

**KINGS COUNTY
GRAND JURY**



**FINAL REPORT
2012 –2013**

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Responses



COUNTY OF KINGS
GRAND JURY
County of Government Center
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June 28, 2013

Honorable Robert S. Burns
Superior Court of the State of California
Advising Judge to County of Kings Grand Jury
County of Kings
Hanford, CA 93230

Dear Judge Burns:

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.

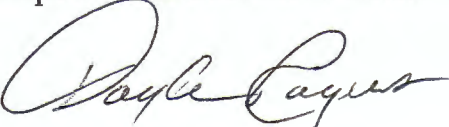
Many of the case studies were the result of concerned citizens who initiated complaints and inquiries about issues meaningful not only to themselves, but for others who may have been affected in a similar situation. Jurors' proceeded to make careful and complete examinations of some departments within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

A special thank you goes to Doyle Rogers for taking over the duties of Foreperson when I was hospitalized for surgery. A large part of the success of this years grand jury can be attributed to his efforts.

The Court can be proud of each and every member of the 2012-2013 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 please to submit to you the Final Report of the 2012-2013 Grand Jury.

Respectfully,


John Grego
Foreperson


Doyle Rogers
Foreperson Pro Tem



Superior Court of the State of
California, County of Kings

Shane Burns
Judge

June 24, 2013

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

The 2012-2013 Kings County Grand Jury has submitted the enclosed reports to the Presiding Judge and /or his designee of the Superior Court in accordance with Section 933 of the California Penal Code. The enclosed reports were submitted and are hereby accepted as the final reports of the Grand Jury concerning these areas of inquiry.

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

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

The Judges of the Superior Court wish to express our sincere appreciation for the long hours of service given by members of the 2012-2013 Grand Jury, with special thanks to their Foreperson, John G. Grego. 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,

Shane Burns
Judge of the Superior Court

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

Eartha R. Armstrong	
Gene R. Bassett	Chair: Law and Public Safety
Aubrey "Jerry" Carter	
Garry A. Curtis	Co-Chair: Law and Public Safety
Alfred E. Gallegos	Sergeant at Arms
John Grego	Foreperson
Mitchell Grundbrecher	
JoAnn Hawkins	Co-Chair: Health and Education Treasurer
Ann Kissling	Co-Chair: Local Government Correspondence Secretary
Mary Lambert	
Pat Lopez	Snack Master
James L. MacLellan II	Chair: Local Government
John Moore V	
Doyle Rogers	Foreperson Pro Tem
Jack Schwartz	
Anne Sutton	Co-Chair: County Government Recording Secretary
Georgia E. Tierney	Chair: Social
Carolyn Whiteside	Chair: Health and Education
Donald E. Wilcox	Chair: County Government



**THE HONORABLE SUPERIOR COURT JUDGES
and the
2012 – 2013 KINGS COUNTY GRAND JURY**



Jerry Carter

JUDGE Thomas DeSantos		JUDGE Donna Tarter		JUDGE Robert S. Burns		JUDGE Jenifer Giuliani		JUDGE Steven Barnes		JUDGE James LaPorte	
Georgia Tierney Social Secretary	Alfred Gallegos Sgt. at Arms	Elizabeth A. Sutton Recording Secretary	Doyle Rogers Pro Tem	James L. MacLellan II	Gene R. Bassett	Garry A. Curtis	John V. Moore	Don E. Wilcox			
Ann Kissling Correspondence Secretary	Mitchell Grundbrecher	Carolyn Whiteside	John Grego Fore Person	Mary Lambert	JoAnn Hawkins Treasurer	Eartha R. Armstrong	Patricia A. Lopez Snack Master	Jack Schwartz			

County Government

Chair: Don Wilcox
Co-Chair: Anne Sutton

ARMONA COMMUNITY SERVICES DISTRICT (ACSD)

WHY THE GRAND JURY INVESTIGATED

The Grand Jury received a written complaint from a resident of the Armona Community Services District (ACSD) regarding the water rates.

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 special legislative districts within the county.

METHOD OF INVESTIGATION

The Grand Jury interviewed the complainant and a member of the ACSD board, reviewed documents, and attended an ACSD board meeting.

BACKGROUND AND FACTS

Armona is an unincorporated area in Kings County and the ACSD is a Special District. The ACSD, formed in 1928, serves approximately 1,100 homes and 30 businesses and provides services for water, sewer, garbage and street lights. "The water production and distribution as well as the sewage collection and treatment facilities are owned by the District and operated by the Granger Water Specialties Company. Garbage collection and disposal is contracted with Mid-Valley Disposal and electricity for and maintenance of the street lights is provided by Southern California Edison" as per ACSD.

On April 25, 2008, a public hearing was held concerning proposed water and sewer rate increases over the next five years. The ACSD informed property owners and its customers that: "Rate adjustments are needed to fund critical infrastructure needs, pay annual operating and maintenance costs (including depreciation), maintain reserves, and comply with state-mandated permit requirements and state and federal drinking water standards". The rate increase was passed and the new rates began on July 1, 2008. The Grand Jury was

informed that there was no public complaint until the latest increase occurred in July 2012.

FINDINGS

Finding 1

While the rates in the ACSD are higher than many surrounding areas, there appears to be justification for the 2008 action. The arsenic content in the local water caused increased operational costs, and an additional well was required to meet state fire regulations.

Finding 2

Though ACSD followed all required legal procedures including public hearings and customer notices, there was no evident public concern expressed until the 2012 rate increase occurred.

RESPONSE REQUIRED

None

KINGS MOSQUITO ABATEMENT DISTRICT (KMAD)

WHY THE GRAND JURY INVESTIGATED

A complaint was received, and public interest

AUTHORITY

California Penal Code 933.5 A Grand jury may examine the books, duties and records of any special purpose taxing district in the county.

