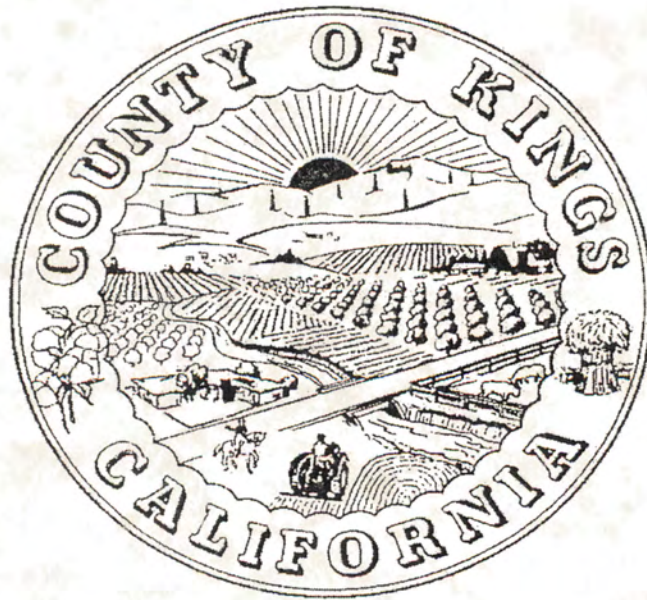


**KINGS COUNTY
GRAND JURY**



**FINAL REPORT
2011 –2012**

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Responses to 2010-2011 Report



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

Donna Tarter
Judge

May 29, 2012

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

The 2011 - 2012 Kings County Grand Jury has submitted the enclosed reports to the Presiding Judge and/or his designee of the Superior Court in accordance with Section 933 of the California Penal Code. The enclosed reports were submitted and are hereby accepted as the final reports of the Grand Jury concerning these areas of inquiry.

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

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

The Judges of the Superior Court wish to express our sincere appreciation of the long hours of service given by members of the 2011 – 2012 Grand Jury; with special thanks to their Foreperson, Anthony Collins. Selfless dedication to public service such as that demonstrated by this Grand Jury is crucial to the survival of the institution of the Grand Jury, which is itself an important part of the checks and balances necessary for our democracy to function.

Sincerely,

A handwritten signature in black ink, appearing to be "Donna Tarter", with a long horizontal line extending to the right.

Donna Tarter
Judge of the 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, 2012

Honorable Donna L. Tarter
Superior Court of the State of California
Advising Judge to County of Kings Grand Jury
County of Kings
Hanford, CA 93230

Dear Judge Tarter:

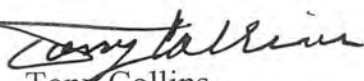
It has been a rewarding experience to have had 19 citizens of Kings County assemble in Grand jury Chambers. As sworn, the jurors accepted the duties, responsibilities and commitment. They performed well, with the best interest to their fellow Citizens of Kings County, however, due to circumstances of family and health issues, some members had to remove themselves. The current members of the Grand Jury are to be commended for accepting the added responsibilities and carrying on with diligence.

Many of the case studies were the result of concerned citizens who initiated complaints and inquiries about issues meaningful not only to themselves, but for others who may have been affected in a similar situation. Jurors' proceeded to make careful and complete examinations of some departments within the County and incorporated cities. Reports have been written and complied diligently with impartially and to the best of our ability.

The training provided by the California Grand Jurors' Association was found by all jurors to be informative and extremely valuable.

The Court can be proud of each and every member of the 2011-2012 Grand Jury for willingly giving their time and expertise in an effort to comply with their sworn duty in the best interest of the Citizens of Kings County. As Foreperson I am pleased to submit to you the Final Report of the 2011-2012 Grand Jury.

Respectfully,


Tony Collins
Foreperson

Grand Jury

The Kings County Grand Jury Consists of nineteen qualified county citizens chosen by lottery from a list of 30 prepared by the presiding Judge of the Superior Court. The Judge may reappoint as many as 10 jurors from the sitting Jury, but no one can serve more than two consecutive terms. The Judge chooses the Grand Jury Foreperson.

The civil or “watchdog” responsibilities of the grand jury include the examination of all aspects of city and county governments, including special districts, to ensure the entities are functioning honestly and efficiently, and public moneys are being handled appropriately. The grand jury is required by law to inquire into the conditions and management of public jails within the county.

Grand Jury Members

Andrew Anema	Chair: Health and Education
Eartha R. Armstrong	
Aieda M. Boatman-Tripp	Chair: Law and Public Safety Chair: Social
James E. Boyd	Chair: Local Government
Anthony (Tony) Collins	Foreperson
Alfred E. Gallegos	Foreperson Pro Tem
Shirley A. Gasper	Snack Master
John G. Grego	Sergeant at Arms Chair: County Government
Jo Ann Hawkins	Co-Chair: Law and Public Safety
Diane E. Krier	Correspondence Secretary
Nelda S. MacLellan	Co-Chair: Health and Education
Georgia Mattos	Treasurer
Georgia Tierney	
Linda Tos	Co-Chair: County Government
Eldora Trigueiro	Recording Secretary



**THE HONORABLE SUPERIOR COURT JUDGES
and the
2011 - 2012 KINGS COUNTY GRAND JURY**

JUDGE Thomas DeSantos	JUDGE Robert S. Burns	JUDGE George L. Orndoff	JUDGE Steven Barnes	JUDGE Donna Tatter
John G. Grego Sgt. at Arms	Linda Tos	Anthony W. Collins Foreperson	Jo Ann Hawkins	Alfred E. Gallegos Pro Tem
Andrew S. Anema	James A. Boyd	Shirley A. Gasper Snack Master	Georgia Tierney	Eartha R. Armstrong
Georgia Mattos Treasurer	Diane Krier Correspondence Secretary	Nelda MacLellan	Aieda Boatman-Tripp Social Secretary	Eldora Trigueiro Recording Secretary

County Government

Chair: John Grego
Co-Chair: Linda Tos

CHILD PROTECTIVE SERVICES EMERGENCY RESPONSE

SYNOPSIS

Kings County Child Protective Services (CPS) is required to respond to all referrals for service which allege that a child is endangered by abuse, neglect, or exploitation. This investigation focused on when law enforcement is the first responder to an emergency situation where parents/guardians are either detained, arrested, hospitalized, or in any other way unable to care for the child(ren) present.

WHY THE GRAND JURY INVESTIGATED

Public interest.

AUTHORITY

California Penal Code Section 925. The grand jury shall investigate and report on the operation, accounts and records of the officers, departments, or functions of the county.

METHOD OF INVESTIGATION

Representatives from CPS were interviewed. Additionally, various CPS written policies and procedures were reviewed.

BACKGROUND AND FACTS

The emergency response procedures between Kings County law enforcement agencies and CPS were explored to ascertain whether they are consistent within all incorporated cities and county areas. The procedures referred to are set forth in the Welfare & Institutions Code Sections 300 and 305. The CPS worker is there to conduct the duties required of the worker under Welfare and Institutions Code section 309. CPS derives its guidelines from provisions contained in the Child Welfare Services Manual, Division 31, section 31-100 and following. CPS is required to respond to all referrals for service which allege that a child is endangered by abuse, neglect, or exploitation.

Emergency response by CPS is a system to provide temporary placement of minor children when circumstances require that they are to be immediately removed from the custody of their parents or guardians. When law enforcement is the first responder, they are required to call CPS in situations where a child's safety is at

issue. Once CPS is notified by law enforcement, policy requires that a social worker be either onsite or verbally respond to the reporting law enforcement agency within two hours regarding child placement authorization. When situations occur outside normal working hours, on call CPS staff provides assistance.

On call social workers are equipped with laptop computers which allow them to access the California Child Abuse Central Index data base to check the background of potential temporary caregivers before placement. Law enforcement agencies do not have direct access to this data base. However, CPS has access to the California Law Enforcement Telecommunications System data base used by law enforcement.

In an emergency response situation, coordination between CPS and law enforcement is more focused on investigation and removal than placement in foster care.

Finding 1

While there are exceptions, there has been minimal interagency communications or cross training between CPS and law enforcement agencies. The content of this communication and cross training pertains to the procedures each entity is to follow when working with children in an emergency placement situation.

The 2008-09 Grand Jury Report recommended CPS work with law enforcement agencies to develop an interagency training program relative to agency response requirements. In response, CPS stated, “the recommendation to develop a training program will be presented to all law enforcement entities in Kings County by CPS management with the outcome contingent upon the willingness or ability of law enforcement to participate. The invitation to collaborate in the creation of a training program will be initiated by June 2009”. Compliance has not been attained as of April 2012.

RECOMMENDATION 1

This grand jury agrees that CPS initiate and work with law enforcement agencies to develop a training program where both law enforcement officers and the emergency response social workers become aware of each other’s views and requirements of their duties. This recommendation is consistent with the previous recommendation in the 2008-2009 Kings County Grand Jury Report.

RECOMMENDATION 2

Assign a qualified liaison from CPS to work with law enforcement agencies.

COMMENTS

Throughout our investigation, CPS personnel presented themselves in a professional manner. They were well versed, dedicated, and displayed a thorough knowledge of their duties.

At times CPS workers are required to be in harms way, such as drug raids in which children are present. Some safety concerns have been raised. Appropriate protection for the worker is desired.

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 within 90 days.



JOE NEVES
STRATFORD-LEMOORE,
DIST. I

RICHARD VALLE
CORCORAN-AVENAL,
DIST. II

DOUG VERBOON
NORTH HANFORD -
NORTH LEMOORE, DIST. III

RICHARD FAGUNDES
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>

August 21, 2012

Honorable James LaPorte
Kings County Superior Court
1426 South Drive
Hanford, CA 93230

Dear Judge LaPorte:

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, "Child Protective Services Emergency Response," received by the County on May 25, 2012.

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

- 1. While there are exceptions, there has been minimal interagency communications or cross training between CPS and Law enforcement agencies. The content of this communication and cross training pertains to the procedures each entity is to follow when working with children in an emergency placement situation.**

The 2008-09 Grand Jury Report recommended CPS work with law enforcement agencies to develop an interagency training program relative to agency response requirements. In response, CPS stated, "the recommendation to develop a training program will be presented to all law enforcement entities in Kings County by CPS management with the outcome contingent upon the willingness or ability of law enforcement to participate. The invitation to collaborate in the creation of a training program will be initiated by June 2009". Compliance has not been attained as of April 2012.

The Board of Supervisors agrees and disagrees with the finding. The Human Services Agency Management had not acted on this primarily because of economic reasons, however Management did offer training on child welfare legislation, regulations, and policies, as well as how to recognize child abuse and neglect to the Lemoore Police Department, the Naval Criminal Investigative Services, and the Lemoore Naval Air Station's (NAS) Security Department. More recently Child Protective Services (CPS) staff has trained Lemoore Police Department and base security and investigator staff on child abuse and neglect symptomology.

In June, 2012, the Human Services Agency met with the other law enforcement agencies in the county including Avenal, Corcoran, Hanford, and Lemoore Police Departments, as well as the Kings County Sheriff's Office and agreed that CPS would provide annual training on welfare regulations, legislation, and procedures. Training was conducted in late June for Avenal and Lemoore Police Departments, in July for Corcoran Police Department, and is being scheduled for Hanford Police Department and the Sheriff's Department.

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

- 1. This grand jury agrees that CPS initiate and work with law enforcement agencies to develop a training program where both law enforcement officers and the emergency response social workers become aware of each other's views and requirements of their duties. This recommendation is consistent with the previous recommendation in 2008-2009 Kings County Grand Jury Report.**

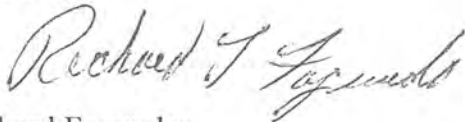
The Board of Supervisors agrees with the finding. The Human Services Agency has had difficulty developing a formal training program due to economic instability, which continues to be ongoing. However, the Human Services Agency started meeting with all of the law enforcement agencies in the county in June of 2012 and provided training on welfare regulations, legislation, and procedures. The Human Services Agency will provide this training annually, and all of the law enforcement agencies agreed to send officers to applicable training as invited by the Child Protective Services division.

- 2. Assign a qualified liaison from CPS to work with law enforcement agencies.**

The Board of Supervisors agrees with this recommendation. The agency has assigned a Child Protective Services (CPS) Social Work Practitioner as the point of contact for law enforcement agencies to contact for briefing training throughout the year. There has also been a CPS Supervisor assigned over training ongoing who will continue to serve as the point of contact for law enforcement entities to coordinate training arrangements.

The Human Services Agency has provided a response to the Board that is attached to this letter.

Sincerely,



Richard Fagundes,
Chairman, Board of Supervisors

**AVENAL POLICE DEPARTMENT
CHILD PROTECTIVE EMERGENCY RESPONSE**

SYNOPSIS

Due to a variety of events, children require placement in a suitable environment due to sudden inability or incapacitation of their primary guardian. Many of these events are a result of situations involving law enforcement. Coordination between law enforcement and Child Protective Services (CPS) is often required to provide the affected children with temporary placement.

WHY THE GRAND JURY INVESTIGATED

Public interest.

AUTHORITY

California Penal Code Section 925(a). The grand jury may at any time examine the books and records of any incorporated city or joint powers agency located in the county.

METHOD OF INVESTIGATION

The Grand Jury conducted an interview with a representative from the Avenal Police Department. Procedures, policies and codes were reviewed and examined.

BACKGROUND AND FACTS

When law enforcement is involved in a child welfare emergency, they are required to comply with California Welfare and Institutions Code, Section 305(a) which states in part: "In cases in which the child is left unattended the peace officer shall first attempt to contact the child's parent or guardian to determine if the parent or guardian is able to assume custody of the child. If the parent or guardian cannot be contacted, the peace officer shall notify a social worker from the county welfare department to assume custody of the child." Section 300 defines guardian as being the legal guardian. Therefore, law enforcement agencies shall contact the social worker to have potential caregivers approved by CPS before placing a child with anyone other than a parent or guardian.

The Avenal Police Department was established in November 2010. Avenal Police Department took the initiative to contact CPS. As a result, the Avenal Police Department and Child Protective Services have entered into a mutual understanding that when officers encounter a child at a scene where the parent(s) or guardian(s) have been arrested, the officers shall notify their dispatch to contact the on-call CPS worker. The purpose of the call is to determine proper placement of the child. It is permissible for the parent to make a request with the officer as to where the child will be placed. Officers shall obtain the name, date of birth, and address of the person the parent wishes the child to be placed with. This information will be provided to the on-call CPS worker. CPS on-call personnel utilize laptops which allow them to access their CPS database to assist law enforcement in determining if the person who receives temporary custody of the child is in fact fit to care for the child.

FINDING 1

The Avenal Police Department has implemented policies which are consistent with the Welfare and Institutions Code and CPS guidelines referring to the safety and well being of the child.

RECOMMENDATION 1

None

FINDING 2

In extreme cases of child welfare and endangerment, neglect, abandonment, and abuse (safety issues), CPS has agreed to respond to Avenal Police Department in a timely manner as they are aware of the officer's need to stay available for normal duties due to limited personnel.

RECOMMENDATION 2

None

COMMENTS

The Avenal Police Department has taken positive steps toward a productive working relationship with CPS. This leads to a better understanding of each others role in the safety of the children of Kings County caught in emergency situations.

RESPONSE REQUIREMENT

None

**CORCORAN POLICE DEPARTMENT
CHILD PROTECTIVE EMERGENCY RESPONSE**

SYNOPSIS

Due to a variety of events, children require placement in a suitable environment due to sudden inability or incapacitation of their primary guardian. Many of these events are a result of situations involving law enforcement. Coordination between law enforcement and Child Protective Services (CPS) is often required to provide the affected children with temporary placement.

WHY THE GRAND JURY INVESTIGATED

Public interest.

AUTHORITY

California Penal Code Section 925(a). The grand jury may at any time examine the books and records of any incorporated city or joint powers agency located in the county.

METHOD OF INVESTIGATION

The Grand Jury conducted an interview with a representative from the Corcoran Police Department. Procedures, policies and codes were reviewed and examined.

BACKGROUND AND FACTS

When law enforcement is involved in a child welfare emergency, they are required to comply with California Welfare and Institutions Code, Section 305(a) which states in part; "In cases in which the child is left unattended the peace officer shall first attempt to contact the child's parent or guardian to determine if the parent or guardian is able to assume custody of the child. If the parent or guardian cannot be contacted, the peace officer shall notify a social worker from the county welfare department to assume custody of the child." Section 300 defines guardian as being the legal guardian. Therefore, law enforcement agencies shall contact the

social worker to have potential caregivers approved by CPS before placing a child with anyone other than a parent or guardian.

