an on-site inspection at the beginning of construction.

**Finding 2** The building actually built was a free stall barn, 1400 square feet larger than the original application for a loafing barn as the building permit stated. The barn had electricity to power cooling fans, and had other amenities.

**Recommendation 2** Revise the Dairy Element to include on-site inspections during construction.

**Finding 3** The Board of Supervisors overrode the recommendations of the Planning Commission, the Community Development Agency, and advice of County Counsel on the variance and approved it, despite the fact that none of the five criteria to grant a variance was met. Reasons given for not following those recommendations were that the planning staff made several mistakes, and the barn, as built, did not appear to them to be a traffic hazard.

**Recommendation 3** None

### COMMENTS

Dairies are the largest sector of Kings County agriculture. The Dairy Element of the County General Plan was written to encourage and yet control the growth of dairies. From testimony heard by the Grand Jury, there is the impression that dairy owners feel that they are practically exempt from control. The decision of the Board of Supervisors to override the staff recommendations has set a precedent and the Grand Jury feels that it opens the door for future violations.

In the opinion of the Grand Jury, allowing the subject dairy to be built too close to the road will possibly make the county liable in case of an accident on the road.

### RESPONSE REOUIREMENT

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



## **SHERIFF'S DEPARTMENT**

### **SYNOPSIS**

In 2008 an arrest was made by a Sheriff's Sergeant and Sheriff's Deputy. This report is not about the arrest itself, but rather about how the reports on the arrest were handled within the Sheriff's Department.

### **WHY THE GRAND JURY INVESTIGATED**

On April 30, 2009, the Kings County Grand Jury received a written complaint from a former Sheriff's Department Sergeant requesting an inquiry into a matter in which he believed was inappropriate conduct on the part of the Sheriff's Department. The complaint alleged Constitutional, Federal, and State law violations, false arrests, and violations of departmental procedures within the Sheriff's Department. There was not sufficient time for the 2008-2009 Grand Jury to investigate, so it was forwarded to the present Grand Jury.

### **AUTHORITY**

California Penal Code Section 925. The Grand Jury shall investigate and report on the operations, accounts, and records of the officers, departments or functions of the county.

### **METHOD OF INVESTIGATION**

The Grand Jury interviewed the complainant and received sworn testimony from various officials of the Sheriff's Department regarding the Department's method of handling complaints. The Grand Jury also studied the Sheriff's Operation Manual, particularly the section on handling citizen and internal complaints.

### **BACKGROUND AND FACTS**

A former Sergeant with the Sheriff's Department had submitted a report to his supervisor, one of the Assistant Sheriffs. The report was addressed to the Sheriff and outlined suspected misconduct during an arrest on the part of a Sheriff's Department Sergeant and a Sheriff's Deputy. The former employee never received a response from the Sheriff regarding his report, and he had reason to believe the alleged offenses had never been investigated. Because of the severity of the allegations, and after determining that the incident had not been investigated, the former employee filed a formal written complaint with the Grand Jury requesting that the Grand Jury look into the alleged mishandling of his report originally addressed to the Sheriff. At the time of this report there is only one person who handles internal affairs.

The Citizen Complaint Reception and Investigation Procedure of the Sheriff's manual is quoted as follows:

- “1. It shall be the policy of the Department to accept all complaints of misconduct.
2. A personnel complaint is an allegation of misconduct of an employee of this department, received from any source.
3. Misconduct may be classified as:
  - A. Criminal – any violation of a law that is punishable by imprisonment or a fine.
  - B. Major – any violation of a departmental or a governmental rule or policy that may be punishable by termination, suspension, demotion or written reprimand.
  - C. Minor – any violation of a departmental or a governmental rule or policy that may be punishable by a reprimand, either written or oral.
4. Upon receipt of a complaint from any source, the internal affairs unit will, as soon as practical, inform the Sheriff, Assistant Sheriff and the affected Division Commander/Manager that a complaint has been received and provide them with the details.
5. The Sheriff will review, evaluate, and assign to Internal Affairs for investigation, if such is in order.
6. The internal affairs unit shall conduct thorough and impartial investigations into all complaints which are assigned to it.”.

Testimony from many of those interviewed by the Grand Jury indicated that the Sheriff's Manual was not up to date. One interviewee stated that some of the Sheriff's Department management was unaware of the contents of the manual.

## **FINDINGS AND RECOMMENDATIONS**

The Grand Jury obtained sworn testimony from various Sheriff's Department personnel who would have, or should have, investigated the alleged violation:

**Finding 1** The current Sheriff's Department procedures manual was revised in 2005. One of the Sheriff's Department Supervisors called the new formatting and layout a “hodgepodge.” The procedure indicates that all complaints received from “any source” should be reviewed.

**Recommendation 1** Update current Sheriff's Department Procedure 3.3 "Citizen Complaint Reception and Investigation Procedure" dated June 1, 2005. This procedure should reflect how all actual complaints are to be handled.

**Finding 2** It was very clear from the testimony, that the Sheriff's Department management personnel were not familiar with the actual procedure for handling complaints. The Sheriff is the only person who can authorize an internal affairs investigation.

**Recommendation 2** All employees of the Sheriff's Department should receive orientation on the procedure as revised, because there appears to be a lack of understanding of the procedure for handling complaints.

**Finding 3** Sworn testimonies of the Sheriff's Department personnel indicate a thorough investigation of the complaint was never made, nor was a final report ever submitted to the Sheriff, as required. The Sheriff testified that this complaint may have "fallen through the cracks."

**Recommendation 3** Create a written tracking system so all complaints are resolved, and there is not a chance of one "falling through the cracks."

**Finding 4** At the time of the Grand Jury's investigation it was found that the internal affairs division consists of one individual.

**Recommendation 4** The internal affairs division should be expanded to a committee of Sheriff's department supervisory personnel.

## COMMENTS

Everyone who testified before the Grand Jury stated that this particular incident should have been investigated. It was not. The Grand Jury hopes the lack of investigation of this incident was just an oversight. For the benefit of all citizens, a complaint system must be effective and work all of the time.

It is highly recommended that next year's Grand Jury review the Sheriff's responses to determine if the findings and suggested recommendations have been implemented.

## RESPONSE REQUIREMENT

Penal Code Sections 933 and 933.05 require that specific responses to both the findings and recommendations contained in this report be submitted to the Presiding Judge of the Superior Court of Kings County by the Kings County Sheriff (60 days from the time of receipt of this report).

## **SHERIFF'S K-9 UNIT**

### **SYNOPSIS**

The purpose of this report is to provide a general overview of the K-9 Unit of the Kings County Sheriff's Department.

### **WHY THE GRAND JURY INVESTIGATED**

Public interest.

### **AUTHORITY**

Penal Code 925. The Grand Jury shall investigate and report on the operations, accounts, and records of the officers, departments or functions of the county.

### **METHOD OF INVESTIGATION**

The Grand Jury interviewed the Sheriff's Department Support Commander and two deputies at their K-9 training unit. The deputies and their animals demonstrated how they train and work with these dogs. The Grand Jury was also able to see the specially equipped Sheriff's department vehicles and the special k-9 equipment utilized.

### **BACKGROUND AND FACTS**

The Kings County K-9 unit was formed in 1989. The current unit has three Belgium Malawa dogs, but is budgeted for five dogs. Other breeds are used by various police agencies. The semi-trained dogs, usually 18 months to two years old, are purchased overseas and further training with their handler is conducted in Southern California. The basic training school requires 200 hours, plus on-going training. After certification the dog could be in active service for six to seven years. Some 2009 statistics quoted by the Commander were that the K-9 unit was involved in 70 police situations where 67 suspects surrendered without incident. The unit was also involved in 84 drug searches resulting in 30 drug seizures. Unfortunately, the K-9 unit had a service dog killed in action in 1995. The handlers now have protective vests for the dogs to wear in dangerous situations. The approximate cost to purchase a dog is \$10,000. Training and on-going maintenance costs add to the overall expenses of the K-9 unit.

The K-9 unit vehicles are designed to allow the deputies to have quick response from the animals. The deputies carry a remote control to allow immediate release of the animal from the vehicle.

In addition to their policing duties, the unit performs community service by visiting schools to exhibit the dogs' skills.

## FINDINGS AND RECOMMENDATIONS

**Finding 1** The Sheriff's Department K-9 Unit is budgeted for 5 animals and their handlers, but has only three in service at this time.

**Recommendation 1** It is recommended that the K-9 unit be brought up to full strength of 5 animals and handlers as soon as practical to do so.

## COMMENTS

The importance of the K-9 unit in protecting the citizens and peace officers of Kings County cannot be overstated. The Grand Jury was very impressed with these service animals and the commitment of their handlers. A special thanks is extended to the local citizens who donate to and support the K-9 unit, and to the local veterinarian who donates training time and medical expertise to the Kings County K-9 unit.

## RESPONSE REQUIREMENT

Penal Code Sections 933 and 933.05 require that specific responses to both the findings and recommendations contained in this report be submitted to the Presiding Judge of the Superior Court of Kings County by the Kings County Sheriff (60 days from the time of receipt of this report).

## **SIERRA PACIFIC HIGH SCHOOL**

### **SYNOPSIS**

Population growth in the city of Hanford has created the need for a third high school. Sierra Pacific High School is a state of the art school with science classrooms, a music room, sport facilities and weight room as well as regular classrooms.

### **WHY THE GRAND JURY INVESTIGATED**

Public interest.

### **AUTHORITY**

California Penal Code Section 933.5. The Grand Jury may at any time examine the books and records of any special-purpose assessing or taxing district in the county.

### **METHOD OF INVESTIGATION**

An administrator of Sierra Pacific High School gave the Grand Jury a tour of the facility, discussed future plans, and answered all questions.

### **BACKGROUND AND FACTS**

The Hanford Joint Union High School District had not built a new high school in over 40 years. Phase one of the Sierra Pacific High School was completed in time for the beginning of the 2009/2010 school year. At this time, only freshman students are being enrolled. Each year a new freshman class will be added until school year 2012/2013, when all four classes will be attending. Phase two plans include building an administration building, wrestling room, aquatic center, maintenance facilities, library and media center. Sierra Pacific High School offers the same general program as the other two Hanford high schools. Enrollment at this time is 221 students.

### **FINDINGS AND RECOMMENDATIONS**

None

### **COMMENTS**

The new high school is located next to the Hanford extension of College of Sequoias and arrangements have been made for high school students to attend some classes and receive college credit. The Grand Jury was impressed with Sierra Pacific High School, especially the gymnasium, science labs and kitchen facilities.

#### **RESPONSE REQUIREMENT**

None required

# STRATFORD PUBLIC UTILITY DISTRICT

## SYNOPSIS

The Grand Jury investigated and made determinations on a three-part complaint concerning Stratford Public Utility District (SPUD).