METHOD OF INVESTIGATION

After receiving a complaint, the Grand Jury interviewed the complainant, attended a board meeting, toured the KMAD headquarters and facility, interviewed the District Manager and reviewed documents.

BACKGROUND AND FACTS

KMAD is a special district funded only by property taxes. It was established in April 1961 and is regulated by the State. KMAD has a five member board of trustees, appointed by their respective governing bodies, composed of one representative of the cities of Hanford, Lemoore and Corcoran, a representative from Tulare County and one from Kings County. The District employs 11 full-time employees and approximately 15 seasonal employees. KMAD has an annual budget of over two million dollars.

Employees who work in the field are equipped with handheld computers which work off GPS and show all areas of potential mosquito infestation, including, but not limited to, swimming pools, ditches and standing water in irrigated fields. The computers allow the employees to enter the type and quantity of chemicals they use in the field and this also provides an inventory record.

The months from April through September are normally the period when mosquitoes are the most active. During this period, seasonal employees are brought in to supplement and assist the fulltime staff.

The potentially infected areas are treated with chemicals that are approved by Federal and State authorities. Mosquito fish are a natural enemy of mosquito larvae. KMAD makes these fish available to the public at no cost.

KMAD also is charged with the monitoring and control of the West Nile Virus which is primarily carried by mosquitoes and birds. The public is encouraged to report dead birds to KMAD. The birds are collected and sent to the University of California at Davis to be tested for the presence of West Nile Virus. If the tests are positive, the public is notified and steps are taken to eradicate the infestation.

At this time KMAD is considering building a new facility at a different location. The present facility is located on a landfill owned by Kings County and is not American Disabilities Act (ADA) compliant. The Grand Jury was told that KMAD has approximately half the funds available to purchase property and build a new facility.

FINDINGS AND RECOMMENDATIONS

Finding 1

KMAD appears to be a fiscally responsible district.

Recommendation 1

None

Finding 2

The present KMAD facility is not ADA compliant.

Recommendation 2

If the existing facility is retained and occupied, it should be brought up to ADA standards.

COMMENTS

The Grand Jury found that the complaint, which concerned personnel matters, had no merit.

RESPONSE REQUIRED

California Penal Code Section 933(c). Within 90 days of receipt of a report the public agency shall submit its response to the Presiding Judge.

POLITICAL ACTIVITIES IN THE WORK PLACE

SYNOPSIS

While political activities are to be commended, they are not allowed on Kings County government property.

WHY THE GRAND JURY INVESTIGATED

Two complaints were filed with the Grand Jury concerning political activities that took place in the County Human Services Department.

AUTHORITY

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

METHOD OF INVESTIGATION

The Grand Jury interviewed many employees of the department mentioned in the complaints. The County Employees' Handbook was also reviewed.

BACKGROUND AND FACTS

The County Employee Handbook, page 30, reads:

"Political Activities

Participation in political activity is a sign of good citizenship, but certain guidelines must be observed when you are an employee in public service. You may not say or publish anything which implies County endorsement of any candidate. You may not engage in political activities, including soliciting for funds or being solicited for funds, during working hours, on County premises, or while wearing a County uniform. County officials and employees are prohibited from participating in political campaigning while on County time, including distribution of campaign literature, either during work hours or on County property premises. This prohibition includes the displaying of campaign materials on County property, including walls, bulletin boards, doors and County-owned vehicles or equipment."

Interviews with some Human Services employees indicated that campaign materials were present in an office including a map designating areas in which

employees lived. Some were asked to distribute campaign door hangers in those areas. Several of the employees interviewed complained of feeling pressured to comply and feared retaliation and possible job loss if they refused.

FINDINGS AND RECOMMENDATIONS:

Finding 1

The instructions in the County Employee Handbook concerning political activities were violated. County employees were asked to distribute campaign materials in violation of the Employee Handbook.

Recommendation 1

Supervisors and all employees should follow the Employee Handbook and adhere to the policies therein.

Finding 2

The Grand Jury found that there was confusion concerning the use of personal time on County property as it pertains to rules in the Employee Handbook.

Recommendation 2

There should be a clarification in the Employee Handbook regarding use of personal time on County property.

COMMENTS

The Grand Jury felt concern that there was conflicting testimony among the senior supervisors of the department.

RESPONSE REQUIRED

California Penal Code Section 933(c). Within 90 days of receipt of a report the public agency shall submit its response to the Presiding Judge.

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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

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DEPUTY CLERK
COUNTY OF KINGS
Hope Hearnsley

February 26, 2013

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

Dear Judge DeSantos:

In accordance with Section 933 of the California Penal Code, this letter is the Kings County Board of Supervisors' response to the Grand Jury Report entitled, "Political Activities in the Work Place," received by the County on February 5, 2013.

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

- 1. The instructions in the County Employee Handbook concerning political activities were violated. County employees were asked to distribute campaign materials in violation of the Employee Handbook.**

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

- 1. Supervisors and all employees should follow the Employee Handbook and adhere to the policies therein.**

The Board of Supervisors agrees with the finding and recommendation. After investigation, the Human Services Agency has imposed disciplinary steps on those involved, and will review the County's policy prohibiting political activity in the work place with managers and staff on an annual basis.

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

- 2. There should be a clarification in the Employee Handbook regarding use of personal time on County property.**


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

- 2. There should be a clarification in the Employee Handbook regarding use of personal time on County property.**

The Board of Supervisors agrees with the finding and recommendation. The Human Services Agency has taken corrective action to require all employees to review both the County's and Agency's Policy and Procedures Manual during the employee's annual evaluation and sign off that they understand all policies and procedures.

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

Sincerely,

A handwritten signature in black ink that reads "Doug Verboon". The signature is written in a cursive style with a large, prominent initial "D".