When officers encounter a child at a scene where the parent(s) or guardian(s) have been arrested, the officers shall notify their dispatch to contact the on-call CPS worker. The purpose of the call is to determine proper placement of the child. It is permissible for the parent to make a request with the officer as to where the child will be placed. Officers shall obtain the name, date of birth, and address of the person the parent wishes the child to be placed with. This information will be provided to the on-call CPS worker. CPS on-call personnel utilize laptops which allow them to access their CPS database to assist law enforcement in determining if the person who receives temporary custody of the child is in fact fit to care for the child.

According to CPS records and Corcoran Police Department testimony, the police department has consistently followed the above code requirements. As a part of the new officer training program, the Corcoran Police Department requires that each officer trainee demonstrate knowledge of the above mentioned code. This knowledge is confirmed in writing by the training officer and then placed in the officer trainee's personnel file.

FINDING 1

Corcoran Police Department has consistently followed the Welfare and Institutions code requirements.

RECOMMENDATION 1

None

COMMENTS

Corcoran Police Department's training program appears to be thorough and effective in regards to Child Protective Emergency Response procedures and Welfare and Institutions Code Section 305(a).

RESPONSE REQUIREMENT

None

**HANFORD POLICE DEPARTMENT
CHILD PROTECTIVE EMERGENCY RESPONSE**

SYNOPSIS

Due to a variety of events, children require placement in a suitable environment due to sudden inability or incapacitation of their primary guardian. Many of these events are a result of situations involving law enforcement. Coordination between law enforcement and Child Protective Services (CPS) is often required to provide the affected children with temporary placement.

WHY THE GRAND JURY INVESTIGATED

Public interest.

AUTHORITY

California Penal Code Section 925(a). The grand jury may at any time examine the books and records of any incorporated city or joint powers agency located in the county.

METHOD OF INVESTIGATION

The grand jury conducted an interview with a representative from the Hanford Police Department. Procedures, policies and codes were reviewed and examined.

BACKGROUND AND FACTS

When law enforcement is involved in a child welfare emergency, they are required to comply with California Welfare and Institutions Code, Section 305(a) which states in part; "In cases in which the child is left unattended the peace officer shall first attempt to contact the child's parent or guardian to determine if the parent or guardian is able to assume custody of the child. If the parent or guardian cannot be contacted, the peace officer shall notify a social worker from the county welfare department to assume custody of the child." Section 300 defines guardian as being the legal guardian. Therefore, law enforcement agencies shall contact the social worker to have potential caregivers approved by CPS before placing a child with anyone other than a parent or guardian.

When officers encounter a child at a scene where the parent(s) or guardian(s) have been arrested, the officers shall notify their dispatch to contact the on-call CPS worker. The purpose of the call is to determine proper placement of the child. It is permissible for the parent to make a request with the officer as to where the child will be placed. Officers shall obtain the name, date of birth, and address of the person the parent wishes the child to be placed with. This information will be provided to the on-call CPS worker. CPS on-call personnel utilize laptops which allow them to access their CPS database to assist law enforcement in determining if the person who receives temporary custody of the child is in fact fit to care for the child.

According to CPS records and Hanford Police Department testimony, the police department has routinely followed the above code requirements.

FINDING 1

CPS and Hanford Police Department appear to have a good working relationship promoting the welfare and safety of children involved in an emergency situation.

RECOMMENDATION 1

None

RESPONSE REQUIREMENT

None

**KINGS COUNTY SHERIFF'S OFFICE
CHILD PROTECTIVE EMERGENCY RESPONSE**

SYNOPSIS

Due to a variety of events, children require placement in a suitable environment due to sudden inability or incapacitation of their primary guardian. Many of these events are a result of situations involving law enforcement. Coordination between law enforcement and Child Protective Services (CPS) is often required to provide the affected children with temporary placement.

WHY THE GRAND JURY INVESTIGATED

Public interest.

AUTHORITY

California Penal Code Section 925. The grand jury shall investigate and report on the operation, accounts and records of the officers, departments, or functions of the county.

METHOD OF INVESTIGATION

The Grand Jury conducted an interview with a representative from the Kings County Sheriff's Office. Procedures, policies and codes were reviewed and examined.

BACKGROUND AND FACTS

When law enforcement is involved in a child welfare emergency, they are required to comply with California Welfare and Institutions Code, Section 305(a) which states in part: "In cases in which the child is left unattended the peace officer shall first attempt to contact the child's parent or guardian to determine if the parent or guardian is able to assume custody of the child. If the parent or guardian cannot be contacted, the peace officer shall notify a social worker from the county welfare department to assume custody of the child." Section 300 defines guardian as being the legal guardian. Therefore, law enforcement agencies shall contact the

social worker to have potential caregivers approved by CPS before placing a child with anyone other than a parent or guardian.

According to CPS records and Kings County Sheriff's testimony, the Sheriff's Office conforms to the above code requirements. When deputies encounter a child at a scene where the parent(s) or guardian(s) have been arrested, the deputies shall notify their dispatch to contact the on-call CPS worker. The purpose of the call is to determine proper placement of the child. It is permissible for the parent to make a request with the deputy as to where the child will be placed. Deputies shall obtain the name, date of birth, and address of the person the parent wishes the child to be placed with. This information will be provided to the on-call CPS worker. CPS on-call personnel utilize laptops which allow them to access their CPS database to assist law enforcement in determining if the person who receives temporary custody of the child is in fact fit to care for the child.

FINDING 1

The Kings County Sheriff's Office policies are consistent with the Welfare and Institutions Code and CPS guidelines referring to the safety and well being of the child.

RECOMMENDATION 1

None

FINDING 2

In extreme cases of child welfare and endangerment, neglect, abandonment, and abuse (safety issues), CPS has agreed to respond to Kings County Sheriff's Office in a timely manner as they are aware of the deputies need to stay available for normal duties due to limited personnel.

RECOMMENDATION 2

None

COMMENTS

The Kings County Sheriff's Office has a productive working relationship with CPS. This leads to a better understanding of each others role in the safety of the children of Kings County caught in emergency situations.

RESPONSE REQUIREMENT

None

**LEMOORE POLICE DEPARTMENT
CHILD PROTECTIVE EMERGENCY RESPONSE**

SYNOPSIS

Due to a variety of events, children require placement in a suitable environment due to sudden inability or incapacitation of their primary guardian. Many of these events are a result of situations involving law enforcement. Coordination between law enforcement and Child Protective Services (CPS) is often required to provide the affected children with temporary placement.

WHY THE GRAND JURY INVESTIGATED

Public interest.

AUTHORITY

California Penal Code Section 925(a). The grand jury may at any time examine the books and records of any incorporated city or joint powers agency located in the county.

METHOD OF INVESTIGATION

The Grand Jury conducted an interview with a representative from the Lemoore Police Department. Procedure, policies and codes were reviewed and examined.

BACKGROUND AND FACTS

When law enforcement is involved in a child welfare emergency, they are required to comply with California Welfare and Institutions Code, Section 305(a) which states in part: "In cases in which the child is left unattended the peace officer shall first attempt to contact the child's parent or guardian to determine if the parent or guardian is able to assume custody of the child. If the parent or guardian cannot be contacted, the peace officer shall notify a social worker from the county welfare department to assume custody of the child." Section 300 defines guardian as being the legal guardian. Therefore, law enforcement agencies shall contact the

social worker to have potential caregivers approved by CPS before placing a child with anyone other than a parent or guardian.

According to CPS records and Lemoore Police Department testimony, Lemoore Police Department has not consistently followed the above code requirements. The Lemoore Police often violated this code by placing children without notifying CPS before assigning custody of the child.

When officers encounter a child at a scene where the parent(s) or guardian(s) have been arrested, the officers shall notify their dispatch to contact the on-call CPS worker. The purpose of the call is to determine proper placement of the child. It is permissible for the parent to make a request with the officer as to where the child will be placed. Officers shall obtain the name, date of birth, and address of the person the parent wishes the child to be placed with. This information will be provided to the on-call CPS worker. CPS on-call personnel utilize laptops which allow them to access their CPS database to assist law enforcement in determining if the person who receives temporary custody of the child is in fact fit to care for the child.

Continuing investigation revealed that in early 2012 Lemoore Police department initiated contact with CPS to develop better communications through training sessions and interdepartmental activities.

FINDING 1

Lemoore Police Department has not consistently followed the Welfare and Institutions code requirements. The Lemoore Police Department often violated this code by placing children without notifying CPS before assigning custody of the child.

RECOMMENDATION 1

Develop police department policies which conform to the Welfare and Institutions code. Provide officer training sessions regarding these policies and their implementation.

FINDING 2

In extreme cases of child welfare and endangerment, neglect, abandonment, and abuse (safety issues), CPS has agreed to respond to Lemoore Police Department in a timely manner as they are aware of the officer's need to stay available for normal duties due to limited personnel.

RECOMMENDATION 2

None

COMMENTS

In early 2012, the Lemoore Police Department has taken positive steps toward a productive working relationship with CPS. This will lead to a better understanding of each others role in insuring the safety of children involved in emergency situations.

future Due to the importance of the safety of these children, the Grand Jury recommends juries monitor the development and implementation of policies and procedures.

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 within 90 days.

Law and Public Safety

Chair: Aieda Boatman-Tripp
Co-Chair: Jo Ann Hawkins

CALIFORNIA STATE PRISON-CORCORAN

SYNOPSIS

On September 27, 2011, the Grand Jury toured Corcoran State Prison (CORC). The primary mission of CORC is to provide control, care, and treatment of inmates committed to the California Department of Corrections and Rehabilitation by the courts. CORC is a complex multi-mission institution comprised of the following facilities and services: Level I, Level III, Level IV, Administrative Segregation Unit (ASU), Security Housing Unit (SHU), Protective Housing Unit (PHU), Prison Industry Authority (PIA), and a fully licensed Acute Care Hospital.

WHY THE GRAND JURY INVESTIGATED

The Grand Jury's focus was inmate food services from receipt at the warehouse, to meal preparation, then distribution to inmates. Prison mail service was also reviewed.

AUTHORITY

California Penal Code Section 919(b). The grand jury shall inquire into the conditions and management of public prisons within the county.

METHOD OF INVESTIGATION

The Grand Jury was escorted through the institution by the Administrative Assistant/Public Information Officer (AA/PIO). The tour included, but was not limited to, the warehouse, mailroom, main kitchen, a satellite kitchen/dining room, and a health clinic. During the tour, the Grand Jury interviewed the Warehouse Manager, a Purchasing Agent, the Media Room Manager, the Mail Room Supervisor, the Food Manager, and a Registered Nurse.

BACKGROUND AND FACTS

The Grand Jury was greeted by the AA/PIO at the Administration Building. At this time, jurors were informed that prison staff was currently attempting to resolve an ongoing inmate hunger strike. Upon arrival at the warehouse, the

Warehouse Manager and Purchasing Agent greeted the Grand Jury and proceeded to provide a tour. They explained procedures for receiving commodities, storage, and distribution to the canteen, kitchen, medical facilities, maintenance department, or to inmates. Commodities for the inmates go through a thorough inspection before delivery.

The Media Room Manager gave a detailed explanation of the media room which is located adjacent to the warehouse. He informed the Grand Jury as to its' uses to provide in-house training, general announcements, and entertainment programming. The content of this programming has been edited. He has developed a curriculum provided through cable TV which allows the inmates to acquire a GED or college units.

A tour of the central mail room was provided by the Supervisor. The mail room functions with a staff of four in addition to the Supervisor. Mail arrives and is then separated into facilities. Each incoming letter is then screened and sorted by staff assigned to that facility. All incoming mail is screened within 48 hours of arriving at the mailroom. One staff member is responsible to x-ray packages or letters. The Grand Jury discovered that a delay in inmates receiving their mail could be the result of postal mail service, volume of mail, x-ray procedures, Investigative Services Unit (ISU) inspection of mail, and extra time necessary to inspect suspicious mail. Legal mail remains sealed until it is opened in the inmate's presence by staff. All outgoing mail (except legal correspondence) is read.

The Grand Jury arrived at the main kitchen after the noon meal. The Food Manager greeted the Grand Jury at the back of the kitchen in the scullery. She answered questions and explained the functioning of the various aspects of the kitchen, food preparation, storage, and transport to satellite kitchens. The main kitchen prepares approximately 14,000 meals per day which are comprised of two hot meals and one cold meal per inmate. Inmates were observed to be either cleaning or involved in food preparation. The Food Manager verbally informed the Grand Jury that to her knowledge the last state inspection of the kitchen was in April 2010.

The Grand Jury was transported to a satellite kitchen and rejoined by the Food Manager who explained final preparation and distribution of meals to the inmates. An officer explained how the observation stations in the dining rooms are posted with armed officers during meal times and used for supervision. The Grand Jury proceeded to a health clinic where the Registered Nurse gave a tour. This clinic

provides dental care, in addition to triage and treatment for inmates. It is determined at the clinic if the inmate needs additional care at the prison hospital. If so, the inmate is transferred. Further extensive care may be required necessitating transfer to an outside public hospital either by ambulance or air evacuation.

The tour concluded at the Administration Building. The AA/PIO escorted the Grand Jury into the Warden's office reception area. The Warden wanted to meet with the jurors, but was busy in a state wide conference call regarding the inmate hunger strike. While jurors waited to meet with the Warden, they requested from the AA/PIO written facts/information on CORC and State inspection reports on the main kitchen, warehouse, and clinic. The AA/PIO confirmed that the requested information and inspection reports would be sent to the Grand Jury. The Warden took a moment from her conference call to thank the Grand Jury for their interest and invited the jurors back at anytime. Only the facts/information sheet has been received as of the writing of this report. The requested State inspection reports for the main kitchen, warehouse, and health clinic have not been received, in so far as inspections are currently not conducted.

FINDINGS AND RECOMMENDATIONS

None

COMMENTS

It was observed that inmates worked to maintain the facility. It appeared clean and organized. It appeared that the media room is an efficient and important way to communicate with inmates. Overall, the Grand Jury noted that the mail room functioned well according to policies and procedures as explained by staff.

Food preparation rooms, cooking equipment, and the facility appeared clean and well maintained. Additionally, no offensive odors were noticed. The overall appearance of the satellite kitchen was clean and well maintained.

RESPONSE REQUIREMENT

None

CORCORAN CITY COUNCIL

SYNOPSIS

The Corcoran Police Department (CPD), Corcoran City Council, and Mayor should all interact in the best interest of and service to the citizens of their community. Inappropriate protocol occurred at a city council closed session meeting. Additionally, verbal complaints regarding preferential treatment by CPD of a citizen connected to the Corcoran City Council were made known to public officials. Subsequent to this the mayor submitted his resignation.

In an attempt to meet the budget, the City Manager laid off staff instead of management personnel. The spouses of city officials and some city council members working for the city faced the potential of being laid off. Availability of public records is inadequate. The city council has had multiple opportunities to replace council members due to resignation.

WHY THE GRAND JURY INVESTIGATED

Verbal Complaint

AUTHORITY

California Penal Code Section 925(a). The grand jury may at any time examine the books and records of any incorporated city or joint powers agency located in the county.

California Penal Code Section 919(c) states "...shall inquire into the willful or corrupt misconduct in office of public officers."

METHOD OF INVESTIGATION

The grand jury interviewed the ex-mayor, citizens, and a CPD representative. Various written documents were reviewed. Grand jury members attended city council meetings.

BACKGROUND AND FACTS

The current CPD Chief has been in office for nine years. The police department consists of eighteen sworn officers. The Corcoran City Council is composed of five members, one of whom serves as mayor. The mayor received citizen

complaints regarding a council member's spouse. These complaints related to an alleged DUI. In these complaints, it was alleged the spouse received preferential treatment by CPD due to a connection with the Corcoran City Council. The complaints were forwarded verbally by the mayor to the CPD Chief. However, the complaints continued to be received by the mayor. The complaints as well as the CPD Chief's handling of them were then brought to the city council and were discussed in closed session without the CPD Chief present. Because of this, the city attorney informed the council this action constituted a violation of the Brown Act, California Government Code Section 54950. The city attorney informed the city council that in order to be in compliance, the CPD Chief needed a seventy-two hour notice prior to the closed session meeting. This issue was corrected by holding another closed session meeting with the CPD Chief in attendance. The CPD Chief addressed the complaint regarding special treatment in the alleged DUI of a council member's spouse. Following this closed session, the CPD Chief notified the spouse regarding the discussion which occurred in the meeting, as well as possible subsequent actions, in direct violation of the Brown Act, California Government Code Section 54963. The documents, lab tests, and interviews regarding the spouse's DUI incident indicated proper police procedures were followed. The lab tests substantiated that DUI charges were not appropriate.