## WHY THE GRAND JURY INVESTIGATED

A complaint was received against SPUD concerning Proposition 218, violations of the California Public Records Act and the Ralph M. Brown Act.

## AUTHORITY

California Penal Code Section 933.5. The Grand Jury may at any time examine the books and records of any special-purpose assessing or taxing district in the County.

## METHOD OF INVESTIGATION

A trip was made by the Grand Jury to Stratford to determine if SPUD's meeting agendas were properly posted in public places. Copies of the minutes and agendas of SPUD board meetings were received and reviewed by the Grand Jury.

## BACK GROUND AND FACTS

SPUD was formed in 1930. It is governed by five directors who are elected at large with staggered terms. The district has two full-time employees: the district manager and the office manager. A part-time employee is hired to perform certain duties. Kings County acts as the district's treasurer. The district provides water service, sanitary service, garbage collection and maintains street lights for an average of 780-800 customers.

## FINDINGS AND RECOMMENDATIONS

**Finding 1** No violation of Proposition 218 was found.

**Recommendation 1** None



**Finding 2** No violation of the California Public Records Act was found

**Recommendation 2** None

**Finding 3** Pertaining to the Ralph M. Brown Act, the Grand Jury found that wording on the agenda items could be misleading.

**Recommendation 3** Agendas should be clearly worded regarding action items.

## COMMENTS

Agendas were properly posted. It was noted that wording on the agendas could be misleading. Often items were listed, followed by “no action required”, when indeed action was subsequently taken.

## RESPONSE REQUIREMENT

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

The Stratford Public Utility District Board of Directors has 90 days from the receipt of this report to respond.

## WATER ISSUES

### SYNOPSIS

Kings County, Dudley Ridge Water District (DRWD) and Mojave Water Agency (MWA) are three of 29 entities who contract with the State to receive a portion of its surface water supply through the California State Water Project (SWP). DRWD's service area is located in the southern portion of Kings County. On April 8, 2009, DRWD adopted a *Policy For Permanent Transfer of SWP Table A Water Outside of Dudley Ridge Water District*. This paved the way for a permanent transfer by one of its landowners of 14,000 acre feet of water historically used for agricultural purposes to MWA situated south of the Tehachapis to be used for urban purposes and prompted an in-depth Grand Jury investigation. In the course of the investigation it became apparent that the inquiry was taking a three-pronged path:

- I. The Dudley Ridge Water District – the sale and how it happened
- II. The California Department of Water Resources – policies regarding water transfers.
- III. Kings County – responsibilities to its citizens

### WHY THE GRAND JURY INVESTIGATED

A newspaper article in the *Hanford Sentinel* dated September 5, 2009, describing a \$73.2 million sale of water rights from a landowner in the DRWD to MWA in San Bernardino County stirred public interest.

### AUTHORITY

Penal Code Section 925. The Grand Jury shall investigate and report on the operations accounts and records of the officers, departments or functions of the county including those operations, accounts and records of any special legislative district or other district in the county.

### METHOD OF INVESTIGATION

Interviews were conducted with the DRWD board members and management, Kings County Water District manager, a water broker, local agriculture water users, Mojave Water Agency officials, and attorneys and staff from the California Department of Water Resources (DWR). In addition, many documents, including e-mails, board meeting minutes, contracts and other written materials, were reviewed. The Grand Jury's

investigation was assisted by the offices of the California Attorney General and the Kings County District Attorney.

## **I. THE DUDLEY RIDGE WATER DISTRICT - The water sale and how it happened.**

The 37,000 acre DRWD was created in 1963, shortly after completion of the SWP. It was formed by local farmers pursuant to the California Water Code in order to enable SWP supply to be delivered and utilized in the southern Kings County agricultural area that pre-SWP was fallow. DRWD consists of about 70 landowners, most of whom are absentee. Through ownership and farming leases eight entities have active operations in the district. The five member DRWD Board of Directors consists of the landowners of the district or their representatives. The Board of Directors hold their meetings in Fresno County and no member lives in Kings County.

The DRWD Board of Directors created a policy on April 8, 2009, allowing individual members to sell their portion of the district's water allotment, granting that individual or entity sole profits from such sales. Three weeks later, on April 30, 2009, a sale of water between an entity of DRWD and the MWA was initiated. Five months later, in September 2009 a \$73.2 million water sale was reported by the *Hanford Sentinel*. Public notice of the impending permanent water transfer was indeed posted by the DRWD in a lawful manner and a timely fashion. However, these postings were published in a Corcoran newspaper with a paid circulation of 2,450 per week. A public hearing concerning the transfer was held in San Bernardino County and, again, public notice of this hearing was published in the Corcoran weekly newspaper. No member of the public and no Kings County official showed up to speak at that hearing.

## **II. THE CALIFORNIA DEPARTMENT OF WATER RESOURCES - Policies regarding water transfers and its impact on the Dudley Ridge Water District sale.**

When an agreement between parties to transfer state-managed water is reached, the California Department of Water Resources (DWR) is notified. The California State Water Code provides for the beneficial and efficient use of the California water as follows "the water resources of the State be put to beneficial use to the fullest extent of which they are capable...." (section 100) "It is hereby declared to be the established policy of this state to facilitate the voluntary transfer of water and water rights *where consistent with the public welfare of the place of export and the place of import.*" (section 109, italics added) The Legislature hereby finds and declares that voluntary water transfers between water users can result in a more efficient use of water, benefitting both the buyer and the seller" ( section 475) The DWR's mission statement says that its job is to "review, facilitate and implement water transfer . . . in a manner that prevents: (1) injury to the legal users of the water, (2) unreasonable effects to fish and wildlife, and (3) *unreasonable effects to the overall economy of the counties from which the water is transferred consistent with State law.*" (Italics added) Further, the mission statement says, "Develop a water transfer framework that seeks to avoid injury to other legal users

of water, avoids or adequately mitigates adverse impacts that may occur, and publicly disseminates information on general transfer uses as well as specific water transfer proposals.”

When the DWR is notified, a study is initiated to determine the potential impact according to the California Environment Quality Act (CEQA). California Department of Fish and Game and other public agencies are often consulted in the process of preparing studies under CEQA. When a CEQA report determines there is a possible environmental impact, the Lead Agency, which is the initiator of the proposed water sale, studies whether the proposed sale will result in a significant environmental impact. If so, it must prepare an Environmental Impact Report. If not, it may produce a Negative Declaration or a Mitigated Negative Declaration if there are impacts which can be mitigated. The DWR (which is a trustee agency over the States water resources) reviews, comments on, makes a determination as to the validity of that Declaration prior to adoption of the Declaration by the Lead Agency and prior to validation of the proposed water transfer. The public also has a chance to provide comments regarding the Declaration.

### **III. KINGS COUNTY – Responsibilities to its citizens.**

Kings County was notified of MWA’s intent to adopt a Negative Declaration regarding the proposed DRWD to MWA water transfer, via e-mail, sent on June 12, 2009, contained the following: “Written comments will be accepted by e-mail or letter until the close of business on July 13, 2009.” On June 19, 2009, Kings County received details of the SWP contract amendments required to complete the permanent transfer of SWP, water from DRWD to MWA. The Kings County Administrator received that information and forwarded it to the County Counsel, the Kings County Water Commission and the Board of Supervisors.

### **FINDINGS AND RECOMMENDATIONS FOR DUDLEY RIDGE WATER DISTRICT**

**Finding 1** The DRWD enacted a policy on April 9, 2009, to enable individual members of the district to sell their portion of the district’s annual supply of water subject to availability.

**Recommendation 1** Although the DRWD receives SWP supply that did not originate in Kings County, consistent with the State’s policies, all water agencies should carefully consider whether the transfer will be consistent with the public welfare of both the place of export and place of import. Kings County Board of Supervisors and other agencies within Kings County should carefully monitor and comment on any such transactions.

**Finding 2** While DRWD is a special district within Kings County there is no provision in place to make it accountable to anyone other than the members of DRWD.

**Recommendation 2** The California Department of Water Resources is entrusted with jurisdiction over natural resources held in trust for the people of the state. As such, it is bound by the Legislature's intent and declaration that the water of the State be put to the most beneficial use. The Grand Jury believes that local agencies and the Board of Supervisors should be actively engaged in oversight as well and that they should review and comment on matters that will have local impacts.

**Finding 3** The sale between DRWD and the Mojave Water Agency was a permanent transfer of a SWP supply, not a more common type of temporary water exchange.

**Recommendation 3** While short term water exchanges are acceptable and common, permanent transfers need more forceful oversight on the part of county officials and local public agencies.

**Finding 4** Notices of DRWD meetings concerning the water transfer at issue were posted in a local weekly newspaper.

**Recommendation 4** DRWD technically complied with the law. However, to reach a wider group of people concerned with water issues in the County, such notices should be posted in the larger, daily newspaper in the Kings County seat, the *Hanford Sentinel*. In order to gain more public attention, they should also be noticed in valley news media, the county's website, and Kings County Farm Bureau.

## COMMENTS

Water has become more valuable due to competition between urban and agricultural interests. Competitive costs have resulted in water becoming a commodity for farmers. This has created a tipping point for farmers. In some cases they sell their water allotment rather than use it to maintain their farms. Loss of water and agriculture production has resulted in lowered assessed land values and a reduction in the county's work force thus a drop in the County's taxable income. Farmers cannot compete with the prices offered by urban users. Loss of surface water has also resulted in increased use of ground water causing deeper wells to be drilled increasing the cost of pumping water to cities and municipalities. Currently there is an overdraft of three million acre feet of water per year in Kings County alone.

DRWD is a special district within Kings County. By creating a policy whereby entities within the district may sell their water, the possibility exists that all of the SWP supply will be sold returning DRWD to its fallow pre-SWP condition.

DRWD is a government agency and as such, its board members are not allowed to profit from its actions.

## FINDINGS AND RECOMMENDATIONS FOR THE CALIFORNIA DEPARTMENT OF WATER RESOURCES

**Finding 1** It appears that the precepts of Water Code Section 109 were disregarded since no interviews, no visits and no studies were made by DWR in Kings County concerning the permanent water contract transfer made by DRWD.

**Recommendation 1** DWR could do more to show it is adhering to its own mission statement and the requirements of Water Code Section 109 by not only commenting on the CEQA environmental document, but by contacting the place of export of water and interviewing the parties that could be impacted by the decision.

**Finding 2** DWR considers permanent and temporary water transfers the same.

**Recommendation 2** Permanent and temporary water transfers should be considered differently by the very nature of a final loss of water vs. a temporary exchange of water.