Doug Verboon
Chairman, Board of Supervisors



Peggy Montgomery
Director

Human Services Agency

County of Kings - State of California

*Child Welfare & Adult Services
Benefits & Employment Training Services
Adoption & Foster Home Licensing Services*

February 12, 2013

The Honorable Thomas DeSantos
Presiding Judge of the Kings County Superior Court
1426 South Drive
Hanford, CA 93230

Dear Presiding Judge DeSantos:

In accordance with Section 933 of the California Penal Code, this letter is the Kings County Human Services Agency's response to the Grand Jury Report entitled, "Political Activities in the Work Place," received by the County on February 5, 2013.

Grand Jury's Findings #1

The instructions in the County Employee Handbook concerning political activities were violated. County employees were asked to distribute campaign materials in violation of the Employee Handbook.

Grand Jury Recommendation #1: Supervisors and all employees should follow the Employee Handbook and adhere to the policies therein.

County Response Finding #1: After further investigation, Agency agrees with the Grand Jury finding that there was inappropriate political activity in the work place. As a result, appropriate disciplinary steps have been taken and the County's policy prohibiting political activity in the work place will be reviewed annually with all managers and staff.

Grand Jury's Findings #2

The Grand Jury found that there was confusion concerning the use of personal time of County property as it pertains to rules in the Employee Handbook.

Grand Jury Recommendation #2: There should be a clarification in the Employee Handbook regarding use of personal time on County property.

County Response Finding #2: Agency agrees with the finding and found many employees never referred back to the County's policy handbook after their first year of employment but

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Website: www.countyofkings.com/HSA/Index.html

would refer to the Agency's Policies and Procedures handbook routinely. Due to this fact, the Agency's handbook is incorporating all of the County policies that are not already in the Agency's handbook so employees will have one book of policies and procedures that cover both County's and the Agency's policies. As an additional corrective action, annually at the employees' evaluation they will be required to review the Agency's Policy and Procedure handbook and sign off that they understand all polices and procedures.

If there are further questions or concerns, please feel free to call me at 559-852-2200.

Sincerely,



Peggy Montgomery, Director
Kings County Human Services Agency

cc: Kings County Board of Supervisors
Larry Spikes, County Administrative Officer

Health and Education

Chair: Carolyn Whiteside
Co-Chair: JoAnn Hawkins

BEHAVIORAL HEALTH/PROPOSITION 63 FUNDING

SYNOPSIS

To lessen the high dropout rate of the Tachi Yokut Tribe's 3rd to 9th grade students, the experimental equine therapy program is being implemented to help alleviate the problem.

WHY THE GRAND JURY INVESTIGATED

An article in the Fresno Bee, July 28, 2012, discussed the fact that Proposition 63 mental health dollars are bypassing the mentally ill. An example that the article used was the fact that \$944,843 was being spent on an equine therapy program for students "who were not reading at grade level or otherwise not doing well at school."

AUTHORITY

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

METHOD OF INVESTIGATION

The Grand Jury interviewed County Behavioral Health officials, visited the equine therapy facility and reviewed documents regarding Proposition 63 distribution of funds.

BACKGROUND AND FACTS

Proposition 63 (Mental Health Service Act) was passed in 2004. The Act is to dedicate its "resources and energies to create a state-of-the-art, culturally competent system that promotes recovery/wellness for adults and older adults with severe mental illness and resiliency for children with serious emotional disorders and their families" as per the vision statement.

The Kings County Grand Jury has decided to direct its attention to the four and a half year Innovation Plan (Native American Youth Equine-Facilitated Psychotherapy (EFP) Program) component of the Act.

The EFP program is aimed at the at-risk youth who are experiencing academic challenges and psychosocial difficulties. One of its main goals is to address the high drop-out rate among the target group. It is a coordinated effort between the Central Union School District, Kings County Behavior Health, the Tachi Yokut Tribe and the EFP contractor, "Heart of the Horse". The students involved in the program are selected by the school administration based on teacher input.

The program includes care and grooming of the horses as well as riding, which aims to promote social skills and impulse control, decreasing isolation, increasing trust and raising self-esteem.

The EFP program is subject to frequent evaluations done by an independent evaluation company while the individual students are evaluated daily by the therapists and the school. At the end of four years the California Department of Mental Health will evaluate the program to decide its merit. If this pilot program is successful, the Kings County Behavioral Health Department hopes that the Tachi Yokut Tribe will continue with equine therapy for their at-risk members. They also hope that other counties will use the program to reach their at-risk youth.

FINDINGS AND RECOMMENDATIONS

None

COMMENTS

It is beyond the expertise of the Grand Jury to evaluate the success of this program.

RESPONSE REQUIREMENT

None

COLLEGE OF SEQUOIAS (COS) HANFORD CAMPUS

WHY THE GRAND JURY INVESTIGATED

Public interest

AUTHORITY

California Penal Code Section 933.5. The Grand Jury may examine the books, duties and records of any special purpose assessing district in the county.

METHOD OF INVESTIGATION

On site visit of the campus led by the Provost.

BACKGROUND AND FACTS

The COS Campus is located in a new facility combined with Sierra Pacific High School and a Hanford City owned athletic complex. The close proximity to the Sierra Pacific campus offers the high school students a chance to take college courses and the COS students share the chemistry labs at the high school.

The COS campus was financed by a Kings County bond of 20 million dollars. The college opened in fall of 2010. There are approximately 800 fulltime students attending classes at this time.

There are three main structures. The Administration Building (the Hub) contains student services: financial, counseling, registration, medical services, a lounge area, library and general education classrooms.

The Vocational Building contains classrooms and labs for instruction in welding, electrical wiring and plant maintenance. In one year of study students are able to receive a certificate in Industrial Maintenance. A second one-year course is offered in Agricultural Business Management which includes management, accounting and agricultural work experience. There are also classrooms enabling teleconferencing classes with the Visalia COS campus.