The council had several issues with the way the City Manager performed his duties. Some members of the council felt the manager was not keeping the full council informed in that only a select few members received information relative to city business. Budget cuts were another issue. The City Manager issued several personnel termination notices and directed those employees to leave immediately. In order to meet the budget, the City Manager needed to reduce the work force further. At least one city council member's spouse was on the short list to be laid off. There was the perception that the city council had a vested interest in their spouses' continued employment which caused council members to react when their spouses appeared to be getting laid off. This reaction was a contributing factor to the City Attorney negotiating the resignation of the City Manager. The mayor of Corcoran submitted his resignation on October 17, 2011. The mayor's resignation resulted in a council vacancy. The city council solicited applicants for the vacant position. A deadline date was established for the submission of the applications. At the December 5, 2011 council meeting, the council overruled their previous application deadline date by accepting an application that was submitted after the deadline date. During the same meeting, the applicants made individual presentations and the public was given the opportunity to interview them. The council was advised by the city attorney as to lawful procedures for the nomination process and voting method. Accommodations were made to ensure the placement of a particular applicant. By overriding the original deadline date, the council did not afford an opportunity to other potential applicants to file had they known the deadline was not firm.

Even though this action was within the city council's discretion, their acceptance of a late application seems to set a precedent for future applicants.

The City of Corcoran posts the city council's agenda and some minutes on their website: cityofcorcoran.com/citygov/agendas.asp. Items posted are incorrect and/or incomplete. The grand jury made multiple requests for the minutes of all 2011 council meetings. The minutes received were incomplete. The minutes of several meetings were missing entirely. Pages were missing from individual meeting minutes.

FINDINGS AND RECOMMENDATIONS

Finding 1

During the course of this investigation, it was discovered that the CPD Chief revealed closed session information to a citizen. This constituted a direct violation of the Brown Act, California Government Code Section 54963.

Recommendation 1

That the city council and CPD review the policies, procedures, and obligations regarding confidentiality of closed meetings, and take steps to ensure continued compliance.

Finding 2

The Brown Act, California Government Code Section 54963, was not followed by the city council during a closed session meeting. However, that violation was corrected by a follow up closed session meeting with the Chief of Police.

Recommendation 2

It is advised that city administrative personnel and city council members have Brown Act training. The Brown Act must be consistently adhered to!

Finding 3

Investigation reveals no evidence to substantiate allegations of preferential treatment by the CPD relative to a possible DUI incident.

Recommendation 3

None

Finding 4

The CPD, city council, and city manager were adversarial and worked independent of each other rather than functioning as team players. The Chief was involved in city matters beyond the scope of law enforcement, public safety, and management of the CPD. The Chief had many thoughts, opinions, and criticisms regarding several other city agencies and citizens excluding CPD.

Recommendation 4

The city could evaluate the CPD relationship with the city council and other agencies they work with as to how they relate to each other. Training should be provided to encourage teamwork, promote a professional level of communication, and an understanding of the role each plays in providing services to the community. It appears that the City of Corcoran could gain from a comprehensive written procedure for the proper dissemination or forwarding of citizen complaints and the information contained in them to the appropriate reviewing authority.

Finding 5

The city council appeared to set a precedent by overriding a previous deadline for application filing. This suggests a tendency by the council to be less than organized, and influenced by individual agendas.

Recommendation 5

The council needs to inform the public in advance regarding application deadline changes.

Finding 6

The city council's agenda and minutes of public record are missing entirely and/or incomplete.

Recommendation 6

The city needs to post these public records in a current and complete manner.

Comments

Based on interviews and written documentation, there appears to be significant inter departmental strife. Many innuendos and charges have been made between

departments criticizing each other. This dissension was one of the factors contributing to the mayor's and city manager's resignations.

Public confidence in the city council is potentially eroded by the actions outlined in this report.

Response Requirements

Penal Code section 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 within 90 days from date of receipt as indicated by Kings County Board of Supervisors.



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

October 25, 2011

Chief John Gibson
Lemoore Volunteer Fire Department
210 Fox Street
Lemoore, CA 93245

Chief John Gibson:

On Tuesday, September 20, 2011, the Kings County Grand Jury attended an informal tour of the Lemoore Volunteer Fire Department as a matter of public interest. Fire Chief Gibson and Assistant Chief Ted Schlosser met us at the entrance and spent time answering questions pertaining to the operations and staffing of the fire department. Specifically, the Grand Jury was interested in learning about responsibilities related to fire protection and 911 response times within the city.

During this time, we learned that the department has thirty five dedicated volunteer firefighters, and one full time paid maintenance employee. It was noted that volunteer firefighters participate in the same comprehensive training as any other full time paid firefighter.

Lemoore is served by two distinct firehouses within their service area. It was noted that this fire department takes on the additional responsibility of mutual aid within the surrounding areas. It was observed that all equipment appeared to be clean and well maintained.

We would like to convey our appreciation to the staff of the Lemoore Volunteer Fire Department for making our tour a success.

Sincerely,

Tony Collins
Foreperson
Kings County Grand Jury 2011/2012

KINGS COUNTY PROBATION DEPARTMENT

SYNOPSIS

The grand jury received a written complaint with regards to policies, practices, and procedures of the Kings County Probation Department, District Attorney's office, and the Juvenile Court. This stems from an initial charge of assault and vandalism. The complaint goes on to allege that the probation department practiced conflict of interest, the District Attorney's office failed to follow through with the charges, and the court inappropriately denied access to the complainant in judges chambers.

WHY THE GRAND JURY INVESTIGATED

The grand jury received a written complaint letter along with supporting documentation. Due to the seriousness of the allegations the grand jury determined that an investigation was warranted.

AUTHORITY

California Penal Code Section 925. The grand jury shall investigate and report on the operations, accounts, and records of the offices, departments, or functions of the County.

METHOD OF INVESTIGATION

The grand jury interviewed the complainant, Kings County Probation Department staff, Minor Advocate Department staff, and one local citizen. Various related documents were reviewed.

BACKGROUND AND FACT

The complainant's concerns regarded the Kings County Probation Department and the District Attorney's office related to a juvenile assault and vandalism case. The complainant reported that in February, 2010, while the victim was at her workplace, the defendant entered and after some argument physically assaulted the victim. It was then that the police were called. After some discussion, the victim and responding officer went outside and observed that the victim's personal vehicle had been vandalized with eggs. The defendant admitted to both the assault and vandalism and was cited. In September, 2010, a preliminary hearing was scheduled in this matter but canceled. The District Attorney's office advised the complainant that the defendant had moved to Texas and the charges were dropped. Shortly there after, the complainant retained an attorney to look into the matter. At

this time, the family connection between the defendant and the assigned probation officer was discovered. In December, 2010, the complainant's attorney was able to get the charges filed once more against the defendant. In June, 2011, the pretrial hearing occurred. A few months later, at the preliminary hearing, she observed all parties enter into judge's chambers to her exclusion.

FINDINGS AND RECOMMENDATIONS

FINDING 1

Allegations of a possible conflict of interest are unfounded as they relate to the defendant and the probation officer. The officer was in court as a parent and not in an official capacity.

RECOMMENDATION 1

None

FINDING 2

Allegations of a conflict of interest between the District Attorney's office and the defendant are unfounded. An additional suspect in this matter who is related to the Deputy District Attorney was not cited and the defendant has no relationship with the Deputy District Attorney.

RECOMMENDATION 2

None

FINDING 3

Allegations that the court acted improperly by excluding the complainant from a closed meeting in the judge's chambers are unfounded. It was determined that the victim's counsel was present in chambers thus providing proper representation.

RECOMMENDATION 3

None

FINDING 4

During the course of this investigation it was discovered that the probation department has no written policy for conflict of interest cases coming from the courts regarding presentenced investigations. Their practice is to ask another county's probation department to do the investigation for the purpose of sentencing. Conflict cases generally are those successful prosecutions of law enforcement agency members or their family members.

RECOMMENDATION 4

This is far too important a matter to be implemented by practice alone. It is recommended that the probation department develop written policies and procedures addressing conflict of interest issues.

FINDING 5

The grand jury observes in this matter that it was only when the complainant hired an attorney that the case was put back on calendar. A question remains as to what would happen to a citizen who is unable to afford legal counsel.

RECOMMENDATION 5

None

RESPONSE REQUIREMENT

Pursuant to California Penal Code 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 90 days from the receipt of the report.

Local Government

Chair: James Boyd
Co-Chair: Alfred Gallegos

AVENAL SOLID WASTE FACILITY

SYNOPSIS

On September 1, 2011, the Kings County Grand Jury participated in an onsite tour of the Avenal Solid Waste Facility, with concerns about possible ground water contamination. This tour was conducted by the Interim Manager of the facility and the County Environmental Health Officer. An initial orientation of the facility was conducted in the Main Entrance Weigh Station.

WHY THE GRAND JURY INVESTIGATED

The Grand Jury was interested in finding whether or not solid waste was affecting local ground water insofar as solid waste dumping in this facility has been significant over the years.

AUTHORITY

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

METHOD OF INVESTIGATION

On August 25, 2011, representatives of the county health department appeared before the Grand Jury for informal discussions. The Grand Jury subsequently participated in a tour of the Avenal Solid Waste Facility. Areas inspected included the main entrance, weigh station, various dedicated containment areas, and methane monitoring station. The process of lining solid waste containment areas with plastic was explained to jurors. This process is intended to inhibit liquids from contaminating ground water levels.

BACKGROUND AND FACTS

Senate Bill 5 (SB 5) was passed in 1972, establishing the Solid Waste Management Board. A series of new laws governing waste disposal followed, each making more stringent regulations to improve air and ground water quality. The Integrated Waste Management Act of 1989 (AB 939) established the Waste Management Board and required local jurisdictions to recycle 25% of their waste by 1995, and 50% by 2000. This is why Kings County formed the Kings Waste and Recycling Authority. To this date, these requirements still have not been fully met.

The Avenal Solid Waste Facility is considered a final destination for solid waste only. Prior to accepting solid waste materials, the recyclables and chemical waste are separated from various combined materials before being taken to the Avenal facility.

Waste containment areas within the facility, known as cells, are limited to a height of 1300 feet elevation above sea level.

During a period through the 1980s, it was determined that there was no consideration of air and ground water contamination, nor any other type of below ground contamination. Subsequent environmental protection requirements were developed to correct this oversight.

During our visit it was observed that some supervisory staff were unaware of industry standards which may be corrected by further training.

FINDINGS AND RECOMMENDATIONS

Finding 1

Currently in order to seal the ground level from waste contamination a layer of clay is laid, followed by a layer of 40 to 60 millimeter high density polyethylene, approximately one foot of rock and gravel, methane gas monitoring tubes, and then several additional layers of clay and gravel for a total of 5 to 6 feet.

Recommendation 1

None

Finding 2

Some of the supervisory staff at this facility were not aware of industry standards training pertaining to site management.

Recommendation 2

Stronger training should be required for on site manager and supervisory staff. Ongoing training should be in place for all assigned staff.

COMMENTS

The site at this facility appeared to be well maintained. Under the circumstances of the foregoing, the Grand Jury was unable to determine if there is indeed a concern related to ground water contamination. The City of Avenal currently receives their water from the California Aqueduct.

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 within 90 days.



WASTE CONNECTIONS INC.
AVENAL REGIONAL LANDFILL
Connect with the Future

|

County of Kings
Grand Jury
County of Government Center
1400 W. Lacey Blvd.
Hanford, CA. 93230
(559) 582-3211 ext. 2892

Re: Kings County Grand Jury Final Report – Avenal Solid Waste Facility

To Presiding Judge of the Superior Court of Kings County,

This letter is in response to a final report delivered on February 2, 2012 to the Avenal Regional Landfill. Located below are the responses to findings as requested in Final Report.

Finding 1 – No findings, so no response is required.

Finding 2 – *Some of the supervisory staff at this facility were not aware of industry standards training pertaining to site management.*

Recommendation 2 – *Stronger training should be required for on site manager and supervisory staff. Ongoing training should be in place for all assigned staff.*



WASTE CONNECTIONS INC.
AVENAL REGIONAL LANDFILL
Connect with the Future

Response: As of September 6, 2011 I, Benjamin Gray have been on site as a District Manager. I am currently SWANA certified as a MOLO or Manager of Landfill Operations. I also several different certificates from SWANA in the field of landfill operations. I have been employed at three different landfills in three different states at a supervisory level. I have been working with Troy Hommerading with Kings County Local Enforcement Agency (LEA) for training opportunities for myself as well as personnel on site. This display that there is a competent person on site and on going training will be conducted with site personnel.

Please contact me with any questions

Respectfully,

Benjamin Gray

District Manager

Avenal Regional Landfill

559-386-5844

THURSDAY NIGHT MARKET PLACE

SYNOPSIS

The Thursday Night Market Place (TNMP) is an event where members of the local and surrounding communities gather to purchase and sell a variety of products.

The primary goal is to maintain the downtown as the center of retail, social and civic activity.

WHY THE GRAND JURY INVESTIGATED

Public Interest

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

The Executive Director of TNMP was interviewed. Documents reviewed include the encroachment permit, vendor applications, and program rules and regulations. An article in a local newspaper suggested possible concerns of preferential treatment in the assignment and or approval of vendor permit applications for the TNMP.

BACKGROUND AND FACTS

TNMP is a non profit organization whose purpose is to promote business in the downtown core area. TNMP is organized, administered, and paid for by Main Street Hanford.

The goal of TNMP is to:

- Create a positive image of downtown Hanford.
- Expose community members to retail stores and services offered downtown.
- Generate foot traffic on Thursday nights.

- Provide a forum for community activities.
- Maintain the downtown as the center of retail, social and civic activities.
- Enhance the community as a whole.

FINDINGS

After interviewing the executive Director of Main Street Hanford, the grand jury determined no preferential treatment exists in the policies, procedures, and practices. Vendor requests are accepted and approved on a first come first served basis.

COMMENTS

None

RESPONSE REQUIREMENT

None

LEMOORE CEMETERY DISTRICT

SYNOPSIS

On December 8, 2011, the Grand Jury toured the Lemoore, Grangeville, Sunflower Field and Taylor Cemeteries, which are under Lemoore Cemetery District jurisdiction and Rhoades which is a privately owned cemetery. The tour began at the Lemoore main office where the Grand Jury was greeted by the District Manager and staff.

WHY THE GRAND JURY INVESTIGATED

Public Interest

AUTHORITY

California Penal Code Section 933.5. The Grand Jury may investigate and report on the books and records of any special – purpose assessing or taxing districts, which includes cemetery districts

METHOD OF INVESTIGATION

On site visits and interviews with the District Manager were conducted. A thorough background history was received. The Grand Jury was provided with the Cemetery Rules and Regulations Employee Handbook and other informational literature for review.

BACKGROUND AND FACTS

Lemoore Cemetery District was created in 1874. It consists of Lemoore Cemetery (Lemoore), Grangeville Cemetery (Armona), Sunflower Fields Cemetery (Lemoore) and Taylor Cemetery (Lemoore). The District is comprised of one hundred and twenty one acres: forty five acres are developed and seventy six acres are privately farmed.

The District employs ten full-time personnel, one District Manager, eight groundskeepers, one office worker and one volunteer. The Lemoore Cemetery District Board of Trustees consists of three members. Trustees receive no compensation. The president of the board is elected from its membership and serves for a term of two years. The board meets on the second Tuesday of each month.

The Sunflower cemetery's garden-like setting includes colorful propagated rosebushes which have been planted all around the grounds and at the niche garden. The Manager was proud to point out that the staff had done all the propagation of the roses, as well as all the surrounding brickwork and wrought-iron fencing. The Grand Jury was shown sheds and various bins that had been built on the grounds for out-of-sight storage. A forty five foot flag pole was donated by the Lemoore High School and moved to the Sunflower Field Cemetery.

The gated niche garden, located after entering through the south entrance of the Grangeville cemetery is modern looking and a beautifully designed addition to the cemetery. Brickwork and propagated rosebushes enhance the entrance and surrounding area. A flag pole was donated by the California Highway Patrol to the Grangeville Cemetery.

The grounds are well maintained by dedicated and talented staff and all are cross-trained. Lighting and security systems were installed and properly functioning at all district cemeteries.

The Grand Jury also toured Rhoades, a privately owned cemetery with historical significance.

FINDINGS AND RECOMMENDATIONS

None

COMMENTS

The Lemoore Cemetery District is under proficient and creative management. The District Manager shows exemplary management skills and has demonstrated leadership which has led to a facility of which the citizens of Kings County can be proud.

RESPONSE REQUIREMENT

None

HANFORD POLICE DEPARTMENT (HPD) BURGLARY RESPONSE

SYNOPSIS

This report explains how the Hanford Police Department (HPD) responds to burglary calls, equipment procedures, and communication between HPD and burglary victims.