**Finding 3** DWR essentially discounted the Fish and Game report challenging the CEQA negative declaration impact report regarding the danger to local species.

**Recommendation 3** DWR should adhere to its policy concerning the negative impact to both the place of export as well as place of import of water. There should be more consideration paid to those who are experts in their fields.

## COMMENTS

During interviews, two representatives stressed that, "priority is given to the financial integrity of the water project." Both Water Code section 109 and the DWR mission statement require that the public welfare of the places of export and import be considered; no priority concerning the finances of the State Water Project is mentioned.

## FINDINGS AND RECOMMENDATIONS FOR THE KINGS COUNTY BOARD OF SUPERVISORS.

**Finding 1** The Board of Supervisors was notified of the pending water sale by both the County Administrator and the County Counsel.

**Recommendation 1** The county supervisors should have commented during the review process. There seems to have been no study or request for information regarding the possible negative impact to Kings County at that time. A study session was held by the Kings County Board of Supervisors concerning "... issues related to development of additional surface water supplies, extraterritorial water transfers and regulation of supplies to surface water and ground water" was held on October 20, 2009, well after the review process had been completed.

**Finding 2** The Kings County Water Commission, though expressing concern about the permanent water transfer, failed to submit any written comments or to advise the Board

of Supervisors to do so. It appears to the Grand Jury that there is a consensus among the County officials that they have no jurisdiction in such matters.

**Recommendation 2** The County Water Commission needs to fulfill its obligation to report to and advise the Board of Supervisors on water issues affecting Kings County.

**Finding 3** The Grand Jury was led to believe that in the last eight years no Kings County official has made any comments to the Department of Water Resources concerning water issues and, in fact, it was stated that this Grand Jury is the first to question any such issue by a Kings County agency.

**Recommendation 3**

The Kings County officials need to be alert when it comes to the loss of water and, as a state water contractor, there is an opportunity to respond to water matters affecting the County through the CEQA process.

**COMMENTS**

The Kings County Resolution No. 08-003, adopted in November 2008 states:  
“WHEREAS, for over forty years the Kings County Water Commission has well and faithfully served the County of Kings on advice concerning water issues: and  
WHEREAS, this Board of Supervisors remains keenly interested, on behalf of all persons in the County of Kings, in the development, use and conservation of water resources, both as to quantity and quality, for agricultural, commercial, industrial, domestic and recreational uses in the County of Kings . . . To call the attention of the Board of Supervisors to pending water matters . . . ”

It seems that this resolution has been ignored by the county in this case. Is the Board of Supervisors not listening to the Water Commission or is the Water Commission not advising the Board of Supervisors? The old “we can’t do anything about it” or “we have no authority” are not valid excuses for inaction. This permanent sale of water allocations has led to further water losses in the County due to additional sales of land and water contracts to entities outside of Kings County. As the water allocations in King County diminish, a major economic base is depleted.

While no actual breaking of California law was found, there was sufficient evidence of possible malfeasance due to the creation of a policy allowing a permanent sale of water allocations. This caused the Grand Jury to request the aid of attorneys from the Kings County District Attorney’s office and the California State Attorney General’s office to participate in the investigation. The current Grand Jury recommends that these two agencies follow up on the matter.

## RESPONSE REQUIREMENT

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

- Dudley Ridge Water District
- California Department of Water Resources
- Kings County Supervisors



**FINAL**

**RESPONSES**

**FOR**

**2009-2010**

RECEIVED MAY 03 2010

QA  
COPY

City of HANFORD

CALIFORNIA 93230  
CITY OFFICES 319 NORTH DOUTY STREET



MAYOR  
DAN CHIN  
VICE MAYOR  
SUE SORENSEN  
COUNCIL MEMBERS  
DAVID G. AYERS  
DAVE THOMAS  
CATHERINE WILLIS  
CITY MANAGER  
GARY W. MISENHIMER

April 28, 2010

TO: City Manager/City Council  
FROM: Recreation Director  
SUBJECT: Response to Grand Jury Report

In accordance with Sections 330 and 330.05 of the California Penal Code, this constitutes the City of Hanford Recreation Department's response to the attached 2009-2010 Grand Jury Report regarding "The Bastille Building". Comments to the report are shown italicized:

FINDINGS AND RECOMMENDATIONS

**THE BASTILLE BUILDING**

**Finding 1.** There are numerous clubs and restaurants selling alcoholic beverages in close proximity to the Bastille.

**Recommendation 1.** There have been numerous unlawful incidents at this location making its use as a teen center undesirable.

*COMMENT: The ultimate decision to utilize the Bastille as a teen center would be made by the City Council after a thorough review of all financial and logistical issues.*

**Finding 2.** The Bastille Building is currently vacant and was left in a state of disrepair by the former tenants.

**Recommendation 2.** The building should be leased to a non-profit organization at a minimal cost and would be preserved and maintained as a historical site.

*COMMENT: . At this time, no groups or organizations have presented a formal proposal to lease the Bastille. There has been no determination of specified use for the facility other than the traditional effort to lease the space as a commercial venture.*

Respectfully Submitted,

Scott Yeager  
Recreation Director



**SHERIFF**  
**COUNTY OF KINGS**

P.O. BOX 986  
HANFORD, CA 93232-0986  
PHONE 559/582-3211  
FAX 559/583-1553

CHRIS JORDAN  
SHERIFF-CORONER  
PUBLIC ADMINISTRATOR

March 8, 2010

Honorable George Orndoff,  
Superior Court Judge  
Kings County Government Center  
Hanford, California 93230

Dear Judge Orndoff,

The following information is furnished in response to the 2010 Grand Jury's Final Report of the Kings County Sheriff's Department.

**Area of Inquiry:** Kings County Coroner's Department / Morgue

Grand Jury Finding:

Finding 1 – It is unknown where the Morgue will be relocated when the Kings Building is demolished.

Recommendation 1 – A relocation site for the Morgue should be determined.

Response:

I agree with the Grand Jury finding and recommendation. We have been working and will continue to work with County Administration to come up with a site for the Morgue relocation.

Respectfully Submitted,

Chris Jordan, Sheriff  
Coroner-Public Administrator

RECEIVED MAY 03 2010

COPY

City of HANFORD

CALIFORNIA 93230  
CITY OFFICES 319 NORTH DOUTY STREET



MAYOR  
DAN CHIN  
VICEMAYOR  
SUE SORENSEN  
COUNCIL MEMBERS  
DAVID G. AYERS  
DAVE THOMAS  
CATHERINE WILLIS  
CITY MANAGER  
GARY W. MISENHIMER

April 27, 2010

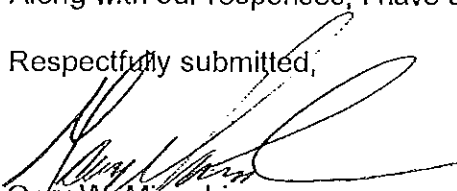
Honorable Judge Steven D. Barnes  
Kings County Superior Court  
1426 South Drive  
Hanford, CA 93230

Your Honor:

In accordance with Section 933(c) of the California Penal Code, the attached memorandums constitute the City of Hanford's response to the Final Grand Jury Reports concerning the "City of Hanford Parks", the "City of Hanford Police Department", and "The Bastille Building (former Kings County Jail)".

Along with our responses, I have also included copies of the Final Grand Jury Reports.

Respectfully submitted,

  
Gary W. Misenhimer  
City Manager

cc: City Council Members  
City Attorney  
Public Works Director  
Chief of Police  
Recreation Director  
City Clerk



**COPY**  
CITY OF HANFORD

**Department of Public Works**

Focused On Our Community 24/7

900 South 10th Avenue • HANFORD, CA 93230-5234 • (559) 585-2550

March 15, 2010

RECEIVED MAY 03 2010

TO: City Manager/City Council

FROM: Director of Public Works

SUBJECT: Response to Grand Jury Report

In accordance with Sections 330 and 330.05 of the California Penal Code, this constitutes the City of Hanford Public Works Department's responses to the attached 2009-2010 Grand Jury Report regarding the "City of Hanford Parks." Comments to the report are shown italicized:

**FINDINGS AND RECOMMENDATIONS**

**HIDDEN VALLEY PARK**

**Finding 1.** The undeveloped west half of Hidden Valley Park is not being utilized.

**Recommendation 1.** Due to the population growth of the northwest area of Hanford, is it recommended that, as originally planned, the undeveloped west half of Hidden Valley Park should be completed as a park for the community.

*COMMENT: Whether or not to expand Hidden Valley Park is a decision of the City Council and is subject to budget considerations.*

**Finding 2.** There are only two shaded pavilions with barbeques.

**Recommendation 2.** Due to the large amount of available developed and undeveloped space within the park, it is recommended that several more picnic pavilions be added.

*COMMENT: Additional picnic pavilions are considered capital improvements and are subject to City Council approval and budget considerations.*

**Finding 3.** There is inadequate parking available for public use.

**Recommendation 3.** Additional parking spaces should be developed for present use and future park expansion.

*COMMENT: Additional parking facilities are considered capital improvements and are subject to City Council approval and budget considerations.*

**Finding 4.** There is only one restroom facility within the park.

**Recommendation 4.** Additional restroom facilities should be built for present use and future park expansion.

*COMMENT: Additional restroom facilities are considered capital improvements and are subject to City Council approval and budget considerations.*

*ADDITIONAL COMMENTS: In regards to maintenance issues discussed in the body of the report pertaining to Hidden Valley Park, Public Works Department staff offers the following responses:*

- *All plumbing fixtures in restroom facilities have been repaired/replaced.*
- *Restroom facilities have been cleaned and repainted.*
- *The "Cortner Arbor" structure was recently repainted to match restroom facility building.*
- *Drinking fountain adjacent to "Cortner Arbor" has been replaced.*
- *Handicap pathways have been installed to restrooms and new playground facilities.*

#### **CENTENNIAL PARK**

**Finding 1.** Maintenance vehicles must drive over a curb to access the park grounds.

**Recommendation 1.** A driveway should be cut into the curb to allow access for maintenance vehicles.

*COMMENT: Maintenance access drive approach may be installed as funding is allocated.*

**Finding 2.** Barbeques in picnic areas are rusted out and need to be replaced.

**Recommendation 2.** Replace or repair rusted barbeques.

*COMMENT: Barbeques have been repaired/repainted.*

**Finding 3.** Some areas of the concrete walkway are uneven and can be hazardous.

**Recommendation 3.** Repair the uneven walkway surfaces.

*COMMENT: Uneven concrete walkway surfaces have been repaired.*

**Finding 4.** The depressions at the base of the light poles are a safety hazard.

**Recommendation 4.** The depressions at the base of the light poles should be filled.

*COMMENT: Depressions at bases of light poles and existing pathways have been filled with decomposed granite to provide a level surface.*