The third structure, called the Public Safety Center, contains the Fire and Police Academies. The Police Academy offers training in the law enforcement field, and graduates receive the Peace Officer Standards and Training certificate. Driving

simulators and a force option lab are housed in this building. CPR is taught and there is a weight room. Also in this building are classes in Administration of Justice. The Fire Academy classes are held at night and practical training is done at the Kings County Fire Training Center. Located on the campus is a concrete area to practice driving for the police academy students. There is also an obstacle course and fire engine facility.

FINDING

The Hanford COS Campus, which was constructed using funds from a Kings County bond, serves a very useful purpose for local residents and avoids a long drive to Visalia.

COMMENTS

The cooperation of Kings County, City of Hanford, the Hanford High School District and COS created a most unusual facility and could well serve as a model for other areas.

RESPONSE NOT REQUIRED

CORCORAN UNIFIED SCHOOL DISTRICT TECHNOLOGY LEARNING CENTER

WHY THE GRAND JURY INVESTIGATED

Public interest.

AUTHORITY

California Penal Code Section 933.5 The grand jury may investigate and report it's examination of the books and records of a special-purpose assessing or taxing district as well as such district's method or system of performing it's duties.

METHOD OF INVESTIGATION

On site visit of the Corcoran High School Technology Center and classrooms escorted by the Vice Principal.

BACKGROUND AND FACTS

The Grand Jury was greeted by the Vice Principal and escorted to the conference room of the Technology Center. The Grand Jury was given an overview of the programs offered, all of which are elective classes. Each student is provided with either an electronic tablet or laptop computer.

The first class interviewed was the English Language Development (ELD) class. The class members are being trained to tutor kindergarten and first graders on a one-to-one basis. All of the ELD students are college bound and have an A or B grade point average.

A Health Occupation class prepares students for careers in the medical field. This class teaches basic techniques in nursing such as bed making, taking blood pressure, physical therapy, and record keeping. The class is taught by a Registered Nurse.

The multimedia program offers classes in web design and creation of web sites. Also offered are classes in newspaper bulletins, how to post on YouTube, art graphics and design.

An introduction to welding class is available. In this class the students learn how to create designs on a computer and transfer them to a metal cutting machine. Arc and gas welding are also taught.

The art class was making papier-mache masks and studying the history of the cultures represented by the masks. Incorporated in the masks were such things as wooden horns, yarn and raffia.

An Air Force JROTC class teaches all aspects of aviation, weather, flight plans, good citizenship and responsibility. This is not a recruiting class for the military. Each student is issued a uniform which they are responsible to care for and keep in a professional manner. They are required to wear the uniform one day a week. At the end of the term each student has the opportunity to file a flight plan, make a preflight inspection and take a flight in the instructor's aircraft.

There is an Agricultural Mechanics class which offers electrical wiring, farm equipment repair and farming techniques. Most of the members of this class are also in Future Farmers of America.

FINDING

The Corcoran High School is the only public school in Kings County which offers such a wide variety of vocational and technological classes. The students taking these classes are being prepared for entry positions in their chosen field.

RESPONSE REQUIRED

None

ISLAND SCHOOL DISTRICT

WHY THE GRAND JURY INVESTIGATED

Public interest

AUTHORITY

California Penal Code Section 933.5. The Grand Jury may examine the books, duties and records of any special purpose assessing district in the county.

METHOD OF INVESTIGATION

On site visit of the school and interview with Superintendent/Principal.

BACKGROUND AND FACTS

The Island School District was founded in 1908. Today the school is a Kindergarten through eight elementary and charter school. Children living in the school district are enrolled automatically. Charter students from other districts are enrolled on a space available basis. Currently there are 320 students with 14 teachers and eight aides. There is a 100% graduation rate and a graduation ceremony is held for eighth graders.

The school has four traveling sports teams which include football, volleyball, basketball and track. A six week music keyboarding class is provided. With the cooperation of the Kings Art Center, art classes for all grades are offered. Island School District has a computer laboratory consisting of 40 Apple Mac computers.

The cafeteria is operated by two employees and offers the students a fresh breakfast, a second chance breakfast and lunch, all cooked on site. Approximately 40% of the students receive free or reduced fee meals.

An internet tower is on the school property and residents of the Island District can use that WiFi connection for a small fee. A 24-hour camera surveillance system is in place for outside security.

The Superintendent/Principal showed the Grand Jury an architectural plan of additions and changes that will be made to the school in the near future. This expansion will utilize \$7,000,000 in new construction and hardship grants allowing for a larger student enrollment. The school has received funds from Proposition 84 for a new well to meet federal clean water requirements.

FINDING

The Grand Jury found that Island School District is well-run. It has a dedicated staff and the students are provided with many opportunities not always offered by other schools such as music, art and traveling sports teams.

RESPONSE REQUIRED

None

STRATFORD WASTE WATER TREATMENT FACILITY (WWTF)

SYNOPSIS

The Waste Water Treatment Facility is 62 years old. During that time, due to lack of funds and neglect of the facility, it has deteriorated beyond repair. The Stratford Public Utilities District (SPUD) Board is making efforts to obtain funds to remedy the situation.

WHY THE GRAND JURY INVESTIGATED

Public interest.

AUTHORITY

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

METHOD OF INVESTIGATION

The Grand Jury interviewed a County Supervisor, representatives of a waste water management company, attended SPUD Board meetings, viewed satellite photos of the holding ponds, and toured the waste water treatment facility.

BACKGROUND AND FACTS

SPUD's Waste Water Treatment Facility was built 62 years ago. The Grand Jury was told that the facility has not been adequately maintained in the last 20 years. The electrical and mechanical equipment is broken down and has not been replaced or repaired as needed. The lack of funds for maintaining the facility has caused the deterioration of the levees that separate the waste water ponds. The equipment to aerate the pond for useful waste water treatment is no longer operational.

In 2009, Granger Water Specialties was contracted to run the operation. Due to the lack of funds, the contractor is only able to maintain the facility in its present unsatisfactory condition. There is no operable machinery to eliminate the weeds or to fill in the breaks in the levees.