WHY THE GRAND JURY INVESTIGATED

The grand jury received two citizen complaints.

AUTHORITY

California Penal Code Section 925a. The grand jury may at any time examine the books and records of any incorporated city or joint agency located in the county.

METHOD OF INVESTIGATION

HPD representatives and burglary victims were interviewed and documents reviewed.

BACKGROUND AND FACTS

The grand jury received two citizen complaints regarding HPD investigation of local residential burglaries and associated response times.

The first complainant alleged that response time by HPD was excessive and that the crime scene equipment and procedures were inadequate. On one occasion, the fingerprinting kit was not fully equipped to handle the job once the responding officer arrived at the crime scene. The victim stated that telephone records were forwarded to the police department at their request and subsequently mishandled.

A second complainant stated it took five weeks to process fingerprinting, two months to get a police report, and a ten dollar charge for a single page photo copy.

Complainants have expressed that on most occasions attempts to make follow up contact with assigned officers met with negative results.

The grand jury interviewed officers from the HPD. There are three patrol officers on duty at all times and they are dispatched on a priority basis. Burglaries are prioritized by: in progress (hot) or committed earlier (cold). A hot burglary necessitates an immediate response due to the possible imminent danger to citizens. A cold burglary is when a crime has been committed and the burglar is gone and response time is less critical. The officer responding is responsible for initiating the investigation, gathering evidence and questioning witnesses pertaining to the crime. Officers are required to maintain a limited amount of crime scene investigation equipment, including fingerprinting kits, in their patrol vehicles. Officers are not always assigned the same patrol vehicle making it more pertinent that a daily equipment check be conducted.

Burglary is a felony requiring mandatory follow up within two weeks of the crime. This is to ensure that all possible evidence has been collected.

FINDING 1

Occasionally, evidence kits are found to be either incomplete or unusable.

Departmental operation procedures do not address this matter.

RECOMMENDATION 1

Administrators should ensure that procedures address this issue. These procedures should be strictly followed. Officers should be required to inspect evidence kits before going on patrol.

Finding 2

Response times vary according to the urgency of the call. Availability of officers, traffic, and weather conditions also affect response time.

Recommendation 2

None

Finding 3

HPD responses to inquiries from the burglary victims were inadequate or non-existent.

Recommendation 3

HPD should ensure that calls from burglary victims are returned in a timely manner. Victims should be informed of any new developments concerning their case.

COMMENT

None

RESPONSE REQUIREMENT

California Penal Code Sections 933(c) and 933.05 requires that specific responses to both the findings and recommendations contained in this report be submitted to the presiding judge of the Superior Court of Kings County within 90 days.

Health and Education

Chair: Andrew Anema
Co-Chair: Nelda MacLellan

BEHAVIORAL HEALTH/SUICIDE PREVENTION

SYNOPSIS

The Kings County Grand Jury conducted an inquiry into the functions of the Behavioral Health Department as a matter of public interest. Behavioral Health is a full service partnership crisis service in Kings County. A contract between Kings View and Behavioral Health meets the needs of anyone requiring help for mental illness and addiction.

WHY THE GRAND JURY INVESTIGATED

Public interest

AUTHORITY

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

METHOD OF INVESTIGATION

On December 5, 2011, the grand jury interviewed the Director of Behavioral Health. Informational materials on various programs were reviewed.

BACKGROUND AND FACTS

Kings County Behavioral Health's mission targets suicide prevention, addiction, wellness and recovery, and mental illness. Suicide is the third leading cause of death among young people, with the highest rates for young adults between the ages of 20 to 24 years. Youth between the ages of 15 to 19 years are very close in risk rates. Suicide is the 11th leading cause of death in the United States. Males are four times more likely to die from suicide than females. Suicide is the leading cause of death among males in the United States and the 16th among women. Rates of suicide are highest for the elderly, especially in the case of divorced or widowed men. Males ages 65 and older have a significant rate of suicide.

The best way to prevent suicide among loved ones is to identify and seek to understand the risk factors. These risk factors include:

- previous attempts
- mental disorders (especially depression) and alcohol substance abuse
- family history of suicide
- physical illness
- easy access to potential suicide tools
- local epidemics (a recent number of suicides in a high school)
- cultural and religious beliefs which defend suicide as a noble act

Preventions include effective clinical care, religious and cultural beliefs discouraging suicide, easy access to intervention and support, family and community support, ongoing medical and mental health relationships, and strategies for conflict resolution.

Steps that can be taken in the case of immediate suicide risk are to seek support for the individual immediately. Most importantly, never leave someone you feel is suicidal alone and eliminate access to medication and other potential suicide tools.

Programs are available to help those with various addictions such as:

- Sexual addiction – Trevor project
- Alcohol abuse
- Drugs – community and school substance disorder prevention as identified by administrators and teachers

Other services include:

- Veteran - Post traumatic stress disorder assistance
- Housing plan for chronic homeless
- Youth programs in schools teach life skills to make solid decisions

FINDINGS AND RECOMMENDATIONS

Finding 1

Kings County Behavioral Health and Kings County Housing Authority are implementing a housing plan for the chronic homeless.

Recommendation 1

None

Finding 2

A contract with Kings View addresses mental health needs of the indigent and Medi-cal recipients.

Recommendation 2

None

Finding 3

“Veterans are at an increased risk for suicide three to four times the average. As many as 70% of suicides in American men each year are committed by veterans.”

Recommendation 3

None

COMMENTS

The National Suicide Prevention Hot Line is available to anyone seeking help for themselves or loved ones 24 hours a day. Call the confidential number anytime: 1-800-273-TALK (8255)

RESPONSE REQUIREMENT

None



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

May 21, 2012

Champions Recovery Alternative Programs
Sue Weisenhaus, Executive Director
700 N. Irwin St.
Hanford, Ca 93230

Dear Ms. Weisenhaus:

On November 14, 2011, the Kings County Grand Jury toured the Champions and Hannah's House facilities as a matter of public interest.

The Grand Jury was greeted by the Executive Director Sue Weisenhaus and Robert Murrieta Clinical Supervisor. At Hannah's House, the grand jury asked questions regarding general operations, funding and services provided to the residents.

Hannah's House is a supervised facility for homeless women twenty-five years and under with or without children up to five years of age. This is a long term transitional home for women to recover from abuse and/or addiction, and commit to learning skills to rebuild their lives.

Champions recovery alternative programs includes treatment of the families and offers comprehensive continuum of care designed for each individual, with the ultimate goal of strengthening the family unit.

Hannah's House has a feeling of community for women who face difficult challenges and shared goals. Champion's provides a broad range of services needed by our community.

The grand jury appreciated the opportunity to learn more about Hannah's House and Champions. These facilities clearly provide necessary and valuable services to Kings County.

Sincerely,

Tony Collins, Foreperson
Kings County Grand Jury 2011/2012



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

September 20, 2011

West Hills College
555 College Avenue
Lemoore, CA 93245

Dear Dr. Gornick:

On Monday, August 29, 2011, the Kings County Grand Jury attended a public interest tour of the West Hills College, Lemoore campus subsequent to our request. It was noted that this was the first such official visit to the Lemoore campus by the Grand Jury. Upon our arrival, we were greeted at the administration building by Don Warkentin, President, who introduced us to administrative officials, and provided jurors with a comprehensive introduction to the mission and operational functions of this relatively new campus. This was followed by a well prepared, detailed tour of the campus where jurors were afforded an opportunity to witness first hand the actual operations of each academic specialty within the college. Juror's numerous questions were answered fully, and with a high degree of expertise by a variety of instructors and other staff. Additionally, jurors were impressed by the high morale displayed by both staff and students alike.

Our tour included the administration wing, nursing program, interactive remote campus teaching tools, daycare, arena, library, charter school, and the culinary program.

During these uncertain times where the efficiency of American college campuses are often called into question, this body of representatives for the citizens of Kings County unanimously agree that the Lemoore Campus of West Hills College represents among the best offered. It is without any reservations that we report our community is indeed fortunate to call the Lemoore campus, their administrators, and staff of West Hills College, our own.

Sincerely,

Tony Collins, Foreperson
Kings County Grand Jury 2011/2012

KINGS COUNTY COMMISSION ON AGING

SYNOPSIS

The Kings County Commission on Aging (KCCOA) is a local agency funded through Kings Tulare Area Agency on Aging. The goal of KCCOA is to provide information and referral, and to offer assistance, support and advocacy for the senior citizens of Kings County as prescribed and outlined in the Older Americans Act of 1965.

WHY THE GRAND JURY INVESTIGATED

Public Interest

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 Executive Director of Services was interviewed on November 7, 2011 and again on February 6, 2012. Documents were submitted for review.

BACKGROUND AND FACTS

KCCOA offers a variety of services to the residents of Kings County. KCCOA is governed by a twenty one member board and operates a number of programs beneficial to Kings County elderly.

The Ombudsman Program is a State and Federally mandated program designed to resolve problems and complaints made on behalf of residents in approximately fifty skilled nursing care facilities located in Kings and Tulare Counties.

KCCOA contracts with Adventist Health to prepare meals which are distributed throughout Kings County to seniors, sixty years and older. There are three sites that serve one hundred meals per day, four days a week. Meals on Wheels delivers once weekly, five meals for forty home bound seniors. Each meal provides two-thirds of their daily nutritional requirements.

Generations is an adult day support center in Lemoore serving a daily average of ten seniors. It provides day care, including three meals and two snacks. The cost is twenty-five dollars per day for those who can afford to pay. Another program is

available to families caring for frail or handicapped elderly loved ones as an option to assist the senior in remaining independent. Exercise therapy, arts and crafts, companionship and mental stimulation are available.

Legal assistance is available for Kings County residents sixty years and older, regardless of whether the individual lives at home or in an institutional setting. Some seniors have public transportation needs. Seniors sixty years and older, approved by Kings County Rural Transit (KART), may purchase discount passes from KCCOA.

FINDINGS

None

RECOMMENDATIONS

None

COMMENTS

This organization provides multiple services beneficial to seniors sixty years and older.

RESPONSE REQUIREMENT

None

SHELLY BAIRD REPORT

SYNOPSIS

Shelly Baird School provides education for students with special needs throughout Kings County. Classes are based at Shelly Baird School as well as other district sites.

WHY THE GRAND JURY INVESTIGATED

Public interest

AUTHORITY

California Penal Code Section 933.5. The grand jury may investigate and report on the books and records of any special-purpose assessing or taxing districts, which includes schools.

METHOD OF INVESTIGATION

On Monday, September 19, 2011, the Grand Jury toured the Shelly Baird School. On Monday, October 24, 2011, the Grand Jury interviewed the administrator of Shelly Baird School.

BACKGROUND AND FACTS

The primary mission of Shelly Baird School is to provide needed education and other services to children of Kings County who have a wide variety of special needs that cannot be properly served at a conventional campus in a normal classroom setting. These services are performed on the main campus as well as other school locations throughout the county. The infrastructure is aging but neat. Classrooms were equipped with modern technology.

The school serves 286 students, with a compliment of approximately 31 Teachers, 95 Aides/Assistants, 2 Registered Nurses (RN), 3 Licensed Vocational Nurses (LVN), and 1 part time Physician. Satellite campus sites are located in Lemoore, Stratford, Corcoran, and Pioneer School.

The operating budget is prepared by the school district administrative office. The site administrator has limited involvement in developing the budget.

FINDINGS AND RECOMMENDATIONS

Finding 1

The administrator has limited involvement in setting the budget.

Recommendation 1

Administrators should have more involvement in setting the budget. Their knowledge of the operation will result in the best use of available funds.

Finding 2

The main campus was neat and orderly despite the aging infrastructure. It was observed that the classrooms benefit from the use of modern technology.

Recommendation 2

None

Finding 3

Adult sign language classes are provided to parents of children afflicted with hearing impairments.

Recommendation 3

None

RESPONSE REQUIREMENT

California Penal Code Sections 933 and 933.05 requires that specific responses to both the findings and recommendations contained in this report be submitted to the Presiding Judge of the superior court of Kings County within 90 days.

KINGS COMMUNITY SCHOOL

SYNOPSIS

Kings Community School, (KCS) provides a structured educational curriculum for students unable to adjust to traditional programs and for students whose behavior has resulted in expulsion from schools in Kings County.

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

On December 12, 2011, the grand jury toured Kings Community School. They visited various classrooms and spoke with staff and students, followed by a question and answer session with the principal and vice principal in the school library.

BACKGROUND AND FACTS

Students enrolled in KCS, are given an educational plan suited to their needs. It is the goal of KCS to successfully transition students back to their school of residence. Students earn school credits toward graduation at the same rate as other schools. It is possible for a student to graduate from high school at KCS. Students also have an option to participate in home schooling if appropriate requirements are met.

We were greeted by the school principal and given a tour of the facility. The school opened in 1983 and has been in its present location for seven years. The campus has one main building and a large fenced in exercise/sports area where students can play basketball, volleyball, etc. The main building accommodates all staff and classrooms. There are seven classrooms, a computer lab, and a library. There is a small kitchen and a large multi purpose room where students have meals and do various cooking projects. Staff consists of a principal, vice principal and five teachers. One of the teachers focuses on special education needs. There is a truancy officer and a probation officer on campus. Current enrollment is 95 students in grades 7-12. Class size is 24 to 30 students. The average enrollment is one to two semesters with 90 to 95 percent returning to their school of residence. KCS enforces a specific dress code.

The school partners with Kings View Mental Health to counsel students with behavioral problems. KCS teachers and community volunteers counsel and mentor the students.

The principal has good input in matters of the school budget and is well supported by school administration. During our tour, the principal expressed a need for a full time nurse and psychologist. The students deal with many issues and would benefit from more one on one counseling.

FINDINGS AND RECOMMENDATIONS

FINDING I

Many students have special and behavioral needs which would benefit from more counseling than is presently available.

RECOMMENDATION 1

Increase counseling staff.

COMMENTS

It appeared to the grand jury that teachers and members of the KCS staff are very involved in the education and well being of the students. There is positive and ongoing interaction and communication between school staff and parents of students. The facility is modern and well maintained.

RESPONSE REQUIREMENT

None

CORCORAN DISTRICT HOSPITAL (CDH)

SYNOPSIS

In the past year, under the direction of the new administrative team, CDH has shown improved financial results and stability, giving hope for a long term future. As of April 2012, CDH is considering deferring its Phase 2 Clinic project and putting its Phase 1 self-standing hospital on hold. Instead, CDH will proceed with Phase 0 (zero) which guts the east end of the current building and modifies that section to contain the elements of the hospital that require new seismic standards. Approximately \$12,250,000 of the Measure C bond money has been spent on limited site improvements. Questionable items and services were purchased using bond money. This report discusses in three separate sections, the bond, the design approach, and hospital administrative subjects. Each distinct section is followed by related findings, and the report is wrapped up with a grand jury comment section and segment for response by the hospital Board of Directors.

WHY THE GRAND JURY INVESTIGATED

The 2010/2011 grand jury received a citizen complaint on June 1, 2010, concerning the expenditure of Measure C Bond money and related real estate acquisitions. The 2010/2011 grand jury recommended that the 2011/2012 grand jury continue with the investigation of Corcoran District Hospital.

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. ...and, in addition to any other investigatory powers granted in this chapter, may investigate and report upon the method or system of performing the duties of such district or commission.

METHOD OF INVESTIGATION

Sworn testimony was taken from the Chief Executive Officer (CEO), the Chief Financial Officer (CFO), an administrative employee and a property seller. The CEO was interviewed multiple times. Public and Corcoran District Hospital documents and records were reviewed, articles in the local newspaper were read, and internet sources researched.

BOND SECTION

BACKGROUND AND FACTS

On June 7, 2005 the voters of the Corcoran Hospital District voted on Measure “C” to approve the issuance of an \$18,000,000 Bond to finance proposed items. The Official Ballot used when doing the actual voting stated:

C – “To improve the quality of health care services provided locally, shall Corcoran Hospital District be authorized to acquire, construct, and improve a new acute care hospital facility, which will conform with earthquake safety standards, upgrade facilities, increase the range of medical services provided to residents, accommodate growth in the community, and provide access to state-of-the-art technology by issuing \$18 million of bonds, which can only be used within the District and are subject to specified accountability measures?” (Vote Yes or No)

Based on the Sample Ballot, the Ballot and statements by key CDH personnel, as printed in the Corcoran Journal, there was an expectation that the \$18,000,000 would be used to build new hospital facilities. A full page advertisement was placed in the May 26, 2005 Corcoran Journal highlighting the benefits of voting for Measure “C”. All of the ad language referred to new facilities.