**Finding 5.** It was noted that there were no swings available in the play area for handicapped use.

**Recommendation 5.** Add at least two swings for handicapped individuals.

*COMMENT: ADA swings may be installed as funding is allocated.*

## COE PARK

**Finding 1.** The shovels in the playground area have damaged the soft rubber-based surface.

**Recommendation 1.** The shovels need to be repositioned.

*COMMENT: Rubberized surfacing is used for wheelchair accessibility. Surfacing has been repaired. Shovels are ADA compliant for wheelchair access.*

## LACEY PARK

**Findings 1.** The dryer in the men's restroom was non-operational.

**Recommendation 1.** Repair or replace the dryer.

*COMMENT: Hand dryers within the men's restroom are operational.*

**Findings 2.** There was no toilet paper in the men's restroom.

**Recommendation 2.** Toilet paper containers should be checked frequently and refilled when necessary.

*COMMENT: Additional training has been provided to maintenance staff on bathroom cleaning/stocking procedures.*

**Finding 3.** The padding was damaged under the playground equipment.

**Recommendation 3.** Repair or replace the padding.

*COMMENT: Soft-fall surfacing under playground equipment has been repaired.*

**Finding 4.** A handicapped swing was missing.

**Recommendation 4.** Replace the swing.

*COMMENT: Replacement chains for handicap swing have been ordered. Staff to install replacement swing set upon receipt of equipment.*

**Finding 5.** The steering wheel of one of the toy cars was missing.

**Recommendation 5.** Replace the steering wheel.

*COMMENT: Replacement steering wheels have been ordered for the spring rocker GT cars. Staff to install replacement wheels upon receipt of equipment.*

**Finding 6.** The playground equipment was wet because the sprinklers were not properly adjusted.

**Recommendation 6.** Adjust the sprinklers.

*COMMENT: Irrigation system sprinklers have been adjusted to eliminate overspray.*

**Finding 7.** The surface of the water feature has been damaged.

**Recommendation 7.** Repair the surface of the water feature.

*COMMENT: Fiberglass liner has been removed from water feature to eliminate trip/fall hazard. Installation of a replacement liner is on hold due to funding constraints.*

**EARL F. JOHNSON PARK**

**Findings and Recommendations:** None.

**FREEDOM PARK**

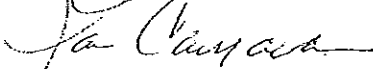
**Findings and Recommendations:** None.

**RESPONSE REQUIREMENT**

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

**Hanford City Council (90 days)**

Respectfully submitted,



Lou Camara, P.E.  
Director of Public Works



RECEIVED MAY 03 2010

COPY

City of HANFORD

CALIFORNIA 93230  
CITY OFFICES 319 NORTH DOUTY STREET



MAYOR  
DAN CHIN  
VICEMAYOR  
SUE SORENSEN  
COUNCIL MEMBERS  
DAVID G. AYERS  
DAVE THOMAS  
CATHERINE WILLIS  
CITY MANAGER  
GARY W. MISENHIMER

April 27, 2010

TO: City Council  
FROM: City Manager  
SUBJECT: Grand Jury Report – “Hanford Police Department”

The Grand Jury Report focused on a letter to the editor to the Hanford Sentinel, November 27, 2009, regarding a 911 call to the police department.

The report outlined the jury’s findings. No recommendation for action was needed.

This is to acknowledge receipt of the report.

Respectfully submitted,

  
Gary W. Misenhimer  
City Manager

COPY

Michael L. Farley  
Rhys C. Boyd-Farrell  
Moses Diaz

FARLEY LAW FIRM  
108 WEST CENTER AVENUE  
VISALIA, CALIFORNIA 93291  
TELEPHONE 559-738-5975  
FACSIMILE 559-732-2305

Grand Jury  
BM

Kari Fike  
Paralegal-Office Manager

Rosie M. Onizaki  
Paralegal

Diane Farley  
Paralegal

February 26, 2010  
Via hand delivery

Honorable George L. Orndoff, Presiding Judge  
**KINGS COUNTY SUPERIOR COURT**  
1426 South Drive  
Hanford, California 93230

RE: 2010 Grand Jury Report on Home Garden Community Services District

Dear Judge Orndoff:

This office represents Home Garden Community Services District who has asked that we respond on its behalf to the Grand Jury's November 30, 2009 report pursuant to Penal Code Sections 933 and 933.05. Since the issuance of the 2008-2009 Grand Jury report, the District's Board and General Manager have completed mandated AB-1234 training including training regarding the Brown Act, conflicts of interests and other required topics.

The Grand Jury made the following findings and recommendations and the District submits the following responses:

**Finding 1:** The District does not have a licensed Water Treatment Plant Operator (Water Master), though one utility employee and an assistant perform that work.

**Recommendation 1:** The District should comply with State requirements and employ a licensed Water Treatment Plant Operator when Phase II of the water treatment facility is complete. The District should also obtain a license to operate the distribution of water.

**Response 1:** The District agrees that it presently does not have an in-house Water Treatment Plant Operator and contracts for required licensed services. However, the District is in the process of recruiting a part-time certified Water Treatment Plant Operator, to serve either in-house or on a contract basis, as suggested by the California Department of Public Health for the treatment facility when it comes online. The Water Treatment Plant Operator will be expected to also be certified in water distribution or the District Manager will obtain the required water distribution certification. Therefore the Grand Jury's recommendation is in the process of being implemented.

**Finding 2:** An unauthorized payment of \$25,000, signed by two members of the

Hon. George L. Orndoff, Presiding Judge

RE: 2010 Grand Jury Report on Home Garden Community Services District

February 26, 2010

Page 2

~~Board of Directors, was paid to the former attorney.~~

**Recommendation 2:** The Board of Directors should continue to pursue the recovery of the \$25,000 from either the former attorney or the two board members who signed the voucher without authority to do so.

**Response 2:** The District has already implemented the Grand Jury's recommendation. The \$25,000 payment was returned to the District on or about December 17, 2009.

**Finding 3:** The District does not have a designated treasurer.

**Recommendation 3:** Because of a past history of alleged mishandling of funds, the Board of Directors should consider using the Kings County Treasurer. If the District does not use the Kings County Treasurer, the Board of Directors should designate an in-house treasurer in compliance with Government Code section 61053.

**Response 3:** The District disagrees that it does not have a designated treasurer to the extent that Government Code section 61050 assigns the county treasurer, by default, to serve as the District's treasurer when no other treasurer is appointed by the District. The District has implemented the Grand Jury's recommendation of considering the Kings County Treasurer as well as appointing a treasurer. The District is in the process of appointing a treasurer.

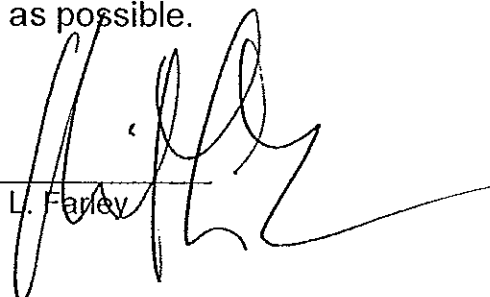
**Finding 4:** Several employees currently handle money coming in to the District Office.

**Recommendation 4:** Only the District Manager and/or the Office Manager should be collecting, posting, and depositing the daily receipts.

**Response 4:** The District agrees with the Grand Jury's finding but only as to past practice. The District has implemented the Grand Jury's recommendation. Presently, only the District Manager and the Office Manager are authorized to collect, post and deposit the daily receipts.

If you have any questions or concerns, please advise us and we will respond as expeditiously as possible.

Respectfully,

  
\_\_\_\_\_  
Michael L. Farley

RECEIVED MAY 28 2010



**COUNTY OF KINGS  
BOARD OF SUPERVISORS**

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

**JOE NEVYS**  
STRATFORD & LEMOORE - DISTRICT I

**RICHARD YALLE**  
CORCORAN & AVENAL - DISTRICT II

**TONY OLIVEIRA**  
NORTH HANFORD & NORTH LEMOORE - DISTRICT III

**TONY BARBA**  
HANFORD & ARMONA - DISTRICT IV

**RICHARD FAGUNDES**  
HANFORD - DISTRICT V

May 18, 2010

Honorable Steven Barnes  
Kings County Superior Court Judge  
1426 South Drive  
Hanford, CA 93230

Dear Judge Barnes:

This letter is in response to the Kings County Grand Jury Report entitled "The Loafing Barn," which was received by the Kings County Board of Supervisors on February 25, 2010. Pursuant to P.C. section 933, we offer the following responses to all findings and recommendations within the report.

*Finding 1*

*The barn was built closer to the road than was allowed in the building permit.*

Response: We agree.

*Recommendation 1:*

*The Dairy Element should be revised to include an on-site inspection at the beginning of construction.*

Response: Staff is reviewing an on-site inspection program that, if approved by the Board, would be accomplished without changing the Dairy Element.

*Finding 2*

*The building actually built was a free stall barn, 1400 square feet larger than the original application for a loafing barn as the building permit stated. The barn had electricity to power cooling fans, and had other amenities.*

Response: We agree, however, the permit was subsequently modified to reflect what was actually constructed.

*Recommendation 2:*

*Revise the Dairy Element to include on-site inspections during construction.*

Response: Same as response to Recommendation 1, this can be accomplished, if approved by the Board, without revising the Dairy Element.

*Finding 3*

*The Board of Supervisors overrode the recommendations of the Planning Commission, the Community Development Agency, and advice of County Counsel on the variance and approved it, despite the fact that none of the five criteria to grant a variance was met. Reasons given for not following those recommendations were that the planning staff made several mistakes, and the barn, as built, did not appear to them to be a traffic hazard.*

Response: As with all issues that come before the Board of Supervisors, as long as it acts within its authority, the Board does not have to follow staff's recommendations. In fact, the Board sits in a Quasi-Judicial manner, acting in a neutral capacity, when deciding an appeal such as this, and it is not its role to merely rubber-stamp staff's recommendations. The appellant's position, which obviously differed from staff in this case, must also be weighed by the Board, and clearly it was found to be more persuasive here.

Sincerely,



Richard Valle  
Chairman



OFFICE OF

# SHERIFF

June 4, 2010

COUNTY OF KINGS

P.O. BOX 986  
HANFORD, CA 93232-0986  
PHONE 559/582-3211  
FAX 559/583-1553

Honorable George Orndoff,  
Superior Court Judge  
Kings County Government Center  
Hanford, California 93230

CHRIS JORDAN  
SHERIFF-CORONER  
PUBLIC ADMINISTRATOR

Dear Judge Orndoff,

The following information is furnished in response to the 2009-2010 Grand Jury's Final Report of the Kings County Sheriff's Department.