On November 10, 2004 the California Regional Water Quality Control Board inspected the WWTF. This is the last inspection reported. A number of deficiencies were noted and also the WWTF operator at that time was not licensed.

A public hearing was held on December 12, 2012 to establish procedures to ensure the district has sufficient funds to provide waste water services, maintain adequate reserves and comply with all state and federal regulatory mandates. At that time Resolution #2012-2, which will raise the rates to maintain the new facility, was adopted by the SPUD Board of Directors. This resolution will provide the funds for the maintenance of the new facility. The passing of Resolution #2012-2 is the first step in the process of applying for and obtaining federal and state grants for construction. Construction is expected to begin in 2014.

FINDINGS AND RECOMMENDATIONS

Finding 1

The present waste water treatment facility is sorely inadequate to treat the waste water. Lack of funds has prevented the district from maintaining the facility adequately.

Recommendation 1

The SPUD Board should continue its efforts to improve the WWTF.

Finding 2

The SPUD Board has taken initial steps to obtain state and federal funds for construction of a new facility.

Recommendation 2

That the SPUD Board continue with their efforts to provide proper treatment for waste water.

COMMENTS

The Stratford Public Utility District has made every effort to inform the District residents of the problem at the WWTF and of the proposed solution.

RESPONSE REQUIRED

None

WOODROW WILSON JUNIOR HIGH SCHOOL

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 officers, departments or functions of other districts in the county.

METHOD OF INVESTIGATION

On site visit of school and interview with the Principal.

BACKGROUND AND FACTS

The Grand Jury was greeted by the Principal and escorted to the school library. The Principal gave a brief overview of his background in the education field. He explained the security precautions that are in place and future plans to insure students' safety. The school has the capability to hold video conferences (WEBINAR) enabling students to interact with outside educational programs. Six mobile computer carts, each containing 30 laptops, are utilized in individual classrooms.

The Grand Jury was shown four classrooms that were in session. It was noted that all of the classrooms were locked for safety purposes. The Jury members were allowed to interact with the students, who were well behaved and showed interest in the questions posed by the visitors. The teachers and special education aides were observed to be actively involved with the students.

Woodrow Wilson offers two elective classes in videography to students who meet good citizenship and grade point requirements. A \$150,000 grant has made this program possible. A 15 to 18 minute school news program is shown each Friday morning in which the videography students write and edit the script, direct, produce, operate all of the video and audio equipment, and have their own newscasters. The program is transmitted to each classroom via video monitors. This classroom and its equipment are monitored by a separate security system.

The Grand Jury visited the cafeteria and gymnasium; both were well maintained and were in use at the time of the visit.

FINDINGS

The campus was very clean and quiet, the students were well behaved, and the teachers appeared actively engaged with their classes. The Principal was enthusiastically involved with the workings of the school. He is attempting to incorporate new and innovative programs in the system.

Future security plans involve changing access to the school grounds. Visitors will enter through the main gate and go directly to the office.

RESPONSE REQUIRED

None

Law and Public Safety

Chair: Gene Bassett
Co-Chair: Garry Curtis

AVENAL STATE PRISON

AUTHORITY

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

METHOD OF INVESTIGATION

Members of the Grand Jury toured the Avenal State Prison on November 27, 2012.

BACKGROUND AND FACTS

The Grand Jury was greeted by the Warden, Administrative Assistant/Public Information Officer and two Associate Wardens. We were given a tour of a lower level housing unit, medical unit, main kitchen, vocational classrooms, sheet metal shop and Institution Security Unit office.

Avenal State Prison is a level two facility and at this time houses approximately 5000 male inmates. There are 1500 employees, including officers and free staff. The prison is located south of Avenal on 640 acres and is surrounded by a lethal electrified fence. It was originally built to house 2300 inmates and at one time housed over 7000. It was completed in 1987 as Kings County's first State Prison.

The housing unit that the Grand Jury inspected is a two story dorm style setting which sleeps 250 but is occupied by 150 at this time. There is a total of 23 dorm units in the prison. The dorm is an open concept unit with tables for eating and activities. The sleeping area consists of bunk beds and personal lockers. Two unarmed officers supervise each dorm.

There are three medical complexes which serve the inmate population. The medical facility consists of dental, mental, medical and pharmaceutical treatment areas. All prescribed medications are distributed through the pharmaceutical department. The inmates are seen within 24 hours of submitting a medical request.

The main kitchen prepares 16000 meals per day. The meals consist of a hot breakfast, a sack lunch and a hot dinner. The average cost of the meals is \$3.10 per day up to \$10.00 per day for special diets. The kitchen is neat and clean.

Vocational classrooms consist of basic education, English as a second language and college courses. Basic education consists of classes for obtaining a GED and a college diploma. The three career technical classes offered are Braille transcription, computer repair and eyeglass restoration.

The Grand Jury visited the sheet metal work shop where inmates were working on office furniture that would be sold to the state at a very low price. The sheet metal shop also contains a die making section for making metal patterns to produce the furniture.

The last area visited was the Institution Security Unit Office. They displayed contraband which consisted of weapons, drugs, tobacco, devices used to hide items and cell phones. These items were confiscated from visitors, staff, and inmates.

RESPONSE REQUIRED

None

COMMENTS

Avenal State Prison employs approximately 530 inmates in five enterprises. The enterprises bring income into the prison and also train inmates to obtain meaningful jobs upon release.

Incomes from these enterprises are:

Egg Production	\$ 5,961,200
Poultry	\$ 6,221,000
Furniture	\$ 2,447,882
General Fabrication	\$ 6,400,000
Laundry	\$ 728,250
Total revenue	\$21,758,332

The prison is in the process of installing a security dome to prevent incoming and outgoing cell phone calls by prisoners. It is eighty percent completed as of November 27, 2012.