The word “improve” on the Sample Ballot allowed CDH to spend money on other than new facility development and construction. The State of California Health & Safety Code Section 54312 states ... “Improve” means reconstruct, replace, extend, repair, better, equip, develop, embellish, or otherwise improve.” There is limited latitude in the use of bond monies for other than new facility development. The grand jury has had discussions with CDH administration on this issue. The practice continues. This current year about \$120,000 was spent on roof repairs to the old facility. This may be technically allowable.

Per the March 2010 CDH Scoop (employee newsletter), in 2006 CDH spent \$300,000 from bond funds for the first phase of an electronic records system from Computer Programming Specialists, Inc. In late 2009 an additional \$700,000 of bond money was spent for the final phase.

CDH is expecting \$400,000 June 2012 from Medicaid-Medicare bonuses from the Federal Government for fully implementing the electronic health records system. Up to an additional \$400,000 in refunds will be received over the next three years provided CDH meets the mandatory criteria.

FINDINGS and RECOMMENDATIONS

Finding 1

A partial accounting of bond money expenditures used for the existing facility amount to over \$2,400,000. Some of the more easily identifiable items include \$1,000,000 spent for consulting and major repairs, \$200,000 for clinical equipment and about \$120,000 for a roof replacement this fiscal year. Spending

bond monies for purposes such as these may be technically correct but not in the spirit of what the voters thought they were approving.

There was \$291,000 spent for “general purposes” as stated by CDH and about \$800,000 was spent on Information Technology.

As of April 2012, there has been \$12,214,000 of bond money spent with limited evidence of physical improvements.

Recommendation 1

Enact a formal board policy to limit use of bond funds to new facility development and construction.

Response Required 1

Yes

Finding 2

Significant amounts of bond monies have been spent but are not identified and categorized. The grand jury has been told by CDH administration that records are missing.

Recommendation 2

Engage an independent accounting firm to do a comprehensive forensic audit of all bond money spent.

Response Required 2

Yes

Finding 3

Most facility maintenance and upkeep costs are predictable based on likely years of useful life.

Recommendation 3

Establish a budget for facility maintenance and upkeep which includes general items and predictable major items.

Response Required 3

Yes

Finding 4

The IT system purchase was paid from bond funds. Bond funds were not intended to be used for this purpose.

Recommendation 4

When the IT system refunds are received, the grand jury recommends that those refunds be combined with unused bond monies for future new facility development.

Response Required 4

Yes

DESIGN SECTION

BACKGROUND AND FACTS

Due to the need for additional funds to complete its Phase 2 Clinic, CDH sought a loan from the United States Department of Agriculture (USDA) in the amount of \$12,000,000. CDH contracted with the DBD to handle the application for that loan and to do “marketing”.

CDH has retained the services of a Design-Build/Development firm (DBD) who has in turn subcontracted design work to an architectural firm. By hiring a firm as a Design-Builder, CDH is turning all aspects of the project over to them with no competitive bidding involved. Due to significant evolving project changes, CDH has used the DBD for a number of additional services that the hospital may have been able to partially or fully handle themselves. Considerable money has been spent for these services partly due to CDH making a number of major changes in the primary focus of the project, resulting in significant costs for unused design and other services. The Design-Build approach utilized by CDH has merits and good economics in a limited number of circumstances. The CDH projects may not be ideal for the Design-Build method. Poorly kept and missing financial records during previous hospital administrations have hampered the ability to develop a concise history of project spending.

Several years ago the DBD proposed to CDH that the DBD build a new self standing hospital on the property adjacent to the current hospital. The proposed new hospital facility would be 51% owned by the DBD with the minority share owned by a group of doctors. This group would lease the hospital to CDH and enter into an agreement enabling CDH to purchase the hospital in the future. The establishment of the lease rate and buyout provision was either not presented and/or agreed to by CDH, until considerable money had been spent on the design. CDH found the lease rate to be more than they could afford and thought the buyout proposal was not reasonable. There were questions as to the location of the new hospital in relation to the old facility. It seems this could have been resolved by moving the planned building to land adjacent to the existing facility.

The CEO of CDH, when questioned by the grand jury admitted that, in a perfect world the DBD would have shared the costs. However, the DBD who initiated the proposal seems to have paid none of the related costs.

The grand jury did not do a comprehensive investigation into this matter as it might be more suitable for the board.

The grand jury has not been able to find any evidence that the DBD and the architect were selected by CDH via a competitive process.

Even though there has been no construction activity for some time, payments to the DBD have continued. This grand jury has been told on three different occasions that there would be no more payments to the DBD but payments continue. Design-Build seems to work best where the project has clear objectives and is not subject to significant change. This has not been the case at CDH. Design-build does not make use of competitive bidding where prospective general contractors and architects bid competitively on the same design or project.

Design-Build contracts such as this one used by CDH are in effect a form of a "Cost-Plus" contract. The DBD receives a fixed percentage over and above costs. This type of contract has inherent weaknesses or disadvantages compared to a conventional fixed price contract.

Per a January 7, 2009 agreement, the DBD is to be paid \$400,000 as a Developer Fee. \$320,000 of this fee is to be paid when construction funding is in place.

The DBD will use its own construction division to construct the project.

The grand jury does not have details on what has been paid to the DBD for fees over the life of the DBD's agreements with CDH.

As of April 2012, about \$12,250,000 of the bond money was spent. Seeking to identify how this money was spent has been very difficult due to poor and missing financial records. The current administration seems to have corrected this problem but they continue to have to deal with the deficient past records they have inherited.

Most contracts for major construction projects contain penalty provisions if the project is completed later than the agreed date. The CDH contract with the DBD does not include this type of provision.

In the Scoop (an in house CDH newspaper) mention was made of a \$2,300,000 segment having been spent on construction. A CDH furnished breakdown of that expenditure amounting to \$2,430,453 follows:

Construction	Phase 1	Phase 2
Activity	Hospital	Clinic

General Conditions	\$ 652,222	
Site, curbs-gutters, landscaping	1,246,842	229,315
Construction	212,160	89,914
TOTALS	\$2,111,224	\$319,229

Finding 5

The grand jury questions the \$2,430,453 expenditure.

Recommendation 5

Furnish a detailed breakdown on the \$2,430,453 expenditure.

Response Required 5

Yes

Finding 6

CDH used the DBD to apply for and attain the loan. The fee for this service is \$250,000. The grand jury questions why the hospital administration could not have done the majority of the application work in-house with some assistance from the DBD. The CEO has advised the grand jury in writing that this fee will be paid from bond funds.

Recommendation 6

If the USDA loan is not drawn, the CDH Board should review whether the loan processing fee paid to the DBD qualifies for payment from bond funds.

Response Required 6

Yes

Finding 7

The evidence reviewed leads to the conclusion that the current Design-Build approach may not be the most economical method of construction. Design Build (Cost-Plus) does not encourage cost cutting as the contractor takes a pay cut whenever a cost is reduced. Using a more conventional approach of having competent designers and builders actively bid for the work could be a more effective use of the project monies.

Recommendation 7

If CDH plans to proceed with the Phase 2 Clinic or other building projects, consider soliciting bids from multiple qualified general contractors.

Response Required 7

No

Finding 8

The contract with the DBD contains no penalty to the DBD if the project is completed later than the promised 10 months. CDH will lose significant revenue and profits if a construction project is completed late.

Recommendation 8

If CDH proceeds to build the Phase 2 Clinic or other projects, the project agreement should include penalty clauses for late completion.

Response Required 8

No

Finding 9

Both parties involved in the joint agreement to build a hospital should have negotiated an agreement with affordable lease rate terms and the buyout terms before engaging an architect and spending any money on design work and other related costs. About \$240,000 was spent on design work. There may have been other expenses incurred relating to this project.

Recommendation 9A

Do a full audit accounting report of the actual cost of this joint agreement project including related costs.

Response Required 9A

Yes

Recommendation 9B

Consider seeking to recover 50% of the project cost due to this having been a partnership.

Response Required 9B

Yes

ADMINISTRATIVE SECTION

BACKGROUND AND FACTS

One part of the property adjacent to CDH has already been improved by installing curbs, lighting and sidewalks. Another part of the adjacent property will be used for the Phase 2 Clinic project, if built.

CDH has spent significant monies to draw plans for a future self standing hospital referred to as Phase 1. This was done to extend the useable life of the current hospital. The state facility overview agency, Office of Statewide Health Planning and Development (OSHPD), will grant an extension on the use of the current

facility, only if new plans are filed and approved which will provide for a seismically acceptable building to be constructed by 2020. CDH has recently decided to proceed with Phase 0 (zero) which guts the east end of the current building and modifies that section to contain the elements of the hospital that require new seismic standards.

CDH and its Board could benefit from some administrative housekeeping and policy review. For example, CDH Bylaws were last updated November 30, 2005. CDH does not presently post agendas and minutes on its web site. As of January 2012 the Brown Act requires such posting. These small policy and administrative changes would be more consistent with the citizens' right to be informed. Making the board agenda and minutes readily available to them serves that purpose.

In an effort to research the basis for key board decisions and actions in the past, the grand jury requested financial statements and board minutes for the time frame in which those decisions and actions took place. CDH was not able to produce the requested records and has stated that they were unable to locate them.

Prior to this year, the Board had not enacted procurement and spending limits for the administration. Neither had it developed or followed any such plan for the conduct of the Board's business, particularly in the new hospital project. In past years there was no limitation on the amount of money the administration could spend on non-budgeted items without board approval. Due to a combination of circumstances, including missing minutes and financial records, past boards claimed to not have knowledge of expenditures, such as the property purchases of over \$1,200,000 that appear questionable or excessive. At the March 7, 2007 board meeting a motion was made to limit interim (between board meetings) non-budgeted expenditures by administration to \$10,000. This motion was tabled but due to missing board meeting minutes, it cannot be determined if the tabled motion was ever acted on. At a recent board meeting a non-budgeted item expenditure limit of \$100,000 was approved. Additionally, it was decided that if the amount needed was higher than \$100,000, the administration was required to get emergency authorization by obtaining approval from several board members.

In 2008 the purchase of two lots near the existing hospital led to a complaint to the Kings County Grand Jury about a conflict of interest due to the involvement of a hospital employee. A review of the property purchases revealed that an administrative employee was in fact involved in the transaction. The grand jury found correspondence initiated by an employee and correspondence addressed to the same employee that proved the employee to have been significantly involved in the transaction in question.

FINDINGS and RECOMMENDATIONS

Finding 10

An area of over one acre will remain unimproved until a future hospital or other structure is built. CDH administration was interviewed and was vague as to plans to enhance this property.

Recommendation 10A

Considerations should be made for improvement of this undeveloped land based on a well researched and documented policy.

Response Required 10A

None

Recommendation 10B

Consider dedicating the unused portion of the property to an interim use beneficial to the community.

Response Required 10B

None

Finding 11

If Phase 0 is to be pursued, all continuing design and plan approval efforts on Phase 1 (future seismically correct hospital) may not be needed and may be wasted bond money. CDH says those services are part of a negotiated package. Per CDH, the architect still has approximately \$80,000 worth of services to deliver. Terminating the Phase 1 design and plan check work, will likely yield significant savings to CDH.

Recommendation 11

Put a hold on all work on Phase 1 during the time that Phase 0 is being considered. Refunds should be sought from both the architect and OSHPD.

Response Required 11

Yes

Finding 12

If Phase 0 planning is implemented, new architectural designs will have to be drawn. The current Design/Build agreement does not relate to Phase 0.

Recommendation 12

If CDH proceeds with Phase 0, the board should seriously consider retaining other qualified architects and builders to perform the needed tasks. The current DBD & Architect could also bid as separate entities. This approach will potentially yield significant savings and a higher level of design creativity compared to the current design/build approach. It is suggested that architects and builders have experience with OSHPD projects of a similar magnitude.

Response Required 12

Yes

Finding 13

The Bylaws are not dated nor are they posted on the CDH website.

Recommendation 13

Consider putting a footer or header on the Bylaws showing the most recent revision date, the page number and the total number of pages in the document. Consider posting them on the website and updating that posting whenever the Bylaws change.

Response Required 13

None

Finding 14

Any item in the Bylaws can be changed by a simple board vote.

Recommendation 14

Consider placing limitations on certain provisions in the Bylaws by requiring more than a simple board vote without extra notification to the public to make changes to those provisions.

Response Required 14

Yes

Finding 15

The board meeting agendas and minutes are not readily available to the citizens of the district.

Recommendation 15

With regards to public records, agendas are to be posted at least 72 hours prior to board meetings to conform to Brown Act Section 54954.2(a) meeting public notification requirements. Meeting minutes should be posted within ten days after the meeting date. Posting this information on the CDH web site would be beneficial.

Response Requirement 15

Yes

Finding – 16

CDH has not been able to locate some financial statements and board minutes for past years.

Recommendation 16

CDH needs to develop an effective system for storing financial statements, board minutes and other key documents in their computer and at a secure backup storage site. A yearly audit should be done to assure that this system is in place.

Response Required 16

Yes

Finding 17

As of this year the board has instituted a policy whereby the administration can contact the Board Chair and an additional board member to get their approval for non-budgeted expenditures that have to be made prior to the next board meeting. Due to reasonable availability of those people, this is a sound policy. The board will now be participating in matters that they seem to have inappropriately avoided in the past.

Recommendation 17

A lower limit may be more prudent and appropriate. If a higher sum is needed, gaining the needed interim (between posted public meetings) board approval can be readily done in a short time frame based on the new board enacted policy, or by calling a special meeting of the board.

Response – 17

Yes

Finding 18

An Administrative employee related to a seller appeared to have been inappropriately involved in a real estate transaction.

Recommendation 18

Hospital administration must insist that all administrative employees, board members and other CDH employees with possible ethical and/or financial conflicts are not to be involved in any way in transactions in which they or their families could benefit. CDH should have a Conflict of Interest Code and related reporting requirements per the Political Reform Act as outlined in detail by the Fair Political Practices Commission (FPPC) on their website. Policies conforming with these requirements should be enacted by the board and recorded in the minutes.

Response Required 18

Yes

COMMENTS

CDH administration has been very open and helpful in responding to the significant amount of information sought by the 2011/2012 grand jury.

Operating a hospital successfully in the Central Valley presents significant challenges. Many hospitals in the Central Valley have failed for a variety of reasons leaving their communities with either no medical service or a walk in clinic with limited hours. Because of the distance and travel time from the Corcoran area to other hospitals, having emergency services is a potentially life saving resource. Many challenges remain.

Corcoran needs to have a hospital available to the community. CDH appears to have developed a negative image and lack of trust by many of the citizens of Corcoran due primarily to the questionable use of bond funds and lack of new and/or improved facilities promised by Measure C.

In view of the historically high turnover in the administration and the operating styles of some past administrator's, it is prudent to have in place policies that require board participation on key decisions.

In the future, CDH needs to be very transparent as to the status and use of the bond funds. CDH needs to aggressively find savings that will benefit the bond fund balance.

The current board has been unable to find a qualified individual to fill an open board position.

Being a CDH board member is an important responsibility and should only be undertaken by those who are capable of handling the position, are committed to their community, dedicated to the task and willing to fully carry out the responsibility.

Citizens of the Corcoran Hospital District who wish to have quality local medical services available need to become fully engaged and actively involved in the affairs of Corcoran District Hospital.

The current Kings County Grand Jury recommends that the 2012/2013 Grand Jury continue with the investigation of CDH.

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 within 90 days.

RESPONSES

TO

2010-2011



JOE NEVES
STRATFORD-LEMOORE,
DIST. I

RICHARD VALLE
CORCORAN-AVENAL,
DIST. III

DOUG VERBOON
NORTH HANFORD -
NORTH LEMOORE, DIST. III

RICHARD FAGUNDES
HANFORD, DIST. V

TONY BARBA
HANFORD-ARMONA, DIST. IV

RECEIVED
**COUNTY OF KINGS
BOARD OF SUPERVISORS**

2011 AUG 10 PM 3:26
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>

OF CALIFORNIA
COUNTY OF KINGS

DEPUTY

August 9, 2011

Honorable James LaPorte
Kings County Superior Court
1426 South Drive
Hanford, CA 93230

Dear Judge LaPorte:

In accordance with Section 933 of the California Penal Code, this letter is the Kings County Board of Supervisors' response to the Grand Jury Report entitled, "Kings County Behavioral Health," received by the County on May 16, 2011.

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

1. Persons walking through the door [of the Kings View Clinic] are not required to sign in at the intake desk. However, any consumers desiring services are required to sign in to trigger the intake assessment process.

We agree with this finding. The Behavioral Health Department has taken action to ensure compliance.

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

1. A sign be placed in a conspicuous place [in the Kings View Clinic] stating, "Persons wishing to be seen must sign in."

Two 8 x 11 signs have been posted at eye level at the reception window of the Kings View Clinic which state the requirement to sign in for the intake/assessment process to begin. These signs are printed in both English and Spanish; meeting the threshold language needs for Kings County and ensuring equal access to services.