**Area of Inquiry: Citizen Complaint Reception and Investigation procedure**

Grand Jury Finding 1:

The current Sheriff's Department procedures manual was revised in 2005. One of the Sheriff's Department Supervisors called the new formatting and layout a "hodgepodge." The procedure indicates that all complaints received from "any source" should be reviewed.

Response:

I agree that the formatting of the policy was not formatted properly.

Prior to the Department utilizing the Intranet to post the Procedural Manuals we passed out binders to employees depending upon their job duties. Placing the policies and procedures on the Intranet makes them easily accessible for review from home, office, or patrol car. The paper process was quite cumbersome and costly. The Department currently posts the following manuals in the Intranet:

1. Department Policy Manual
2. Operations – Procedures Manual
3. Jail Policy and Procedures Manual
4. Dispatch Procedures Manual
5. Evaluation Guide Manual
6. Computer & Electronic Technology Usage Manual
7. Court Emergency Evacuation Procedures Manual
8. Information Technology Computer Support
9. Buccal Collection of PC 269 DNA Samples Manual
10. Sexual Harassment Policy

When the manuals were introduced into the Intranet system the person who entered the data received various emails of the updates from many sources throughout the Department. The emails were entered as attachments into the Intranet and the formatting problem was discovered. These formatting issues did not interfere with the content contained in the documents and did not affect all of

the attachments. If someone needed to print a page or a policy they just had to go through and fix the formatting issues presented.

In March 2010 personnel were assigned to take the data from the Intranet and reconfigured it into the proper Word format in the "H" Drive. The reconfigured documents will then be removed from the "H" Drive and reentered into the Intranet. At this point in time all of the documents have already been transferred to the "H" Drive.

The Administration Commander has also been assigned to work with the Lexipol Company to review/update the entire manual.

The "Findings and Recommendations" indicates that the procedure states that all complaints received from "any source" should be reviewed. Sections 3.2 POLICY already states that the Department is to accept all complaints of misconduct of any employee of this department.

Grand Jury Recommendation 1

Update current Sheriff's Department Procedure 3.3 "Citizen Complaint Reception and Investigation Procedure" dated June 1, 2005. This procedure should reflect how all actual complaints are to be handled.

Response

I agree with this recommendation.

In March 2010 personnel were assigned to take the data from the Intranet and reconfigured it into the proper Word format in the "H" Drive. The reconfigured documents will then be removed from the "H" Drive and reentered into the Intranet. At this point in time all of the documents have already been transferred to the "H" Drive. The policy does address how complaints are to be handled.

The Administration Commander has also been assigned to work with the Lexipol Company (Company that gives legal updates to law enforcement manuals) to review/update the entire manual.

Grand Jury Finding 2

It was very clear from the testimony, that the Sheriff's Department management personnel were not familiar with the actual procedure for handling complaints. The Sheriff is the only person who can authorize an internal affairs investigation.

Response

I do not agree that the Sheriff's Department management were not familiar with the procedure.

I do agree that the Sheriff is the only person who can authorize an internal affairs investigation.

It is the responsibility of every employee to be familiar with and understand all policies and procedures of the Department. Section 1.03 General Provision and Title states the following:

### 1.03 GENERAL PROVISIONS AND TITLE

This volume, concerning general policies, shall be known as the Policy and Procedure Manual. An essential requirement in the operation of any law enforcement agency is ability and willingness of all personnel to carry out assigned duties as directed by their superiors. This manual documents many of the directives which have stood the test of time and form the foundation for the effective operation of the Department. **Employees of the Department shall become thoroughly familiar with the contents of the Policy and Procedure Manual and shall conform to and abide by them.** As employees of the County of Kings, all Department personnel shall fully comply with all Administrative Regulations and other directives issued by order of the Sheriff, whenever applicable.

Update training on the procedure for management personnel is completed.

The policy does dictate that the Sheriff is the only person who can authorize an internal affairs investigation.

#### Grand Jury Recommendation 2

All the employees of the Sheriff's Department should receive orientation on the procedure as revised, because there appears to be a lack of understanding of the procedure for handling complaints.

#### Response

I agree with the recommendation that training should be ongoing.

Review of the Citizens Complaint Reception and Investigation Procedure with a supervisor at the time of each annual evaluation has been implemented. Inclusion in the fourteen week Field Training Officer (FTO) new employee orientation program has also been initiated.

#### Grand Jury Finding 3

Sworn testimonies of the Sheriff's Department personnel indicate a thorough investigation of the complaint was never made, nor was a final report ever submitted to the Sheriff, as required. The Sheriff testified that this complaint may have "fallen through the cracks."

#### Response

I agree with the finding.

The case has been assigned to a Commander for investigation.

#### Grand Jury Recommendation 3

Create a written tracking system so all complaints are resolved, and there is not a chance of one "falling through the cracks."



Response

I agree with the finding.

A tracking and numbering system has been in place for a long time.

Grand Jury Finding 4

At the time of the Grand Jury's investigation it was found that the internal affairs division consists of one individual.

Response

I agree with the finding.

The Administrative Commander is assigned to Internal Affairs, overseen by an Assistant Sheriff who oversees the Sheriff's Administration Division. Internal Affairs is in itself not a division, but a section of the Administration Division. Citizen's complaints come from all of the divisions, sections and units of the Sheriff's Department. As a result of this, Internal Affairs investigations can be assigned to various supervisors and managers throughout the Department. Therefore, the Administrative Commander is not the only manager or supervisor used to conduct internal affairs investigations in the Department. The assignment to conduct an internal affairs investigation can be based on current workload, severity, and assignment location.

Grand Jury Recommendation 4

The internal affairs division should be expanded to a committee of Sheriff's department supervisory personnel.

Response

I disagree with the recommendation as the current system of case assignment is adequate.

The Administrative Commander is assigned to Internal Affairs, overseen by an Assistant Sheriff who oversees the Sheriff's Administration Division. Internal Affairs is in itself not a division, but a section of the Administration Division. Citizen's complaints come from all of the divisions, sections and units of the Sheriff's Department. As a result of this, Internal Affairs investigations can be assigned to various supervisors and managers throughout the Department. Therefore, the Administrative Commander is not the only manager or supervisor used to conduct internal affairs investigations in the Department. The assignment to conduct an internal affairs investigation can be based on current workload, severity, and assignment location.

Sincerely,



Chris Jordan, Sheriff  
Coroner-Public Administrator



OFFICE OF  
**SHERIFF**

COUNTY OF KINGS

P.O. BOX 986  
HANFORD, CA 93232-0986  
PHONE 559/582-3211  
FAX 559/583-1553

CHRIS JORDAN  
SHERIFF-CORONER  
PUBLIC ADMINISTRATOR

June 16, 2010

Honorable Steven Barns,  
Superior Court Judge  
Kings County Government Center  
Hanford, California 93230

Dear Judge Barns,

The following information is furnished in response to the 2009-2010 Grand Jury's Final Report of the Kings County Sheriff's Department.

**Area of Inquiry: Kings County Sheriff's K-9 Unit**

Grand Jury Finding 1:

The Sheriff's Department K-9 Unit is budgeted for 5 animals and their handlers, but has only three in service at this time.

Response:

I agree with this finding. The Sheriff's Department currently has three canine units in service. Testing is currently underway to look at adding at least one more position at this time.

Grand Jury Recommendation 1

It is recommended that the K-9 unit be brought up to full strength of 5 animals and handlers as soon as practical to do so.

Response

This recommendation will not be implemented because it is not reasonable at this time. Many factors must come into play to add additional dogs to the program besides just a number you are budgeted for. With the economic times we find ourselves in the Sheriff's Department has six (6) vacant and five (5) frozen deputy sheriff positions. This means we are a total of eleven (11) positions understaffed from the time that five (5) dogs were approved. One of the five canine positions was for the City of Avenal, which as of January 1, 2011 will not exist. Also, because of the forming of the Avenal Police Department we now find ourselves in a position to have to keep our vacancies open so we will be able to absorb the deputy positions currently working under the Avenal contract (13 positions).

A canine unit is more specialized than a regular generalist patrol unit and as such is less flexible as to its assignment on patrol. When you are down eleven positions it is better to work with generalist as opposed to specializing your forces. Being a canine handler takes a special person adept to the discipline, physical and personality traits necessary to properly perform the tasks. It is my duty as Sheriff to find and select the most capable deputies. Not every deputy is cut out to perform canine duties and not all of them are eager to take these additional responsibilities on. Sometimes these skills need to be groomed before one hands out the keys to the car.

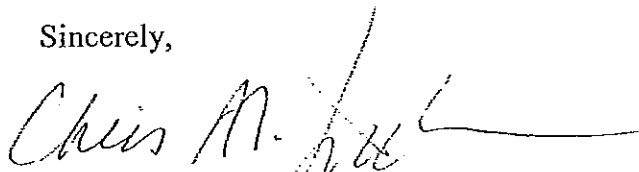
To train a canine unit requires 200 hours of training or five weeks away from the county in the San Bernardino area. With our depleted manpower we would have to backfill the deputy in training with another deputy on overtime (time and a half). Sending staff to training for five weeks when you are so short-handed and backfilling on an already overtaxed overtime budget is not being fiscally responsible.

Another obstacle we will have to overcome deals with the company we purchase dogs from. The owner of Master Canine, Danny LeMaster, passed away unexpectedly recently and we are now researching as to where we will make our next canine purchases from.

The safety of the deputies and the community is always held as utmost importance for all law enforcement managers. We continue to staff the three canine positions we have. These dogs are all available for call out on the one shift that doesn't staff a canine as part of its shift make-up.

The canine program only exists in the department because Sheriff's have championed the cause and have solicited donations from generous private financial donors. Without this private funding this program would not exist. Not all law enforcement agencies in the County have the luxury of having a canine program and we are fortunate to have one. The only expense to the County General Fund is for the use of manpower and this important resource must be managed with utmost care.

Sincerely,

A handwritten signature in cursive script that reads "Chris M. Jordan". The signature is written in black ink and is positioned above the typed name. There is a long horizontal line extending to the right from the end of the signature.

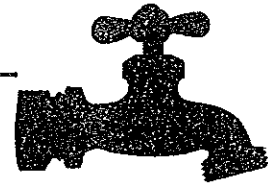
Chris Jordan, Sheriff  
Coroner-Public Administrator

# Stratford Public Utility District

"This institution is an equal opportunity provider, and employer."