CALIFORNIA SUBSTANCE ABUSE TREATMENT FACILITY

WHY THE GRAND JURY INVESTIGATED

Public interest

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 greeted by the Public Affairs Officer, who gave the Grand Jury information on the operations of the prison. The group was then escorted by two officers on a tour of the prison.

BACKGROUND AND FACTS

The Grand Jury was escorted around Facility E. The first stop was to a housing unit and then to the education department, gymnasium, medical unit, laundry facility, dining hall, and bicycle repair shop. The bicycle repair shop also rebuilds wheel chairs. Facility E also contained a Native American sweat lodge.

The Grand Jury was escorted to the Investigation Services Unit. Upon arrival the group was shown various confiscated items. Some of the items consisted of drug paraphernalia, weapons and cell phones.

At its highest, the prison population was at 7200 inmates. Due to AB109, which decreased the number of inmates in a prison, the population is 5500 inmates at the present time and the goal is 5200 inmates.

In November of 2012, the prison was cited for 136 violations that were documented in California State Fire and inspection reports. The Grand Jury requested a copy of those reports.

FINDING AND RECOMMENDATION

Finding

Prior to the Grand Jury's visit in April of 2013, most of these violations had been corrected.

RECOMMENDATION

None

RESPONSE REQUIRED

None

CORCORAN POLICE DEPARTMENT

WHY THE GRAND JURY INVESTIGATED

Public interest.

AUTHORITY

California Penal Code Section 925a. 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

Onsite visit at the Corcoran Police Department with the Chief of Police.

BACKGROUND AND FACTS

The Grand Jury was greeted in the lobby by the Chief's secretary and was escorted to the break room. The Chief of Police and the Deputy Chief provided an overview of the police department operations. Along with the tour of the facilities, the Grand Jury was shown architectural drawings of a proposed new police department. Funding for the project is not available at this time.

Corcoran Police Department provides online access to Research in Motion (RIM) which is a computer program that allows citizens to read press releases, police reports, and to locate the whereabouts of sexual offenders.

FINDING

None

COMMENTS

The Grand Jury appreciates the courtesies extended to them by the Police Chief and staff.

RESPONSE REQUIRED

None

HANFORD LONGFIELD CENTER

SYNOPSIS

Following up on complaints regarding alleged illegal activities occurring at the Longfield Center, the Grand Jury conducted interviews and visits to the facility. While at the center, the Grand Jury expanded the investigation to include a review of the facilities.

WHY THE GRAND JURY INVESTIGATED

The Grand Jury received a written complaint regarding alleged illegal activities at the center.

AUTHORITY

California Penal Code Section 925a. 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 interviewed the complainant, representatives of Hanford Parks and Recreation Department, the Hanford Police Department, and a member of the Hanford City Council. The Grand Jury also toured the facility.

BACKGROUND AND FACTS

The Longfield Center is a recreational facility owned by the City of Hanford and managed by the Recreation Department. There was a complaint of illegal activities at the Longfield Center, including gang recruitments, drug use and sales, and prostitution. According to the complaint these activities were occurring at various times. The complainant also stated known sex offenders were inside the facility. The complainant felt unwelcome upon entering the facility and was warned by a visitor in the facility not to enter the weight room because "there are hard core prisoners who are gangs, rapists, child molester". The complaint further alleged that access to the computer room was denied due to lack of qualified staff and that the younger children could not use the basketball courts because there was no schedule available.

FINDINGS AND RECOMMENDATIONS

Finding 1

The Grand Jury found no illegal activities at the Longfield Center.

Recommendation 1

None

Finding 2

The Grand Jury observed that staff left a set of keys unattended in the door lock to the computer room.

Recommendation 2

Management may want to revisit safety and procedural issues with staff.

Finding 3

The Grand Jury observed that there were no security lights on the west side of the building near the emergency exit.

Recommendation 3

The Parks and Recreation Department may want to consider installing security lights around the outside of the facility.

Finding 4

The Grand Jury observed there were no security cameras on the facility grounds.

Recommendation 4

The Parks and Recreation Department may want to consider installing security cameras around the facility.

Finding 5

The Grand Jury observed that staff did not have any visible identification.

Recommendation 5

Management may want to consider issuing visible identification badges.

Finding 6

The Grand Jury observed that the outside drinking fountain was not American Disabilities Act (ADA) approved.

Recommendation 6

Compliance with the ADA is recommended.

Finding 7

The Grand Jury was informed that the computer room equipment can only be used when trained staff is present.

Recommendation 7

Management may want to consider training all staff to maximize service to the public.

Finding 8

The basketball courts and the weight room were being used by all ages.

Recommendation 8

This approach serves the public well. It is our hope this will continue.

COMMENTS:

The Grand Jury found, through observations at the Longfield Center, that there was no evidence of illegal activities alleged in the complaint.

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 ninety days from date of receipt.

City of **HANFORD**

CALIFORNIA 93230
PARKS & RECREATION 321 N. DOUTY STREET, SUITE B



MAYOR
LOU MARTINEZ
VICE-MAYOR
GARY PANNETT
COUNCIL MEMBERS
JOLEEN JAMESON
JIM IRWIN
RUSS CURRY
CITY MANAGER
DARREL L. PYLE
CITY ATTORNEY
ROBERT M. DOWD

RECEIVED APR 09 2013

March 27, 2013

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

RE: Response to Grand Jury Report Findings and Recommendation at Longfield Center

Dear Grand Jury:

I am in receipt of the Grand Jury's findings and recommendation in regards to the "Hanford Longfield Center" which was hand delivered to the City of Hanford Parks and Recreation Department on March 6, 2013. I have reviewed the report and prepared this response to the report's findings and recommendations as required.

Finding 1:

I am unaware of any illegal activities at the Longfield Center and concur with the recommendations of the Grand Jury. The Parks and Recreation Department works in cooperation with the Hanford Police Department – Gang Resistance Education and Training (GREAT) officers at the center to try and educate and mentor the youth so that they know how to avoid and stay away from gang related activities.