Please refer to the attached pictures of the referenced signage. (Attachment)

Sincerely,

Tony Barba
Chairman, Board of Supervisors



JOE NEVES
STRATFORD-LEMOORE,
DIST. I

RICHARD VALLE
CORCORAN-AVENAL,
DIST. III

DOUG VERBOON
NORTH HANFORD -
NORTH LEMOORE, DIST. III

RICHARD FAGUNDES
HANFORD, DIST. V

TONY BARBA
HANFORD-ARMONA, DIST. IV

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COUNTY OF KINGS

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August 9, 2011

Honorable James LaPorte
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Hanford, CA 93230

Dear Judge LaPorte:

In accordance with Section 933 of the California Penal Code, this letter is the Kings County Board of Supervisors' response to the Grand Jury Report entitled, "Kings County Morgue-Kings County Hospital," received by the County on June 16, 2011.

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

1. The morgue is in need of some new equipment.

We agree with this finding. The Administration Office, Public Works, and Sheriff's Department are currently working on the capital improvement project that will build a new building with upgraded equipment for the morgue operations.

2. Some determination needs to be made by the Board of Supervisors concerning the KCH building. The historical value is of public concern and should be considered.

We agree with this finding. However, the Board's first focus is to vacate all tenants from the building. A capital improvement plan is in progress to move the morgue operations to another location.

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

1. The County should update morgue equipment as needed.

The County has been working on relocating the morgue for several years, and set aside \$2,000,000 in a capital improvement project to relocate and upgrade the equipment for the morgue in Fiscal Year (FY) 2010/2011. In the County's FY 2011/2012 Proposed Budget that project is continued, and the Board recently approved a professional services agreement for the design and limited contract administration of a new morgue.

RECEIVED

2. A decision should be made to upgrade or demolish the KCH building, and the public should be directly involved.

Once all tenants are vacated from the building the Board's focus will be to take the steps needed to make an appropriate decision regarding the KCH building.

Sincerely,

A handwritten signature in black ink, appearing to read "Tony Barba". The signature is fluid and cursive, with the first name "Tony" being more prominent than the last name "Barba".

Tony Barba
Chairman, Board of Supervisors

Mayor
Willard Rodarmel
Mayor Pro Tem
John Plourde
Council Members
John Gordon
John Murray
William Siegel



Office of the
Mayor

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

March 6, 2012

Honorable Donna Tarter
Kings County Superior Court
1426 South Drive
Hanford, CA 93230

Dear Judge Tarter:

The City of Lemoore has received the Grand jury Report titled "Lemoore Parks and Recreation". As requested, we are providing the following comments to the recommendations contained in the report.

Finding 1:

There is a pond in the left field of the softball field at Heritage Park.

Recommendation 1:

Fix it.

City Comments:

Heritage Park was designed in 1989 as a Community Park. As such, it was intended to serve many purposes. Attachment A is the original Schematic Design for the park. As you can see, the pond on the south end of the park was an intended feature of the park. Additionally, areas around the pond and towards the softball field are graded for the purpose of serving as a storm drainage basin. Because of this, during wet periods, much of the southern portion of the park can flood. The softball field was intended for recreational uses, as opposed to competitive adult play. It is adequate for Little League and Youth Softball practice. Finally, there have been some changes to the intended buildout of the park. Rather than being constructed as originally planned, much of the presently undeveloped area will be planted with trees, and house a disc golf course, with natural features, in an effort to curb maintenance costs.

Finding 2:

The City has a number of unaddressed ADA deficiencies in all of the city parks and recreation facilities.

Recommendation 2:

The Lemoore City Council should work with the Parks and Recreation Department to alleviate ADA deficiencies in the parks and recreation facilities.

City Comments:

The City of Lemoore is committed to compliance with the Americans with Disabilities Act of 1990. In fact, in December of 2008, the City commissioned an Access Compliance Survey to be conducted for all City Facilities, including parks, by Sally Swanson Architects, Inc. The complete survey report was completed and accepted by the City in October of 2009. The report

clearly details compliance recommendations for all of the City's facilities. In fact, the report calls for over \$500,000 in ADA upgrades at City Park, Heritage Park, D Street Plaza Park, and Lions Park. The City Council is committed to making the needed upgrades when funding is available. Additionally, as repairs or upgrades are made in the parks, the new items installed improve ADA access.

In closing, the City of Lemoore appreciates the contributions that the Kings County Grand Jury provides for the community. Their dedicated public service is an invaluable tool and aid to the governance of Lemoore.

Sincerely,

Willard J. Rodarmel
Mayor

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CORCORAN
DISTRICT HOSPITAL

August 31, 2011

Honorable Donna L. Tarter, Superior Court of the State of California
Advising Judge to the Kings County Grand Jury,
1426 South Drive,
Hanford, CA 93230

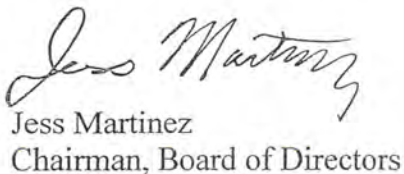
To The Honorable Judge Donna L. Tarter,

In accordance with Penal Code Sections 933 and 933.05, the following is the response to the finding and recommendations to Corcoran District Hospital from the Kings County Grand Jury as stated in report received by the District on June 8, 2011.

Sincerely,



Jonathan Brenn
CEO



Jess Martinez
Chairman, Board of Directors

cc: To The Honorable James La Porte, Presiding Judge,
David Kahn, District Legal Counsel
Kings County Grand Jury

August 31, 2011

To the Honorable Judge Donna L. Tarter
Superior Court of the State of California, Kings County
Advising Judge to the Kings County Grand Jury

Re: Response to the Grand Jury Report received June 8, 2011 by Corcoran District Hospital

Finding 1

Open and closed session minutes were inadequate, sporadic and inconsistent, and at times not signed by the Board Chairperson or Board Secretary.

Corcoran District Hospital (CDH) agrees with this Finding 1.

Recommendation 1

Detailed minutes should be taken consistently at all open Board meetings, signed by the Board Chairperson or Board Secretary, and made available to the public. Closed session minutes should also be taken consistently and actions required by the Brown Act to be reported out of closed session should be contained in the regular minutes of the Board.

All elements of this Recommendation 1 have been implemented. Since March 2009, CDH management has ensured that detailed minutes are taken consistently at all open Board meetings, that the minutes are signed by the Board Chairperson and/or Secretary, and all minutes are made available to the public.

Moreover, minutes of closed sessions are also taken consistently, and all actions required by the Brown Act are reported out of closed session and are contained in the regular minutes of the Board meetings.

Finding 2

No written approvals of property purchases were found. In only one instance was it noted that the CEO was directed by the Board to only inquire into the purchase of a property. That property and other properties were subsequently purchased without evidence of Board discussion or approval found in the minutes from 2005 to 2008.

CDH agrees with this Finding 2.

Recommendation 2

The CDH needs to adhere to its adopted bylaws, as presented to the Grand Jury during this investigation. Said bylaws state that the purchase of CDH property, "requires authorization of the Board of Directors and the written signatures of both the Chairperson and the Secretary."

CDH management will continue to take all necessary steps to comply with and ensure that its adopted bylaws are followed and that all purchases of property are authorized by the Board of Directors and include the signatures of both the Chairperson and the Secretary.

Finding 3

According to the Board minutes of March 7, 2007, all purchases over \$10,000 must be approved by the Board.

CDH disagrees wholly with this Finding 3. The March 7, 2007 Board of Directors Meeting Agenda included an item related to the Board considering a policy that all purchases over \$10,000.00 by the District must be approved by the Board. However, such item was tabled, and no vote occurred. Therefore, such policy was not, and has not, been adopted or implemented by the Board.

Recommendation 3

The Board should abide by its own directives.

The Board will "abide by its own directives," but in relation to the item identified in Finding 3, the Board will not require approval of purchases over \$10,000.00 unless later considered and appropriately voted upon in open session.

Finding 4

The Grand Jury questions the CEOs' and Board's knowledge of and adherence to the Brown Act, their by-laws, and Local Hospital District Law.

CDH partially disagrees with this Finding 4. The current CEO and Board have knowledge of, and adhere to the Brown Act, the District Bylaws, and Local Hospital District Law. However, the previous CEO and Board may have had questionable knowledge and adherence to the Brown Act, District Bylaws, and Local Hospital District Law.

Recommendation 4

New Board members need to be properly instructed on the Brown Act and current Board members should receive Brown Act refresher courses on a regular basis. The CDH by-laws should be adhered to. Local Hospital District Law (Health and Safety Code 32000-32492) should be studied by the Board and the hospital administration in consultation with legal counsel.

All elements of this Recommendation 4 will be implemented by December 31, 2011. Instructions regarding the Brown Act, CDH bylaws, and Hospital District Law will be provided to all Board members and administrative staff by the District's general legal counsel.

Finding 5

Money from Measure C may have been spent contrary to the intent of the measure. It seems clear to the Grand Jury that there was not adequate oversight protecting the interests of the citizens of Corcoran. The CDH Board of Directors apparently did not fulfill their obligation to the hospital and to the community.

CDH partially disagrees with Finding 5. Money from Measure "C" may have been spent for operations which is not an appropriate Measure "C" expenditure. The Board believes that the former CEO and CFO did not provide the Board with adequate information for the Board to consider or adequately oversee such expenditures.

Recommendation 5

The CDH Board of Directors should adhere to its policies and established by-laws regarding procedures for financial oversight. A majority of the financial oversight committee should consist of Corcoran citizens, not affiliated with CDH. It should be in place to provide direction for the expenditure of Measure C money and any further funds allocated to the CDH.

Recommendation 5 requires further analysis before it is implemented. Specifically, no financial oversight committee consisting of Corcoran citizens not affiliated with CDH was created upon approval of Measure C in 2005 or since. The finance committee referenced in the final report is a committee of the CDH Board created in March 2009 and is comprised of two Board members as well as CDH executives. Its purposes are to review CDH financial performance on a monthly basis, to advise CDH management regarding its performance, to review the annual CDH operating and capital budgets, to meet with the outside auditor regarding the CDH year-end audits, and to make recommendations to the full Board for all actions of a financial nature.

The Finance Committee's purpose has not been to provide direction for the expenditure of Measure C money, although discussion of these expenditures does occur at its meetings. Between 2005 and the present, \$13 million of the \$18 million of Measure C money has been expended. The CDH Board will consider the recommendation of creating an oversight committee, consisting of Corcoran citizens not affiliated with CDH. This discussion and any decision regarding such a committee will be concluded by December 31, 2011.

Finding 6

The salaries of the hospital employees were increased in 2007. Those increases have not been made public and were not discussed and adopted in accordance with Brown Act requirements.

CDH partially disagrees with Finding 6. The Grand Jury states in the Background and Facts portion of its Findings that "substantial" salary increases were given during the time

of Measure C expenditures. CDH disputes that "substantial" increases were given, or any increases were given greater than the norm. CDH agrees that during 2007, salary increases were not discussed and adopted in open session Board meetings.

Recommendation 6

The Brown Act should be followed.

The Recommendation 6 has been implemented since March 2009 insofar as following the Brown Act. Salary increases are considered and approved by the Board of Directors.



Jonathan Brenn, CEO

Date

8-31-11

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COUNTY OF KINGS

Information Technology Department

1400 W. Lacey Blvd
Hanford, California 93230
Phone: (559) 582-3211 Fax: (559) 584-8371

Mark Dawson, Chief Information Officer

July 19, 2011

Honorable James LaPorte
Superior Court Judge
Kings County Government Center
Hanford, CA 93230

Dear Judge LaPorte,

The following information is furnished in response to the 2010-2011 Grand Jury's Final Report regarding the County of King's Telephone System.

Grand Jury Finding 1:

The Kings County telephone system is deficient in many respects. The three tier menu operation is outdated and time consuming for users. The main switch cannot handle the capabilities of the new telephones. Although some updates have been made in the past, it remains 10 years behind current standards.

Grand Jury Recommendation 1:

The Grand Jury recommends that the telephone system be updated.

Grand Jury Finding 2:

The I.T. Department is researching options and has requested quotes from several commercial companies to upgrade and maintain the current telephone system.

Grand Jury Recommendation 2:

The Chief Information Officer and the I.T. Department should continue researching options with the goal of choosing and installing an appropriate and cost effective system.

Information Technology (I.T.) Department Response

The I.T. Department wishes to thank the Grand Jury for their support. They were aware of an effort, underway for several months, aimed at identifying ways in which the County's aging telephony system could be replaced. The Grand Jury's report provided additional support for, and a sense of urgency to, an expensive and complex endeavor.

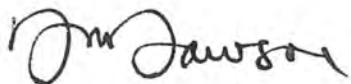
On May 20th, 2011, the Board of Supervisors approved an I.T. Department recommendation to replace every component of the County's telephony system. Although a small portion of the expense must be born by the County, the majority of the cost was paid by the Human Services Agency (HSA) through modernization funding provided by the State of California.

The upgrade will occur in the fall of this year. Once completed users of the system (members of the public and County employees) will benefit from nearly 700 new features. The following list identifies just a few of the more notable enhancements:

- Caller ID
- Direct Inward Dialing (DID)
- Visual Voicemail
- Microsoft Outlook Integration
- Web-based Soft Phone Support
- Multiple Ring
- Informational Message on Hold (unique to each department)
- Interactive Voice Response (IVR)
- Call Center Support

The I.T. Department looks forward to completing the installation and providing the 2011-2012 Grand Jury with a demonstration of the new system's capabilities. It truly represents a major advancement in technology and will dramatically improve the experience delivered to the public we serve.

Sincerely,

A handwritten signature in black ink that reads "Mark Dawson". The signature is written in a cursive, flowing style.

Mark Dawson
Chief Information Officer
Information Technology Department
County of Kings

Local Agency Formation Commission OF KINGS COUNTY

MAILING ADDRESS:
1400 W. LACEY BLVD. BLDG 6, HANFORD, CA 93230
(559) 582-3211, EXT. 2670, FAX: (559) 584-8989

August 2, 2011

Superior Court of California - County of Kings
Attn: Judge Donna Tarter
1426 S. Drive
Hanford, CA 93230

SUBJECT: Comments to the Grand Jury Report on LAFCo

Dear Judge Tarter,

The Kings County Grand Jury recently completed a report on their investigation of the Local Agency Formation Commission (LAFCo) of Kings County. The annual report investigating LAFCo contained a finding that the LAFCo website was not up to date. A recommendation in the report stated that the website should be updated and kept current. As required by California Penal Code Section 933(c), LAFCo is providing comments concerning the findings and recommendation of the report.

Upon review of the LAFCo website, staff noticed two items that could be improved. First, meeting agendas listing did not notify the public when meetings are cancelled due to there being no business from LAFCo. The LAFCo commission holds monthly meetings on the fourth Wednesday of the month. However, the commission only convenes when there is business at hand to administer. This results in LAFCo holding approximately 7-8 meetings annually. In our evaluation, we determined that all meeting agendas and staff reports from actual meetings that occurred were posted to the website prior to the meeting. However, due to the lack of meetings over the past year the public may have perceived that the website was not up to date. LAFCo notification protocol for a canceled meeting was previously to provide written notice of the cancellation to the commission members, commission council and County administration staff in addition to posting the notice with the County Clerk, at the LAFCo meeting location, and at the LAFCo administration office. To better inform the public, staff will now include a new noticing practice to also insert a placeholder on the website stating that the meeting was canceled or provide a link to the meeting cancellation notice. This will prevent any confusion by the public when viewing LAFCo website meeting information.

Second, upon review of the LAFCo website staff realized the commissioner names were not updated after the last election for city council seats in January 2011. The website has now been updated with the two new city council members' names.

LAFCo continues to endeavor to respond to public requests for information and maintain updated information on the LAFCo website for public access. We appreciate the Grand Jury's interest in

Local Agency Formation Commission OF KINGS COUNTY

MAILING ADDRESS:
1400 W. LACEY BLVD. BLDG 6, HANFORD, CA 93230
(559) 582-3211, EXT. 2670, FAX: (559) 584-8989

MEMO

To: Kings County Grand Jury

From: Jeremy Kinney, LAFCO Staff

Grand Jury Members,

Thank you for your thoughtful participation in the investigation of the Local Agency Formation Commission (LAFCo) of Kings County. California Penal Code Section 925 requires the Grand Jury to "...investigate and report on the operations, accounts, and records of the officers, departments or functions of the county." This task is vitally important to ensure government agencies and entities are operating according to law.

The annual report investigating LAFCo contained a finding that the website was not up to date. A recommendation in the report stated that the website should be updated and kept current. As required by California Penal Code Section 933(c), LAFCo's response has been provided to Superior Court Judge Orndoff, and Judge Tarter and a copy of the letter is attached.