Phone: 559-947-3037  
Fax: 559-947-9312  
P.O. Box 85 19681 Railroad Street  
Stratford, CA 93266  
Monday-Friday 8 AM to 12 Noon

COPY



RECEIVED MAY 10 2010

*Handwritten signature/initials*

May 12, 2010

Presiding Judge  
Superior Court of Kings County  
1400 W. Lacey Blvd.  
Hanford, CA 93230

Subject: Grand Jury Final Report – Stratford Public Utility District

Your Honor:

The Board of Directors of the Stratford Public Utility District has reviewed the above referenced report and concurs with the findings and recommendations. The Board recognizes that agendas for meetings need to clearly indicate if action will be taken on specific items. Attached is an example of the current agenda format being used by the District.

Respectfully

*Handwritten signature of Ronald E. Bales*

Ronald Bales  
President  
Stratford Public Utility District

FINAL RESPONSES PENDING  
2009-2010

Avenal High School

California State Prison – Corcoran

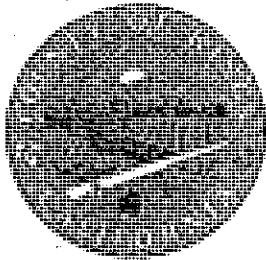
First Five

Hanford Cemetery District

Jail, Kings County

Water Issues

FINAL  
RESPONSES  
FOR  
2008-2009



# *Kings County Human Services Agency*

*Peggy Montgomery, Director*

*Employment Services  
Benefit Services  
Child Protective Services  
Adult Services  
Foster Home Services  
Family Preservation Services*

## **KINGS COUNTY HUMAN SERVICES AGENCY'S RESPONSE TO 2008/2009 GRAND JURY FINDINGS AND RECOMMENDATIONS OF CONTRACTS WITH KINGS COMMUNITY ACTION ORGANIZATION (KCAO)**

June 18, 2009

### **Grand Jury's Finding 1**

The KCAO is regularly investigated regarding fiscal matters but is not effectively investigated regarding program.

**Recommendation 1:** The Human Services Agency should create an effective method to evaluate KCAO programs for which they are the contractor.

**Agency's Response 1:** The Agency partially agrees with the recommendation in that the Agency currently does evaluate the KCAO programs so there is no need to create a method to evaluate. The Agency meets regularly with KCAO on its agreements to review actions in program and to monitor services as required.

- 1) **Child Care:** The Agency's child care liaison has regular (daily, weekly and monthly, as needed and dictated by programmatic issues) discussions with KCAO Resource and Referral staff to work out issues of direct services, resolve problems with hours of services or providers of care, and cooperatively develop solutions to problems in coordinating services between different child care components (i.e. changes between child care Stage 1, 2 and 3 vs. Head Start and Alternative Payment Programs.)
- 2) **Cal Learn:** The Agency meets quarterly with KCAO Cal Learn/AFLP staff to discuss any issues of reporting, services at the client level and problems that may be occurring in communication. Since there are a small number of Cal Learn cases, these cases are assigned to two experienced eligibility workers who provide ongoing contact with KCAO Cal Learn/AFLP case managers.

The Agency will continue to evaluate the KCAO programs as described.

**Grand Jury's Finding 2:** The 2008-2009 Kings County Grand Jury believes that the Grand Jury should have both programmatic and fiscal oversight of the contracted programs with Kings County.

**Recommendation 2:** All Contracts between Kings County and KCAO should include a statement permitting Kings County Grand Jury programmatic oversight.

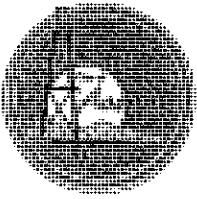
**Agency's Response 2:** The Agency partially disagrees with the recommendation. The Agency agrees that the Grand Jury should have oversight of the contracted programs with Kings County but to include a statement stating that is unnecessary. All contracts are reviewed by Kings County Counsel and County Counsel advises the Agency what is necessary in the contracts. Human Services will continue to follow the directives of County Counsel regarding what is to be included in agency contracts. The County Counsel has advised the Human Services Agency Director that the Grand Jury already has jurisdiction to review the activities engaged in by Kings Community Action Organization on behalf of the County of Kings under contracts such as the Cal-Works contract. Therefore, it is not necessary or essential for the agency to include such wording in its contracts with Kings Community Action Organization.

**Grand Jury's Finding 3:** Some contracts currently in force will expire on June 30, 2009.

**Recommendation 3:** Timely consideration by County Counsel should be given to include wording which allows oversight by the Grand jury.

**Agency's Response 3:** The Agency agrees with the recommendation. All contracts are submitted to County Counsel for review and approval. County Counsel reviews contracts as soon as possible and returns the contract to the Agency for Board approval.





RECEIVED

City of Avenal

July 6, 2009

2009 JUL -8 PM 1:40

TODD H. BARTON, CEO  
SUPERIOR COURT  
OF CALIFORNIA  
COUNTY OF KINGS

919 Skyline Blvd.  
Avenal, CA 93204  
Phone (559) 386-5766  
Fax (559) 386-0629

DEPUTY

Honorable Judge George Orndoff, Presiding Judge  
Kings County Superior Court  
1426 South Drive  
Hanford, CA 93210

RECEIVED  
JUL 14 2009

RE: Response to 2008/09 Grand Jury "Finding & Recommendation"  
City of Avenal

*[Handwritten signature]*  
RECEIVED

Dear Judge Orndoff:

On behalf of the City of Avenal, I apologize for the late response, but due to a change in personnel earlier this year; the individual's misunderstanding of the Grand Jury Report; and, the need for a timely response, my office was not aware of the report until July 1, 2009 when a call was received from Ms. Carolyn Hartley, Kings County Grand Jury.

The following is the City of Avenal's response to the "Finding and Recommendation" as per the 2008/09 Grand Jury Report:

Finding 1: Water collected by the storm drain system is openly discharged on the west or downhill side of the City.

Due to the drainage issues the community had "endured" since its founding in 1929, in 1989/90, the City of Avenal/Redevelopment Agency undertook the hiring of an engineering firm; approved financing; and, awarded a contract for installation of 52 miles of curbs, gutters and sidewalks. The project was completed in 1991.

The City of Avenal will continue to explore further remediation options in order to minimize storm water discharge to the westerly/downhill side of the City; however, this task will continue to be a challenge due to the existing topography and associated costs.

Thank you.

Sincerely,

CITY OF AVENAL

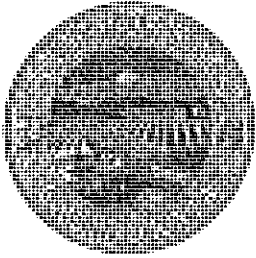
*[Handwritten signature of Melissa G. Whitten]*

Melissa G. Whitten  
City Manager

mgw/

Cc: Kings County Grand Jury  
Avenal City Council  
Brian Skaggs, Summers Engineering  
Jerry Watson, Public Works Director

*[Handwritten initials and date]*  
7-8-09



JOE NEVES  
STRATFORD-LEMOORE,  
DIST. I

JON RACHFORD  
CORCORAN-AVENAL,  
DIST. III

TONY OLIVEIRA  
NORTH HANFORD -  
NORTH LEMOORE, DIST. III

ALENE TAYLOR  
HANFORD, DIST. V

TONY BARBA  
HANFORD-ARMOHA, DIST. IV

# COUNTY OF KINGS BOARD OF SUPERVISORS

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

July 14, 2009

Honorable George Orndoff  
Kings County Superior Court  
1426 South Drive  
Hanford, CA 93230



Dear Judge Orndoff:

In accordance with Section 933 of the California Penal Code, this letter is the Kings County Board of Supervisors' response to the Grand Jury Report entitled, "Juvenile Hall/Boot Camp," received by the County on May 4, 2009.

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

**Finding 1: About a year ago, the female boot camp was discontinued for budgetary reasons and female wards were transferred to the Juvenile center.**

We agree with this finding.

**Recommendation 1: Reinstate the Females' boot camp/female treatment center, as soon as funds are provided.**

Unfortunately the State has reduced funding for boot camps, therefore the Probation Department closed down the Female Treatment Center. When additional funding is provided in the future the Probation Department plans to open up a female dormitory at the Juvenile Academy to participate in the boot camp program.

**Finding 2: When the CYA closes, Kings County will have to absorb the juveniles into the Juvenile Hall. The Judge's decision will determine which juveniles go to prison and which juveniles remain in the maximum-security unit of Juvenile Hall.**

We partially agree with this finding. There has been no definitive decision made at the State whether it will be closing the Department of Juvenile Justice (old CYA), however it is anticipated that the County facilities will need to absorb the juveniles wards. The District Attorney determines if a minor will be adjudicated as an adult. Under Proposition 21, the District Attorney determines if a minor may be exposed to prison sentences or whether they will remain in juvenile jurisdiction.

**Recommendation 2: None required.**

**Finding 3: Transfer of male boot camp cadets to the branch jail has been delayed because improvements have not been completed.**

The transfer of male boot camp cadets was completed on April 13, 2009.

**Recommendation 3: Facilitate the completion of the branch jail as soon as possible.**

This recommendation has been implemented. All of the improvements have been completed at the new Juvenile Academy (old Branch Jail) Facility. The Probation Department transferred its boot camp program there on April 13, 2009.

**Finding 4: Transfer wards currently housed in maximum security to the branch jail when adequate staff has been hired.**

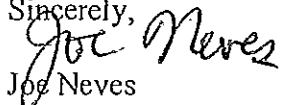
We partially agree with this finding. The Probation Department is in need of additional maximum security cells, therefore the Department is currently working towards opening the maximum security area in the new Juvenile Academy (old Branch Jail). The Department will be using existing funding under SB 81 to hire new extra-help staffing, which will allow the Department to add up to ten beds in the new maximum security area located at the Juvenile Academy.

**Recommendation 4: Fill existing staff vacancies as soon as the budget allows.**

This recommendation will be implemented. The Probation Department currently has one vacancy that is in the process of being filled as soon as possible. The Department is also in process of hiring new extra-help staffing to allow the Department to open the maximum security area in the Juvenile Academy.

We would like to express our gratitude to the 2008-2009 Grand Jury for its diligent work. We respect its zealous defense of the Grand Jury's important role in the structure of local government. Also, we appreciate this opportunity to expand upon and clarify the Board's response to the 2008-2009 Grand Jury Report.

Sincerely,

A handwritten signature in cursive script that reads "Joe Neves".

Joe Neves

Chairman, Board of Supervisors



KINGS COUNTY  
PROBATION


STEVE BRUM  
Chief Probation Officer  
~~DOROTHY VAN DEN BERG~~  
~~SUBPROBATION OFFICER~~

1424 FORUM DRIVE  
HANFORD, CA 93230

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

FAX  
(559) 583-1467

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

From: Steve Brum   
Chief Probation Officer

Date: June 22, 2009

Subject: Response to Juvenile Hall/Boot Camp

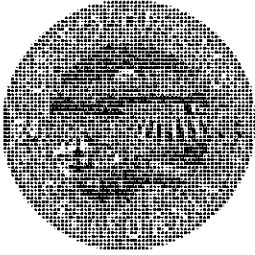
Kings County Probation  
Grand Jury Recommendations:

Response:

After reading the report of the Grand Jury dated July 29, 2008, I would have no dispute with the findings.