Finding 2:

The Longfield Center staff has since received training on the proper procedures regarding facility safety and security.

Finding 3:

The Building Maintenance Division was contacted in regards to installing security lighting for the west side of the Longfield Center for a proposal of costs to try to add the lighting at the emergency exit. The proposal will assist the department in budgeting for this security measure.

Finding 4:

The Information Technology Division has been contacted in regards to installing security cameras around the perimeter of the facility for a proposal of costs. The proposal will assist the Department in budgeting for this security measure.

Finding 5:

The Department will look into identification badges for staff working at the Longfield Center.

Finding 6:

The Department will get cost proposals for an outside ADA complaint drinking fountain to install at the Longfield Center. The proposal will assist the Department in budgeting to address the ADA requirement.

Finding 7:

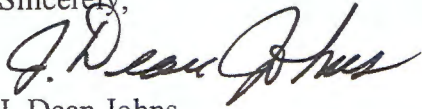
Since the addition of the computer room at the Longfield Center staff has been trained on the operation of the computer room. Staff has also been instructed to open the room and monitor the use of the equipment and assist the users as needed on the operation of the equipment.

Finding 8:

The Longfield Center is open to age six (6) and above for the use of the computer room, and the basketball courts with a parent or guardian. The pool room is open to those twelve (12) and above, and the weight room can only be used by those sixteen (16) and above.

If you need clarification or additional information, please contact me at 585-2527.

Sincerely,



J. Dean Johns

Parks and Recreation Director

HANFORD POLICE DEPARTMENT

WHY THE GRAND JURY INVESTIGATED

Public Interest

AUTHORITY

California Penal Code Section 925a. 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

Onsite visit at the Hanford Police Department, with the Police Captain.

BACKGROUND AND FACTS

The Grand Jury was greeted in the lobby and escorted to the dispatch center. There are three dispatchers, one is assigned to handle all calls concerning the City of Lemoore. The other two handle Hanford calls.

The Grand Jury toured the building which included the holding cells, report writing room, gym, evidence room, briefing room, interview rooms, conference room, computer servers, and supervisors' offices. The Captain explained that the building is at maximum capacity and has no space for expansion.

The Grand Jury was taken to another building which houses the Detectives' offices and the Records Department. There is a fenced outdoor area for stolen bicycles and cars.

FINDING

The buildings are filled to capacity and the staff has used the space available in the most efficient way possible.

COMMENTS

The Grand Jury appreciates the courtesies extended to them by the Police Captain and the staff.

RESPONSE NOT REQUIRED

None

LEMOORE POLICE DEPARTMENT

WHY THE GRAND JURY INVESTIGATED

Public interest.

AUTHORITY

California Penal Code Section 925a. 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

Onsite visit at the Lemoore Police Department, with the Chief of Police.

BACKGROUND AND FACTS

The Grand Jury was greeted in the lobby by the Chief's Secretary and escorted to the conference room. The Chief was waiting for the Grand Jury in the conference room, and he provided an overview of the Police Department operations. He then escorted the panel on a tour of the entire facility. The Grand Jury was shown the site where the future Dispatch Department will be located.

The Police Department is served by VIPs (Volunteers in Policing) who conduct traffic control, and assist in the Records Department.

There is an indoor simulation shooting range used during inclement weather.

FINDING

None

COMMENTS

The Grand Jury appreciates the courtesies extended to them by the Police Chief and the staff.

RESPONSE

None required

Local Government

Chair: Jim MacLellan
Co-Chair: Ann Kissling

HANFORD CITY COUNCIL

WHY THE GRAND JURY INVESTIGATED

The 2011/2012 Grand Jury received a complaint that was passed on to the 2012/2013 Grand Jury alleging among other issues, "Continued waste of public funds and fiscal irresponsibility by the City Council".

AUTHORITY

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

METHOD OF INVESTIGATION

The Grand Jury interviewed former City Council members, Hanford City staff members, examined past and present minutes of council meetings, attended Hanford City Council meetings, reviewed documents concerning the hiring of the present City Attorney, and compared legal costs of comparable South Valley cities.

BACKGROUND AND FACTS

Of the seven complaints given by the complainant, the solicitation, hiring and salary of the current City Attorney was the only one investigated.

In late 2006, the City sent Requests for Proposal (RFP) stating requirements for filling the City attorney vacancy with a requirement stating, among others, "7 years representing general law & charter cities." The RFP was specific but as stated in the RFP, "The city council reserves the right to reject all proposals, to request additional information concerning any proposal for purposes of clarification, to accept or negotiate any modification to any proposal following the deadline for receipt of all proposals, and to waive any irregularities if such would serve the best interests of the City as determined by the city council."

The Grand Jury, during interviews with staff and former council members, found that hiring a local firm was a high priority in selecting legal counsel.

Of the eleven firms submitting proposals, the firm hired was one of two applicants without the required "...minimum of seven (7) years in municipal law experience representing general law and/or charter cities..." , was the only local firm, and submitted the most expensive proposal.

Until the April 2011 Agreement for Legal Services, the practice had been to hire specialized law firms in addition to the contracted city attorney. The stated reason for changing that policy was the belief that one firm handling all city business would cost less than the fees paid to the city attorney plus the several firms used for specialized legal services.

The billings for legal services for the last ten fiscal years (FY) prepared by the City of Hanford's finance department on October 9, 2012 are:

\$329,643. for FY 2001, four attorney firms
\$451,363. for FY 2002, four attorney firms
\$264,831. for FY 2003, three attorney firms
\$365,017. for FY 2004, four attorney firms
\$237,981. for FY 2005, three attorney firms
\$355,288. for FY 2006, five attorney firms
\$728,967. for FY 2007, seven attorney firms
\$624,678. for FY 2008, five attorney firms
\$455,188. for FY 2009, three attorney firms
\$543,641. for FY 2010, three attorney firms
\$570,974. for FY 2011, two attorney firms
\$659,576, for FY 2012, one attorney firm

The Grand Jury notes that despite one firm having been contracted in 2011 to cover all legal services, expenditures have increased.