The LAFCo commission convenes only when the commission needs to administer LAFCo business. This results in LAFCo holding approximately 7-8 meetings annually. All meeting agendas and staff reports are current on the website; however, due to the sporadic nature of the meetings the public may perceive the website is not up to date since cancelled meetings are not listed on the website. To fix this, staff will either insert a placeholder on the website stating that the meeting was canceled or provide a link to the meeting cancellation notice. This will result in the status of each monthly meeting being provided on the website.

Upon review of the website LAFCo staff realized the commissioner names were not updated after the last election for city council seats. The names of the two new members were updated on the website.

Once again, thank you for your review of LAFCo and for your insightful recommendation.


Jeremy Kinney, LAFCo Staff

Attachment: Letter Addressed to Supreme Court Judge Orndoff
Letter Addressed to Supreme Court Judge Tarter



OFFICE OF
SHERIFF
COUNTY OF KINGS

P.O. Box 986
1444 W. Lacey Blvd.
Hanford, CA 93230
Phone 559.852.2520
Fax 559.585.1499

January 12, 2012

Kings County Grand Jury
Kings Government Center

The Communications Division of the Kings County Sheriff's Office would like to express their deep gratitude for your continuing support and generous donation to the "R.U.O.K." Program.

This years gift bags included homemade bread, homemade jelly, miscellaneous food products, calendars, pens, quilts, socks, crocheted wash clothes, soaps, magnetic shopping lists, gloves, jar gripper pads, Kleenex, McDonald's coupons and assorted goodies.

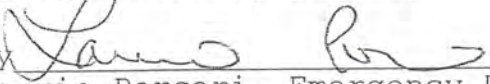
Our participants are always very appreciative of their gifts and our visits. With your generous donation each year we are able to continue to provide this community service.

Again, thank you for your continuing support.

Sincerely,

David Robinson, Sheriff

BY


Laurie Porcari, Emergency Dispatch Training Officer



**KINGS COUNTY
PROBATION**

STEVE BRUM

Chief Probation Officer

~~XXXXXXXXXXXXXXXXXXXX~~
~~XXXXXXXXXXXXXXXXXXXX~~

COE

**1424 FORUM DRIVE
HANFORD, CA 93230**

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

**FAX
(559) 583-1467**

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

From: Steve Brum *SB*
Chief Probation Officer

Date: June 26, 2012

Subject: Response to 2011/2012 Grand Jury Report

**Kings County Probation
Grand Jury Recommendations:**

1. Develop written policies and procedures addressing conflict of interest issues

Response:

On May 25, 2012 this department received a recommendation by the Grand Jury to implement a written policy and procedure regarding Prosecutorial Conflict of Interest cases.

While the department has held a high standard for identifying such conflicts and outsourcing sentencing reports, there was no written policy.

To comply with your recommendation, the following policy will be incorporated into the Department Policy and Procedures:

NEPOTISM AND CONFLICTING RELATIONSHIPS

PURPOSE AND SCOPE

The purpose of this policy is to ensure effective supervision, safety, security, performance, assignments and discipline while maintaining positive morale by avoiding actual or perceived favoritism, discrimination, or other actual or potential conflicts of interest by or between members of this department.

DEFINITIONS

Relative: *An employee's parent, stepparent, spouse, domestic partner, significant other, child (natural, adopted or step), sibling, or grandparent.*

Personal Relationship: *Includes marriage, cohabitation, dating, or any other intimate relationship beyond mere friendship.*

Business Relationship: *Serving as an employee, independent contractor, compensated consultant, owner, board member, shareholder, or investor in an outside business company, partnership, corporation, venture, or other transaction where the Department employee's annual interest, compensation, investment, or obligation is greater than \$250.*

Conflict of Interest: *Any actual, perceived or potential conflict of interest in which it reasonably appears that a department employee's action, inaction, or decisions are or may be influenced by the employee's personal or business relationship.*

Supervisor: *An employee who has temporary or ongoing direct or indirect authority over the actions, decisions, evaluation, and/or performance of a subordinate employee.*

Subordinate: *An employee who is subject to the temporary or ongoing direct or indirect authority of a supervisor.*

RESTRICTED DUTIES AND ASSIGNMENTS

When the Department will not prohibit personal or business relationships between employees, the following reasonable restrictions shall apply (Government Code §12940(a)).

- (a) Employees are prohibited from directly supervising, occupying a position in the line of supervision, or being directly supervised by any other employee who is a relative or with whom they are involved in a personal or business relationship.
 1. If circumstances require that such a supervisor/subordinate relationship exists temporarily, the supervisor shall make every reasonable effort to defer matters involving the involved employee to an uninvolved supervisor.
 2. When personnel and circumstances permit, the Department will attempt to make every reasonable effort to avoid placing employees in such supervisor/subordinate situations. The Department, however, reserves the right to transfer or reassign any employee to another position within the same classification as it may deem necessary in order to avoid conflicts with any provision of this policy.
- (b) Employees are prohibited from participating in, contributing to, or recommending promotions, assignments, performance evaluations, transfers or other personnel decisions affecting an employee who is a relative, or with whom they are involved in a personal or business relationship.

- (c) Whenever possible, FTO's and other trainers will not be assigned to train relatives. FTO's and other trainers are prohibited from entering into or maintaining personal or business relationships with any employee they are assigned to train until such time as the training has been successfully completed and the employee is off probation.
- (d) In order to avoid actual or perceived conflicts of interest, members of this Department shall refrain from developing or maintaining personal or financial relationships with victims, witnesses or other individuals during the course of or as a direct result of any official contact.
- (e) Except as required in the performance of official duties or, in the case of immediate relatives, employees shall not develop or maintain personal or financial relationships with any individual(s) who they know or reasonably should know are under criminal investigation, convicted felons, parolees, fugitives, registered sex offenders, or who engage in serious violations of state or federal laws.

EMPLOYEE'S RESPONSIBILITY

Prior to entering into any personal or business relationship or other circumstance which the employee knows or reasonably should know could create a conflict of interest or other violation of this policy, employees shall promptly notify his/her uninformed, next highest level of supervisor.

Whenever any employee is placed in circumstances which would require the employee to take enforcement action or provide other official information or services to any relative or other individual(s) with whom the employee is involved in a personal or business relationship, the employee shall promptly notify his/her uninformed, immediate supervisor. In the event that no uninformed supervisor is immediately available, the employee shall promptly notify dispatch to have another uninformed employee either relieve the involved employee or minimally remain present to witness the action.

SUPERVISOR'S RESPONSIBILITY

Upon being notified of or becoming aware of any circumstance(s) which could result in or constitute an actual or potential violation of this policy, a supervisor shall take all reasonable steps to mitigate or avoid such violations whenever possible. Supervisors shall also promptly notify the Chief Probation Officer of such actual or potential violations through the chain of command.

As a side note, the department has started a review and update of the current manual and will implement this into the revision.

SB/dj

Mayor
Willard Rodarmel
Mayor Pro Tem
John Plourde
Council Members
John Gordon
John Murray
William Siegel



**Office of the
Mayor**

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

June 19, 2012

Honorable James LaPorte
Kings County Superior Court
1426 South Drive
Hanford, CA 93230

Dear Judge LaPorte:

The City of Lemoore has received the Grand Jury Report titled "Lemoore Police Department Child Protective Emergency Response". As requested, we are providing the following comments to the recommendations contained in the report.

Finding 1:

The Lemoore Police Department has not consistently followed the Welfare and Institutions code requirements. The Lemoore Police Department often violated this code by placing children without notifying CPS before assigning custody of the child.

Recommendation 1:

Develop police department policies which conform to the Welfare and Institutions code. Provide officer training sessions regarding these policies and their implementation.

City Comments:

The Lemoore Police Department has reviewed our policies regarding the placement of children. The policies has been changed to conform to the Welfare and Institutions code. Additionally, we are providing briefing training to all members of our department so they will be trained in the updated policy.

Finding 2:

In extreme cases of child welfare and endangerment, neglect, abandonment, and abuse (safety issues), CPS has agreed to respond to Lemoore Police Department in a timely manner as they are aware of the officer's need to stay available for normal duties due to limited personnel.

Recommendation 2:


None.

City Comments:

The Lemoore Police Department has taken positive steps toward a productive working relationship with CPS. We have asked members from CPS to attend briefings so our officers have a better understanding as to what CPS does on a daily basis. We will continue to work on strengthening our relationship with CPS for the safety of all children.

In closing, the City of Lemoore appreciates the contributions that the Kings County Grand Jury provides for the community. Their dedicated public service is an invaluable tool and aid to the governance of Lemoore.

Sincerely,



Willard J. Rodarmel
Mayor

City of

RECEIVED JUN 22 2012

CORCORAN

A MUNICIPAL CORPORATION

FOUNDED 1914

June 22, 2012

The Honorable James LaPorte
Presiding Judge
Kings County Superior Court
1426 South Drive
Hanford, California 93230

Re: Grand Jury Report (2011-12)
Corcoran City Council Reply
[PC §933.05]

Dear Judge LaPorte:

This response is pursuant to method of investigation, background and facts, and findings of the Grand Jury report for the year 2011-12 and is being written on behalf of the City of Corcoran and, in particular, its City Council.

Method of Investigation

The report indicates that only one former member of the City Council was interviewed as part of the investigation. However, there are several instances in the document that refer to the concerns or opinions of the Council without having confirmed that the sentiment was shared by the Council in its entirety. The comments of the former member of the Council do not necessarily reflect the views of the individual members of the governing board.

Background and Facts

During its review, the City identified several errors that appear in the background and facts section of the Grand Jury report. These are more specifically described as follows:

1. The report indicates that the Chief of the Corcoran Police Department has served in said office for nine years. As a matter of correction, the Chief has served for over twelve years in his current position.
2. The facts and background indicate that the then Mayor received citizen complaints regarding a Council member's spouse receiving preferential treatment. The "facts" go on

CITY OFFICES:

to note that the then Mayor forwarded these complaints “verbally to the CPD Chief.” This is not accurate.

The then Mayor indicated that he wanted to discuss a personnel evaluation (no specific complaints as to any employee) in closed session. The City Attorney cited appropriate authority which allowed for a personnel evaluation (personnel in general with no specific complaints) that would allow such conduct in closed session. Once the closed session was convened, the then Mayor made allegations regarding the CPD Chief and the citizens’ complaints and alleged preferential treatment of a Council member’s spouse relative to an alleged DUI stop.

The City Attorney advised the Council that such a discussion did, in fact, constitute a specific complaint and that the discussions should terminate until notice could be provided to the employee (CPD Chief). The Council complied.

The City Attorney then advised that the particular employee was entitled to 24 hours notice (the findings indicate “72 hour notice prior to closed session meeting”).

The Council was also informed that personnel matters fall under the jurisdiction of the City Manager. With that, the Council agreed to provide details of any complaint to the City Manager who would carry out an initial review of the allegations. Several days following the meeting, the then Mayor outlined several allegations. The City Manager investigated the complaints and found that they were unwarranted and without substance but concluded with the City Attorney that the findings should be brought to the attention of the full Council in a closed session at the next Council meeting.

Prior to the meeting, appropriate notice was given to the CPD Chief. During the closed session, it was determined that there was, in fact, no inappropriate conduct and that the allegations were unfounded, malicious attacks on the CPD Chief. Following the closed session, the Council reported its unanimous support of and confidence in the Police Chief.

On this topic, it is also important to mention that the report states that the Chief of Police notified the spouse of the Council Member regarding the discussions as well as possible subsequent actions. The report indicates that such action is in direct violation of Government Code §54963. However once CPD chief was notified of the complaint by the mayor, he chose to waive his employee protection right of privacy and discussed the issue with the public prior to the next council closed session. At this point the right of privacy was for the protection of the employee, and it was waived by the employee. As such, the purported preferential treatment issue was, generally, in the public domain. Therefore, it is the Council’s belief that the Police Chief did not violate Government Code §54963 as outlined. As a point of clarification, the spouse of the Council Member addressed the City Council during the public comment period at the beginning of the meeting and prior to the closed session and at that time discussed the alleged preferential treatment claim that had in fact become the “talk of the town.”

3. Concerning the background pertaining to the resignation of the City Manager, again, there are factual discrepancies. The City Manager was criticized for laying off four employees without advising all Council members prior to such action. While the City Manager possessed such authority to make such layoffs, the Council had indicated to the City Manager that no layoffs were to be finalized until the City Council had been appropriately notified. Several Council members were not notified. The current City Council has no knowledge of the allegation that one of the spouses of a Council member was on the "short list."

4. The council vacancy and subsequent appointment as documented in the report likewise needs to be corrected. The Council's decision to set a deadline for potential candidates to submit a letter of interest was a procedural or administrative action defining a timeframe in which documents were to be submitted so as to be included in the council agenda packet. By law, any member of the Council may nominate a potential candidate to fill a vacancy when at the appropriate time on the agenda.

5. The City of Corcoran publishes council agendas and minutes on the City's website as a public service. The City is not required by law to post said documents on the Internet and has only recently initiated this endeavor. Agendas are added to the City's website after they are officially posted at the council chambers and other designated locations. Minutes are posted after they are formally approved or adopted by the Council.

In addition to the website and in an effort to assist the Grand Jury with its request, the City Clerk also provided a compact disk (CD) with scanned copies of all available agendas and minutes. Included with the CD was a letter from the City Clerk acknowledging that some of the meeting minutes had not been approved and would be delivered once accepted by the Council. The letter also notified the Grand Jury that minutes from several meetings were admittedly missing and would be provided once they were located.

After providing the requested information on the CD, the City Clerk received a phone call that the documents were not able to be retrieved. As such, the City Clerk was asked to fax the agendas and minutes to the Grand Jury and to do so within a two to two and half hour time frame. In the haste of meeting that deadline, various pages as well as complete copies of some of the documents were not captured by the fax machine or inadvertently excluded.

Findings and Recommendations

Finding No. 1. The Grand Jury states that it "discovered that the CPD Chief revealed closed session information to a citizen." Once the complaint was made public by the CPD chief the right of privacy was waived, and as such the City Council believes that the referenced Government Code was not violated. The Council receives regular training on the legal parameters within which the governing board must act and will continue to insure that full compliance with the confidentiality of closed session meetings is honored.

Finding No. 2. Finding No. 2 states that the City Council failed to follow Section 54963 concerning a closed session item. The matter was properly agendaized, but after the closed session commenced, it appeared as though there were, in fact, specific complaints. That portion of the closed session was adjourned and reconvened after proper notice to the employee. Again, the City Council will insure that the Brown Act is consistently adhered to.

Finding No. 3. Agreed.

Finding No. 4. The City Council is dedicated to having a well run City. With the appointment of the current City Manager, a concerted effort has been made to develop a cohesive team. All necessary steps will be taken to insure each employee works within his or her arena of responsibility. That being stated, the Chief, as with any other sworn officer, has taken an oath to respond to any issue that may be in violation of federal or state laws and it is thereby within his scope to address matters regarding other city agencies

The City does have in place a procedure for citizen's complaints as well as complaints of fellow employees. These procedures will be examined and, if appropriate, changes will be made.

Finding No. 5. The City follows applicable law as it relates to vacancies. In this particular instance, the Council voted to allow a late filing of a particular applicant. In the future, the City will take all necessary steps to make sure any extended deadlines are applicable to all citizens.

Finding No. 6. The City will continue to improve the City's website by periodically reviewing and testing the links to agendas and minutes. The City will further ensure that documents posted to the site are complete and accurate. Furthermore, the City is conducting an inventory to determine if there are minutes still pending approval to rectify any gaps in the sequence of meetings.

The City respects the Grand Jury for its energy and efforts and further wishes to express its appreciation to the Court for allowing the City to present its position.

Respectfully,

CITY OF CORCORAN



Kindon Meik
City Manager



JOE NEVES
STRATFORD-LEMOORE,
DIST. I

RICHARD VALLE
CORCORAN-AVENAL,
DIST. II

DOUG VERBOON
NORTH HANFORD -
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August 21, 2012

Honorable James LaPorte
Kings County Superior Court
1426 South Drive
Hanford, CA 93230

Dear Judge LaPorte:

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, "Child Protective Services Emergency Response," received by the County on May 25, 2012.

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

- 1. While there are exceptions, there has been minimal interagency communications or cross training between CPS and Law enforcement agencies. The content of this communication and cross training pertains to the procedures each entity is to follow when working with children in an emergency placement situation.**

The 2008-09 Grand Jury Report recommended CPS work with law enforcement agencies to develop an interagency training program relative to agency response requirements. In response, CPS stated, "the recommendation to develop a training program will be presented to all law enforcement entities in Kings County by CPS management with the outcome contingent upon the willingness or ability of law enforcement to participate. The invitation to collaborate in the creation of a training program will be initiated by June 2009". Compliance has not been attained as of April 2012.