I would only add that since the report issuance, we have opened the Juvenile Academy and moved the Boot Camp Program to that location.

SB/dj



JOE NEVES  
STRATFORD-LEMOORE,  
DIST. I

JON RACHFORD  
CORCORAN-AVENAL,  
DIST. II

TONY OLIVEIRA  
NORTH HANFORD -  
NORTH LEMOORE, DIST. III

ALENE TAYLOR  
HANFORD, DIST. V

TONY BARBA  
HANFORD-ARMONA, DIST. IV

# COUNTY OF KINGS BOARD OF SUPERVISORS

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

July 14, 2009

Honorable George Orndoff  
Kings County Superior Court  
1426 South Drive  
Hanford, CA 93230

Dear Judge Orndoff:

In accordance with Section 933 of the California Penal Code, this letter is the Kings County Board of Supervisors' response to the Grand Jury Report entitled, "Juvenile Hall/Boot Camp," received by the County on May 4, 2009.

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

**Finding 1: About a year ago, the female boot camp was discontinued for budgetary reasons and female wards were transferred to the Juvenile center.**

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**Recommendation 1: Reinstate the Females' boot camp/female treatment center, as soon as funds are provided.**

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We would like to express our gratitude to the 2008-2009 Grand Jury for its diligent work. We respect its zealous defense of the Grand Jury's important role in the structure of local government. Also, we appreciate this opportunity to expand upon and clarify the Board's response to the 2008-2009 Grand Jury Report.

Sincerely,

Joe Neves  
Chairman, Board of Supervisors



JOE NEVES  
STRATFORD-LEMOORE,  
DIST. I

JON RACHFORD  
CORCORAN-AVENAL,  
DIST. III

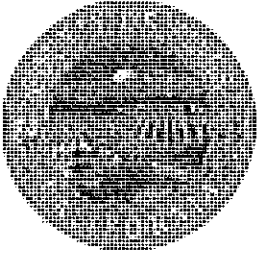
TONY OLIVEIRA  
NORTH HANFORD -  
NORTH LEMOORE, DIST. III

ALENE TAYLOR  
HANFORD, DIST. V

TONY BARBA  
HANFORD-ARMONA, DIST. IV

# COUNTY OF KINGS BOARD OF SUPERVISORS

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



July 14, 2009

Honorable George Omdoff  
Kings County Superior Court  
1426 South Drive  
Hanford, CA 93230

Dear Judge Omdoff:

In accordance with Section 933 of the California Penal Code, this letter is the Kings County Board of Supervisors' response to the Grand Jury Report entitled, "Fire Department Armona - Station Five," received by the County on May 4, 2009.

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

- 1. Due to the critical need of 2 man stations, all fire stations should be manned by at least 2 firefighters.**

We agree with this finding, but it is not economically feasible at this time. Due to the budgetary constraints the County is facing, it is unlikely that all stations will be staffed with two or more people in the foreseeable future.

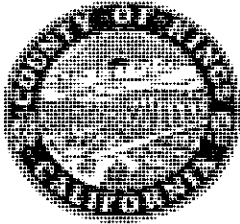
Under the Recommendations Section of the Report the Grand Jury states:

- 1. When budgetary conditions improve each station should be manned by at least 2 firefighters.**

Currently five fire stations are staffed with two persons, one is staffed with three persons, and four are staffed with one person. We agree that when budgetary conditions improve it would be ideal to staff each station with at least two firefighters.

Sincerely,

Joe Neves  
Chairman, Board of Supervisors



**County of Kings**  
**Fire Department**  
**Inter-Office Memorandum**

**TO:** Joe Neves, Chairman, Kings County Board of Supervisors  
**FROM:** Jim Kilney, Fire Chief  
**DATE:** June 24, 2009  
**SUBJECT:** Response to the 2008/2009 Grand Jury Report

The Fire Department wishes to thank the Grand Jury for their time and effort in visiting the County Fire Department and for compiling and reporting their findings and recommendations. Their interest and concern for the department's operations is commendable. Following is our response to the findings and recommendations in the report.

**Finding 1.** Due to the critical need of 2 man person stations, all fire stations should be manned-staffed by at least 2 firefighters.

**Recommendation 1.** When budgetary conditions improve each station should be manned-staffed with at least 2 firefighters.

**Response:** The County Fire Department agrees with the finding. However, with the economic situation facing the department in the future, it seems very unlikely to maintain the current staffing levels that are in place today. The department is very proud of the dedication, professionalism, and levels of service the department provides to the citizens of Kings County.



CORCORAN  
DISTRICT HOSPITAL

Grand Jury  
IF RECEIVED SEP 23 2009  
P. Brennan

August 17, 2009

County of Kings  
Grand Jury  
PO BOX 1562  
Hanford, Ca 93232

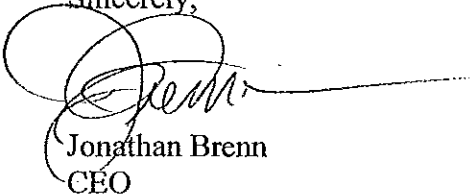
To The Honorable George L. Orndoff, Presiding Judge:

In accordance with Penal Code Sections 933 and 933.05, the following is the response to the findings and recommendations to Corcoran District Hospital from the Kings County Grand Jury as stated in the 2008-2009 annual report:

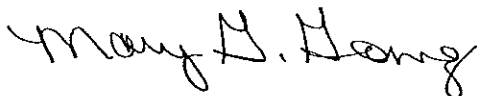
- Recommendation 1 - Finalize the last bankruptcy payment. The second-to-last bankruptcy payment was made in May, 2009. The final payment is due and will be paid May, 2014. This will complete our bankruptcy obligation.
- Recommendation 2 - Purchase a blood chemistry analysis machine. Money for a blood chemistry analyzer was included in the 2009-2010 CDH capital budget, and it was approved by the Board of Directors on 7/7/09. Purchase of this instrument is expected by October 1<sup>st</sup>.
- Recommendation 3 - Purchase an information system for the Laboratory Department. Money for an electronic information system for the laboratory was included in the 2009-2010 CDH capital budget, and it was approved by the Board of Directors on 7/7/09. Since that time, installation of and training for this system has been scheduled to begin in 8/09 by the vendor CPSI. The system will be in full operation throughout the hospital by January, 2010.

Please feel free to contact me with further questions at 559 992 5051.

Sincerely,



Jonathan Brenn  
CEO



Mary Gomez  
Chairwoman, Board of Directors



County  
Gov

# COUNTY OF KINGS BOARD OF SUPERVISORS

GOVERNMENT CENTER HANFORD, CALIFORNIA 93230 (559) 582-3211 EXT 2362  
Catherine Venturella, Clerk of the Board of Supervisors

grand jury  
RECEIVED JUL 27 2009  
BVR

AGENDA ITEM  
July 14, 2009

**SUBMITTED BY:** ADMINISTRATION – Larry Spikes/Rebecca Campbell

**SUBJECT:** Response to Grand Jury Report Multi-Disciplinary Interview Center (MDIC) in the District Attorney's Office

**SUMMARY:**

**Overview:**

On June 9, 2009 the County received a copy of a Grand Jury Report entitled: Multi-Disciplinary Interview Center (MDIC) in the District Attorney's Office. Penal Code Section 933 and 933.05 require that specific responses to both the findings and recommendations contained in this report be submitted to the Presiding Judge of the Superior Court of Kings County within 90 days. The attached response is fashioned to serve as your Board's response.

**Recommendation:**

Authorize the Chairman to sign response to the Kings County Grand Jury Report entitled Multi-Disciplinary Interview Center (MDIC) in the District Attorney's Office.

**Fiscal Impact:**

Unknown.

**BACKGROUND:**

The Multi-Disciplinary Interview Center (MDIC) in the District Attorney's Office Report required a response by your Board within 90 days of receipt, or by September 6, 2009. The Report addressed specific issues related to the District Attorney's Office, Probation Department, and Public Works. Staff is proposing the attached letter serve as a response from your Board.

H:\admin\ADMIN\AGENDA\2009\0809 GJ Response DA\_MDIC\_071409.doc

**BOARD ACTION:**

APPROVED AS RECOMMENDED: \_\_\_\_\_ OTHER: \_\_\_\_\_

I hereby certify that the above order was passed and adopted  
on \_\_\_\_\_, 2009.

CATHERINE VENTURELLA, Clerk to the Board

By \_\_\_\_\_, Deputy.

**Finding 2: Kings County does not have a formal written purchasing policy and procedure manual.**

We disagree with this finding. Kings County does have an active Purchasing Policy that was adopted December 20, 1988.

**Recommendation 2: Kings County should develop and adopt a written purchasing policy.**

The recommendation has been implemented. A new Purchasing Manager was hired in July 2008, and is currently working on updating the County's Purchasing Policy and procedures.

**Finding 3: There is no documentation of Kings County employee man hours spent on the project.**

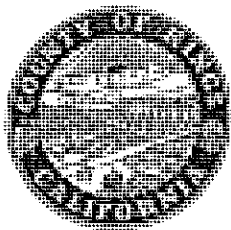
We disagree partially with this finding. There is no requirement, such as grant tracking, that would require that documentation like time studies be kept on this project. The needed tasks were delegated out by the Public Works Director, and the respective Departments handled the work. Some of the employee time was documented through timecards as well as electronic calendar appointments.

**Recommendation 3: The project documentation should include any and all expenditures, both internal and external, including the planning objectives and hours involved.**

This recommendation has mostly been implemented. All expenditures were documented through the County's Financial Management System and the planning objectives were communicated with the Board of Supervisors. For a project of this scope we do not agree with the recommendation to track all hours involved.

**Finding 4: Kings County has segmented the total project cost to avoid the required authorization threshold limits.**

We disagree with this finding. The Board of Supervisors has the overall authority for budgeting projects. In fiscal year (FY) 2007/2008 estimates were budgeted in two separate accounts for the relocation of Minor's Advocacy and for the expansion of the District Attorney's office spaces. The projects were originally budgeted in two accounts in FY 2007/2008 because the Minors Advocacy was originally going to be relocated to their own building.



# COUNTY OF KINGS BOARD OF SUPERVISORS

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

JOENEVES  
STRATFORD & LEMOORE - DISTRICT I

JON RACHFORD  
CORCORAN & AVENAL - DISTRICT II

TONY OLIVEIRA  
NORTH HANFORD & NORTH LEMOORE - DISTRICT III

TONY BARBA  
HANFORD & ARMONA - DISTRICT IV

ALENE TAYLOR  
HANFORD - DISTRICT V

August 26, 2008

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

Dear Judge Shultz:

The Board of Supervisors has attached the County's response to the 2007/2008 Grand Jury Report on the Information Technology Department. The Grand Jury Report was issued on May 29, 2008.

The County's response to the Grand Jury Report was presented at a regular meeting of the Board of Supervisors on August 26, 2008. The County's response addresses each finding and recommendation as required by Penal Code Section 933. The County's response was prepared by the former Chief Information Officer and the Administrative Office.

Sincerely,

Joe Neves, Chairman  
Kings County Board of Supervisors

Cc: Grand Jury Foreman, Dr. Minkin



# COUNTY OF KINGS

## INFORMATION TECHNOLOGY DEPARTMENT

(559) 582-3211 ext. 2546  
FAX (559) 584-8371

1400 West Lacey Boulevard  
County Government Center  
Hanford, California 93230

Mark A. Cowart  
Director

August 12, 2008

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

Dear Judge Shultz:

In accordance with Section 933 of the California Penal Code, this letter is the Kings County Board of Supervisors' response to the Grand Jury Report entitled, "Information Technology Department," received by the County on May 29, 2008.

For the reasons set forth below in the County's responses to each of the Grand Jury's findings and recommendations, the Kings County Board of Supervisors either acknowledges, agrees with, or disagrees with each of those findings and recommendations.

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

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

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

We agree with this finding. Effective communication is critical to the success of the County. IT Department managers currently do meet with departments as required to ensure customer projects are implemented successfully and to discuss new projects. However, because of the number of customers and the complexity and divergent business requirements involved, the IT Department is structured to rely on senior analyst staff to provide day to day technology advice and support to customers. They then in turn communicate with each other and management staff – through regularly scheduled meetings – to ensure IT Department goals and strategies support those needs.

← WHEN

WHO

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

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

We agree with this finding. Implementation of the IT Department Policy and Procedure Manual, Equipment upgrades, and the implementation of an Intrusion Prevention System were completed during the last year in preparation for the Assessment. Funding to complete the Assessment is included in the FY 2008/2009 budget and will be completed by the end of the fiscal year.

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

We agree with this finding. The policy will be modified to make the recommended change to the language as well as procedures for notifying all department/agency heads of an actual or potential breach of security.

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

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

We agree with this finding. The IT Department always evaluates the ability to hold training locally. As an example, training was held onsite the week of July 21, 2008 and 12 IT staff was able to attend. However, this is usually the exception because of the specialized nature of staff assignments.

ONLINE TRAINING + INTERNET TRAINING?

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

We disagree with this finding. While the IT Department assists customers in coordinating application specific training, it is the responsibility of the department to determine whether "train the trainer" is sufficient or not. We do agree that it is the responsibility of the customer to request training for customer specific application systems.

WHAT PROCEDURES ARE IN PLACE WHEN CUST

REQUESTS TRAINING

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

**Recommendation 4:** The other IT Department divisions should implement a weekly session, as is conducted in the Enterprise Services/Office Automation Division to communicate within their division. The director should conduct a full staff meeting quarterly or semiannually.

We agree with this finding. The Director will hold scheduled department-wide meetings instead of informally during staff gatherings such as pot-luck lunches. However, weekly meetings with the Application Support staff do take place on Thursdays and Technical Services staff attends the weekly Enterprise Division meeting as well as other meetings. We agree that there can never be too much communication.



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

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

We disagree with this finding. The IT Department will only know if customers are investigating new or upgraded systems if told by the customer. Hardware and software necessary to support systems is not usually part of the discussion until a potential solution is identified. However, the IT Department would like to be involved in the process as soon as possible.

← WHY NOT? DO YOU HAVE AN INVENTORY OF SOFTWARE, HARDWARE, & LICENCES

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

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

We agree with this finding. While the backups are stored in a secure facility in a different part of the Government Complex, the IT Department will research this issue to determine the security, cost and impact on access to the data of storing backups offsite.

← WHEN WILL IT BE IMPLEMENTED? WHAT IS THE TIME LINE FOR IMPLEMENTATION



COUNTY OF KINGS  
BOARD OF SUPERVISORS

GOVERNMENT CENTER HANFORD, CALIFORNIA 93230 (559) 582-3211 EXT 2362  
Catherine Venturella, Clerk of the Board of Supervisors

AGENDA ITEM  
August 26, 2008

**SUBMITTED BY:** Administration – Larry Spikes/Deb West

**SUBJECT:** RESPONSE TO GRAND JURY REPORT REGARDING THE INFORMATION  
TECHNOLOGY DEPARTMENT

**SUMMARY:**

**Overview:**

Pursuant to Section 933 of the California Penal Code, departmental responses to the Grand Jury's Reports are presented for your Board's review and consideration. The response from your Board to the Grand Jury's report on the Information Technology Department has been prepared for your Board; the final response on this topic is required to be delivered to the Presiding Judge of the Superior Court by August 27, 2008 (required to be delivered within 90 days of the reports issuance which was dated May 29, 2008).

**Recommendation:**

Approve the attached written response to the 2007/2008 Grand Jury Report on the Information Technology Department and authorize the Clerk of the Board to submit the response to the Presiding Judge of the Superior Court on or before August 27, 2008.

**Fiscal Impact:**

None.

**BACKGROUND:**

The Information Technology Department report, when issued by the Grand Jury, required a response by your Board. The attached response, drafted by the former IT Director and Administration staff is submitted for your Board's consideration. Staff requests your Board approve the attached response and authorize staff to submit the response to comply with the time deadlines required by Penal Code Section 933.

H:\admin\ADMIN\AGENDA\2008\0708grandjuryresponseIT

**BOARD ACTION:**

APPROVED AS RECOMMENDED: \_\_\_\_\_ OTHER: \_\_\_\_\_

I hereby certify that the above order was passed and adopted  
on \_\_\_\_\_, 2008.

CATHERINE VENTURELLA, Clerk to the Board

By \_\_\_\_\_, Deputy.

Grand Jury  
RECEIVED SEP 16 2009  
PNZ

September 8, 2009

The Honorable George L. Orndorf, Presiding Judge  
KINGS COUNTY SUPERIOR COURT  
1400 West Lacey Blvd.  
Hanford, CA 93232

Re: Stratford Public Utility District-2008-2009 Kings County Grand Jury Final Report

Dear Judge Orndorf:

Pursuant to Pecan Code § 933, the following statements are submitted on behalf of the Board of Directors of the Stratford Public Utility District in response to the 2008-2009 Kings County Grand Jury Final Report which was submitted to the Court on or about July 23, 2009.

Finding no. 1: Payment of the operator's civil fine was not a gift of public funds but was a loan that is being repaid.

Response: None required.

Finding no. 2: Future growth is limited by lack of sanitary sewer capacity.

Response: The District has applied for a \$2,000,000 grant from the State Water Resources Control Board. To date the District has not received a response to the application.

Finding no. 3: The District has no contingency fund.

Response: The District will establish a contingency fund starting with the fiscal year beginning July 1, 2009.

Finding no. 4: No off-site storage of District records exists.

Response: The District is now backing up records on a memory stick which is stored in a fire and waterproof safe.

Very truly yours,

STRATFORD PUBLIC UTILITY DISTRICT

By:   
JASON PRYOR, PRESIDENT, BOARD OF DIRECTORS

cc: Pat Silva  
CARLCINSPUDIORN-908.wpd

*Grand Jury*  
*RECEIVED SEP 30 2009*  
*BUR*

**LEMOORE CEMETERY DISTRICT**  
P O BOX 244  
1441 N LEMOORE AVENUE  
LEMOORE CA 93245  
PHONE: 559-924-3439 FAX: 559-924-1040

September 28, 2009

County of Kings Grand Jury

Dear Jury Members;

Please accept my apology for being late with this response to your recommendation. The Lemoore Cemetery District is looking into surveillance equipment to make our district safer and to protect the grounds. We have spoken to two different companies about this matter. Cost at this time is what is slowing us down. We will continue to strive to keep the cemetery grounds as safe as we can....

The employees and board of Lemoore Cemetery District are very proud of the comments made by the Grand Jury concerning our district.

Respectfully,



Joyce Bautista  
District Manager  
Lemoore Cemetery District

JB:gl

# Information Technology Department

**Grand Jury Response:**

**August 31, 2008**

## **Recommendation 1:**

The IT Department states that it relies on SENIOR ANALYST Staff to provide day-to-day technology advice and support to its customers. They then in turn communicate with each other and management staff – through regularly scheduled meetings – to ensure IT Department goals and strategies support those needs.

Who are the members of the SENIOR ANALYST Staff?  
When are the regularly scheduled meetings held?  
Are minutes of these meeting taken?  
What are the IT Department goals and strategies?

## **Recommendation 2a:**

The IT Department stated that the “Information Risk and Vulnerability Assessment” will be completed by the end of the fiscal year.

Due to the importance of determining the security of the network and the data that is transported across the network, we feel that the “Information Risk and Vulnerability Assessment” be conducted immediately, as previously recommended and funded.

## **Recommendation 2b:**

The IT Department states that “Incident Response Policy” will be modified to make the recommended change to the language as well as procedure for notifying all department/agency heads of an actual or potential breach of security.

When will this be completed and the policies/procedures tested?

## **Recommendation 3a:**

The IT Department states that due to the specialized nature of staff assignments on-site training is difficult to schedule.

Has anyone researched the availability of internet/online training?  
(See attached for examples)

**Recommendation 3b:**

The IT Department disagreed with this finding.

Although the customer should be responsible for providing the "train the trainer" personnel, the IT Department will benefit if they control the level of training.

It will allow the IT Department to be proactive in troubleshooting customer problems and to be aware of future upgrades in software and hardware requirements.

The IT Department should establish a coordinator for all software and hardware training/purchasing.

How does a customer request training for their "train the trainer"?

**Recommendation 4:**

The IT Department states that it will hold scheduled department-wide meetings.

When will these meetings be held?

Who will attend these meetings?

**Recommendation 5:**

The IT Department disagreed with this finding.

The IT Department should establish a coordinator for all software and hardware training and purchasing.

It will allow the IT Department to be proactive and to be aware of future upgrades in software and hardware requirements.

It will also provide for an accurate software, hardware, and licensing inventory.

**Recommendation 6:**

The IT Department stated that it will research the issue (of storing Backup Data) to determine the security, cost and impact on access to the data of storing backups offsite.

What is the time-line for implementation?