The Board of Supervisors agrees and disagrees with the finding. The Human Services Agency Management had not acted on this primarily because of economic reasons, however Management did offer training on child welfare legislation, regulations, and policies, as well as how to recognize child abuse and neglect to the Lemoore Police Department, the Naval Criminal Investigative Services, and the Lemoore Naval Air Station's (NAS) Security Department. More recently Child Protective Services (CPS) staff has trained Lemoore Police Department and base security and investigator staff on child abuse and neglect symptomology.

In June, 2012, the Human Services Agency met with the other law enforcement agencies in the county including Avenal, Corcoran, Hanford, and Lemoore Police Departments, as well as the Kings County Sheriff's Office and agreed that CPS would provide annual training on welfare regulations, legislation, and procedures. Training was conducted in late June for Avenal and Lemoore Police Departments, in July for Corcoran Police Department, and is being scheduled for Hanford Police Department and the Sheriff's Department.

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

- 1. This grand jury agrees that CPS initiate and work with law enforcement agencies to develop a training program where both law enforcement officers and the emergency response social workers become aware of each other's views and requirements of their duties. This recommendation is consistent with the previous recommendation in 2008-2009 Kings County Grand Jury Report.**

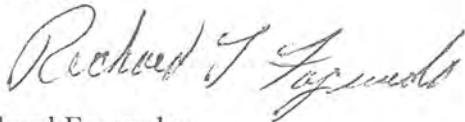
The Board of Supervisors agrees with the finding. The Human Services Agency has had difficulty developing a formal training program due to economic instability, which continues to be ongoing. However, the Human Services Agency started meeting with all of the law enforcement agencies in the county in June of 2012 and provided training on welfare regulations, legislation, and procedures. The Human Services Agency will provide this training annually, and all of the law enforcement agencies agreed to send officers to applicable training as invited by the Child Protective Services division.

- 2. Assign a qualified liaison from CPS to work with law enforcement agencies.**

The Board of Supervisors agrees with this recommendation. The agency has assigned a Child Protective Services (CPS) Social Work Practitioner as the point of contact for law enforcement agencies to contact for briefing training throughout the year. There has also been a CPS Supervisor assigned over training ongoing who will continue to serve as the point of contact for law enforcement entities to coordinate training arrangements.

The Human Services Agency has provided a response to the Board that is attached to this letter.

Sincerely,



Richard Fagundes,
Chairman, Board of Supervisors

CORCORAN
DISTRICT HOSPITAL

August 15, 2012

To the Honorable Judge LaPorte
Superior Court of the State of California, Kings County

Re: Response to the Grand Jury Report received June 4, 2012 by Corcoran District Hospital

Finding 1

A partial accounting of bond money expenditures used for the existing facility amount to over \$2,400,000. Some of the more easily identifiable items include \$1,000,000 spent for consulting and major repairs, \$200,000 for clinical equipment and about \$120,000 for a roof replacement this fiscal year. Spending bond monies for purposes such as these may be technically correct but not in the spirit of what the voters thought they were approving.

There was \$291,000 spent for "general purposes" as stated by CDH and about \$800,000 was spent on Information Technology.

As of April 2012, there has been \$12,214,000 of bond money spent with limited evidence of physical improvements.

Corcoran District Hospital (CDH) partially disagrees with this Finding 1. CDH has not spent "over \$2,400,000" for the existing facility, nor has it spent "\$1,000,000 for consulting and major repairs". Rather, no bond money was spent on the old building for consulting, and \$322,000 was spent on major repairs, excluding the roof.

Recommendation 1

Enact a formal Board policy to limit use of bond funds to new facility development and construction.

This is current Board policy.

Finding 2

Significant amounts of bond monies have been spent but are not identified and categorized. The grand jury has been told by CDH administration that records are missing.

Corcoran District Hospital wholly disagrees with this Finding 2. It is not true that "significant amounts of bond monies have been spent but are not identified and categorized". In 2010, CDH engaged a consultant to review every check drawn against the bond funds, to categorize every such expenditure, and to balance the entire account.

Recommendation 2

Engage an independent accounting firm to do a comprehensive forensic audit of all bond money spent.

An appropriate audit occurred in 2010. The recommended audit is unnecessary and is prohibitively expensive.

Finding 3

Most facility maintenance and upkeep costs are predictable based on likely years of useful life.

CDH agrees with this Finding 3.

Recommendation 3

Establish a budget for facility maintenance and upkeep which includes general items and predictable major items.

CDH currently budgets for facility maintenance and upkeep through its operating and capital budgets.

Finding 4

The IT system purchase was paid from bond funds. Bond funds were not intended to be used for this purpose.

CDH partially disagrees with this Finding 4. CDH currently does not use bond funds for purchases of IT hardware and software.

Recommendation 4

When the IT system refunds are received, the grand jury recommends that those refunds be combined with unused bond monies for future new facility development.

The IT system refunds, which are actually incentive bonus payments made by Medicaid and Medicare to encourage hospitals to invest in electronic medical record systems (EMRs), are presently earmarked by CDH to be used to satisfy its accounts payable. Once the accounts payable are current, CDH intends to reserve future net income, including bonus payments, for future facility development.

Finding 5

The grand jury questions the \$2,430,453 expenditure.

Construction Activity	Phase I Hospital	Phase 2 Clinic
General Conditions	\$ 652,222	
Site, curbs-gutters, landscaping	1,246,842	229,315
Construction	212,160	89,914
TOTALS	\$2,111,224	\$319,229

CDH wholly disagrees with this Finding 5. These figures are supported by invoices from the Developer, GL Bruno. Note: Phase I is the Outpatient Clinic; Phase II is the new acute hospital.

Recommendation 5

Furnish a detailed breakdown on the \$2,430,453 expenditure.

CDH previously provided the grand jury with all documents requested related to this Recommendation.

Finding 6

CDH used the DBD (design-build/development firm) to apply for and attain [sic] the loan. The fee for this service is \$250,000. The grand jury questions why the hospital administration could not have done the majority of the application work in-house with some assistance from the DBD. The CEO has advised the grand jury in writing that this fee will be paid from bond funds.

CDH wholly disagrees with this Finding 6. The Developer Fee was an all-inclusive amount for the Phase I project. It was not itemized by loan application, etc. and CDH did not spend \$250,000 for the DBD to obtain the loan. In fact, the majority of the loan application effort was done by the CDH Chief Executive and his staff.

Recommendation 6

If the USDA loan is not drawn, the CDH Board should review whether the loan processing fee paid to the DBD qualifies for payment from bond funds.

The CDH Board will review this Recommendation 6.

Finding 7

The evidence reviewed leads to the conclusion that the current Design-Build approach may not be the most economical method of construction. Design Build (Cost-Plus) does not encourage cost cutting as the contractor takes a pay cut whenever a cost is reduced. Using a more conventional approach of having competent designers and builders actively bid for the work could be a more effective use of the project monies.

CDH partially disagrees with this Finding 7. CDH disagrees with the Grand Jury's opinion as to most economical method of construction.

Recommendation 7

If CDH plans to proceed with the Phase 2 Clinic or other building projects, consider soliciting bids from multiple qualified general contractors.

No response required on this Recommendation 7.

Finding 8

The contract with the DBD contains no penalty to the DBD if the project is completed later than the promised 10 months. CDR [sic] will lose significant revenue and profits if a construction project is completed late.

CDH partially disagrees with this Finding 8. CDH cannot confirm nor deny that it will lose revenue and profits if the project takes longer than 10 months.

Recommendation 8

If CDH proceeds to build the Phase 2 Clinic or other projects, the project agreement should include penalty clauses for late completion.

No response required on this Recommendation 8.

Finding 9

Both parties involved in the joint agreement to build a hospital should have negotiated an agreement with affordable lease rate terms and the buyout terms before engaging an architect and spending any money on design work and other related costs. About \$240,000 was spent on design work. There may have been other expenses incurred relating to this project.

CDH will not confirm nor deny the validity of the Grand Jury's opinion as to "affordable lease rate"

Recommendation 9A

Do a full audit accounting report of the actual cost of this joint agreement project including related costs.

Such an audit is unnecessary and is prohibitively expensive.

Recommendation 9B

Consider seeking to recover 50% of the project cost due to this having been a partnership.

CDH will consider this Recommendation.

Finding 10

An area of over one acre will remain unimproved until a future hospital or other structure is built. CDH administration was interviewed and was vague as to plans to enhance this property.

CDH partially disagrees with this Finding 10. CDH agrees that the land will be unimproved until a structure is built on the particular real property. CDH disagrees that it was "vague as to plans to enhance this property." Rather, CDH is presently considering construction of a replacement clinic on this property as part of its Phase 0 project.

Recommendation 10A

Considerations should be made for improvement of this undeveloped land based on a well-researched and documented policy.

No response is required on this Recommendation 10A.

Recommendation 10B

Consider dedicating the unused portion of the property to an interim use beneficial to the community.

No response is required on this Recommendation 10B.

Finding 11

If Phase 0 is to be pursued, all continuing design and plan approval efforts on Phase I (future seismically correct hospital) may not be needed and may be wasted bond money. CDH says those services are part of a negotiated package. Per CDH, the architect still has approximately \$80,000 worth of services to deliver. Terminating the Phase I design and plan check work will likely yield significant savings to CDH.

CDH partially disagrees with this Finding 11. The future hospital is Phase II.

Recommendation 11

Put a hold on all work on Phase I during the time that Phase 0 is being considered. Refunds should be sought from both the architect and OSHPD.

In mid-April, CDH notified its consultants and OSHPD that all work was being suspended on Phase II (the new acute hospital is not Phase I) while Phase 0 is being analyzed. Work on Phase II was completed by the consultants at the direction of CDH, and therefore their fees have been earned and paid.

Finding 12

If Phase 0 planning is implemented, new architectural designs will have to be drawn. The current Design/Build agreement does not relate to Phase 0.

CDH agrees with this Finding 12.

Recommendation 12

If CDH proceeds with Phase 0, the board should seriously consider retaining other qualified architects and builders to perform the needed tasks. The current DBD & Architect could also bid as separate entities. This approach will potentially yield significant savings and a higher level of design creativity compared to the current design/build approach. It is suggested that architects and builders have experience with OSHPD projects of a similar magnitude.

CDH continues to consider this Recommendation and other potential approaches in order to choose the best approach for CDH and the community.

Finding 13

The Bylaws are not dated nor are they posted on the CDH website.

CDH partially disagrees with this Finding 13. Its Bylaws are dated on the front cover sheet.

Recommendation 13

Consider putting a footer or header on the Bylaws showing the most recent revision date, the page number and the total number of pages in the document. Consider posting them on the website and updating that posting whenever the Bylaws change.

No response is required on this Recommendation 13.

Finding 14

Any item in the Bylaws can be changed by a simple board vote.

CDH agrees with this Finding 14.

Recommendation 14

Consider placing limitations on certain provisions in the Bylaws by requiring more than a simple board vote without extra notification to the public to make changes to those provisions.

CDH will consider this Recommendation 14.

Finding 15

The board meeting agendas and minutes are not readily available to the citizens of the district.

CDH wholly disagrees with this Finding 15. The board meeting agendas and minutes are posted prior to all meetings, and minutes are made available to any citizen of the District who requests a copy.

Recommendation 15

With regards to public records, agendas are to be posted at least 72 hours prior to board meetings to conform to Brown Act Section 54954.2(a) meeting public notification requirements. Meeting minutes should be posted within ten days after the meeting date. Posting this information on the CDH web site would be beneficial.

CDH does post its agendas at least 72 hours prior to Board meetings. CDH intends to implement a procedure by which both its agendas and meeting minutes will be posted on the CDH website in addition to the usual distribution methods.

Finding 16

CDH has not been able to locate some financial statements and board minutes for past years.

CDH wholly disagrees with this Finding 16. Financial statements and Board minutes can be and have been located on request.

Recommendation 16

CDH needs to develop an effective system for storing financial statements, board minutes and other key documents in their computer and at a secure backup storage site. A yearly audit should be done to assure that this system is in place.

CDH stores its financial statements, Board minutes, and other key documents both electronically and on hard copies.

Finding 17

As of this year the board has instituted a policy whereby the administration can contact the Board Chair and an additional board member to get their approval for non-budgeted expenditures that have to be made prior to the next board meeting. Due to reasonable availability of those people, this is a sound policy. The board will now be participating in matters that they seem to have inappropriately avoided in the past.

CDH agrees with this Finding 17.

Recommendation 17

A lower limit may be more prudent and appropriate. If a higher sum is needed, gaining the needed interim (between posted public meetings) board approval can be readily done in a short time frame based on the new board enacted policy, or by calling a special meeting of the board.

The CDH Board is comfortable with its recently enacted policy requesting interim Board approval for non-budgeted expenditures. It will monitor the frequency and amounts of these interim approvals throughout the year and will consider revising the present limit as needed.

Finding 18


An Administrative employee related to a seller appeared to have been inappropriately involved in a real estate transaction.

CDH cannot confirm whether there was an appearance of inappropriate involvement by an administrative employee in a real estate transaction.

Recommendation 18

Hospital administration must insist that all administrative employees, board members and other CDH employees with possible ethical and/or financial conflicts are not to be involved in any way in transactions in which they or their families could benefit. CDH should have a Conflict of Interest Code and related reporting requirements per the Political Reform Act as outlined in detail by the Fair Political Practices Commission (FPPC) on their website. Policies conforming with these requirements should be enacted by the board and recorded in the minutes.

The CDH Board presently does have in place a Conflict of Interest Code for its members, and for its CEO and its CFO; current Administration policy does insist that its employees report possible conflicts and avoid involvement in any transactions in which they could be construed as having ethical or financial conflicts. The Board will consider expanding its present Conflict of Interest Code to other employees.


Jonathan Brenn, CEO

Aug. 15, 2012
Date



JOE NEVES
STRATFORD-LEMOORE,
DIST. I

RICHARD VALLE
CORCORAN-AVENAL,
DIST. III

DOUG VERBOON
NORTH HANFORD –
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August 21, 2012

Honorable James LaPorte
Kings County Superior Court
1426 South Drive
Hanford, CA 93230

Dear Judge LaPorte:

In accordance with Section 933 of the California Penal Code, this letter is the Kings County Board of Supervisors' response to the Grand Jury Report entitled, "Kings County Probation Department," received by the County on May 25, 2012.

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

- 1. Allegations of a possible conflict of interest are unfounded as they relate to the defendant and the probation officer. The officer was in court as a parent and not in an official capacity.**

The Board of Supervisors neither agrees nor disagrees with this finding. The Grand Jury stated that it received a written complaint letter, and that the result was unfounded.

- 2. Allegations of a conflict of interest between the District Attorney's office and the defendant are unfounded. An additional suspect in this matter who is related to the Deputy District Attorney was not cited and the defendant has no relationship with the Deputy District Attorney.**

The Board of Supervisors neither agrees nor disagrees with this finding. The Grand Jury stated that it received a written complaint letter, and that the result was unfounded.

- 3. Allegations that the court acted improperly by excluding the complainant from a closed meeting in the judge's chambers are unfounded. It was determined that the victim's counsel was present in chambers thus providing proper representation.**

The Board of Supervisors neither agrees nor disagrees with this finding. The Grand Jury stated that it received a written complaint letter, and that the result was unfounded.

4. **During the course of this investigation it was discovered that the probation department has no written policy for conflict of interest cases coming from the courts regarding presentenced investigations. Their practice is to ask another county's probation department to do the investigation for the purpose of sentencing. Conflict cases generally are those successful prosecutions of law enforcement agency members or their family members.**

The Board of Supervisors agrees with this finding. At the time of the Grand Jury investigation there was no written policy.

5. **The grand jury observes in this matter that it was only when the complainant hired an attorney that the case was put back on calendar. A question remains as to what would happen to a citizen who is unable to afford legal counsel.**

The Board of Supervisors disagrees with the finding. Any complainant would have the right to request a conference with the District Attorney's office to request to re-open the case.

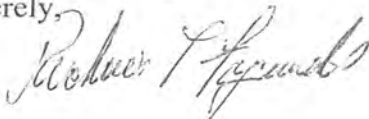
Under the Recommendations Section of the Report the Grand Jury states:

1. **None.**
2. **None.**
3. **None.**
4. **This is far too important a matter to be implemented by practice alone. It is recommended that the probation department develop written policies and procedures addressing conflict of interest issues.**

The Board of Supervisors agrees with this recommendation. To comply with the recommendation, a policy will be incorporated into the Probation Department's Policy and Procedures. A copy of the Probation Department's response and the new policy is attached for your review.

5. **None.**

Sincerely,



Richard Fagundes
Chairman, Board of Supervisors