The Grand Jury investigated legal fees in comparable South Valley cities and, although different cities have different legal problems, Hanford showed substantially higher legal fees were paid to its City Attorney.

FINIDINGS AND RECOMMENDATIONS

Finding 1

The Hanford City Council hired a law firm without the municipal experience required in the RFP. The firm hired was also the most expensive of the proposals submitted by 10 other law firms, and was the only local firm submitting a proposal. According to interviews, it appears that the reason the firm was hired was because it was the only local firm submitting a proposal.

Recommendation 1

In the future, the City of Hanford should hire a law firm in compliance with its RFP to maintain the integrity of the bidding process whereby the best services are obtained for the least cost.

Finding 2

The City of Hanford is spending more on legal services than other cities of comparable size in the South Valley.

Recommendation 2

The City of Hanford staff should confer with the staff of other cities of comparable size concerning legal fees charged, to find possible savings.

COMMENTS

Expending city funds locally is considered to be a good idea, but should not be the primary determining factor.

REPLY REQUIRED

Section 933(c). Within 90 days of receipt of a report the public agency shall submit its response to the Presiding Judge.

HANFORD HISTORICAL RESOURCE COMMISSION

SYNOPSIS

The reason for preserving and maintaining the various historical areas of Hanford is to preserve a link to the past.

Hanford Municipal Code Title 17 Zoning, Chapter 17.36 states;

“... the protection, enhancement, preservation and use of structures in districts of historic, architectural and engineering significance located within the city to be of cultural and aesthetic benefit to the community. It is further found that respect of the heritage of the city will enhance the economic, cultural and aesthetic standing of the city.”

WHY THE GRAND JURY INVESTIGATED

Public interest

AUTHORITY

California Penal Code Section 925a. The Grand Jury at any time may examine the books and records of incorporated city or joint powers agency located within the County of Kings.

METHOD OF INVESTIGATION

The Grand Jury interviewed former Hanford City Council members, former members of the Hanford Historic Commission, the Hanford City Manager, the Director of Main Street Hanford, the Executive Director of Hanford Conference and Visitor's Agency, and examined past records, documents and municipal codes.

BACKGROUND AND FACTS

Some Hanford residents in the late '70s took it upon themselves to form a group to save the historic buildings in the City of Hanford. This was prompted after the demolition of the Hanford High School.

The Citizens Advisory Committee on Civic Center buildings' usage was appointed on November 7, 1977 to provide the City Council with recommendations concerning the usage of buildings within and in the vicinity of the Hanford Civic Center.

In 1979 a petition was drafted to save the historic Kings County Courthouse in the downtown area.

In October 1980, the City of Hanford established the Historic Resource Commission, its members, powers and duties by Ordinance 967. The Hanford Historic Resource Commission met for the first time on February 3, 1983 to adopt rules for transactions of Commission business. Ordinance 967 authorized the Commission to make the final decision on project proposals requiring a permit within the Hanford Historic District, unless appealed to the City Council.

On October 16, 2001 the Hanford City Council held a public hearing to consider an amendment to ordinance 967 which would repeal the establishment of the Historic Resources Commission and remove all references to it. During the public comments none spoke in favor and seven spoke in opposition.

On November 6, 2001, despite public opposition, the Hanford City Council terminated the Historic resources Commission.

FINDING AND RECOMMENDATION

Finding

The Hanford City Council terminated the Historical Resource Commission on November 1, 2001 for no specified reason.

Recommendation

The Grand Jury urges the Hanford City Council to re-establish the Historical Resource Commission in order to preserve the history of Hanford.

COMMENTS

Former City Council Members remarked that if they were to vote today on the repeal of the Historical Resource Commission they would oppose it.

RESPONSE REQUIRED

California Penal Code Section 933(c). Within 90 days of receipt of a report the public agency shall submit its response to the Presiding Judge.

COPY

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



MAYOR
LOU MARTINEZ
VICEMAYOR
GARY PANNETT
COUNCIL MEMBERS
JIM IRWIN
JOLEEN JAMESON
RUSS CURRY
CITYMANAGER
DARREL PYLE
CITY ATTORNEY
ROBERT M. DOWD

April 3, 2013

The Honorable Thomas DeSantos
Presiding Judge
Kings County Superior Court
1400 W. Lacey Blvd.
Hanford, CA 93230

Re: Hanford City Council, Grand Jury Report of February 6, 2013

Dear Judge DeSantos:

The City of Hanford (City) hereby responds to the 2012-2013 Grand Jury Final Report (a copy of which is attached hereto as Exhibit "A") regarding the retention in 2007 of Griswold, LaSalle, Cobb, Dowd and Gin, L.L.P. (Griswold LaSalle) as the City Attorney for the City.

Foremost, we must note that our City Manager has worked with many law firms over his twenty (20) plus years as an employee of various government entities and finds the legal advice and responsiveness of Griswold LaSalle to be the very best he has experienced. We, of course, were not the City Council when Griswold LaSalle was originally retained, but based upon their performance today, it was an excellent choice made by the then City Council.

We observe that the Grand Jury interviewed various individuals in order to reach its findings; however, they failed to interview anyone from Griswold LaSalle. We would have thought the Grand Jury would have found it beneficial to interview our lawyers to get a better understanding regarding their retention and the work they have been requested to perform over the years. We will try and explain herein what the Grand Jury would have learned if they had conducted such an interview.

We note generally that the Grand Jury concluded: (1) Griswold LaSalle lacked "municipal experience" when hired; (2) Griswold LaSalle was retained because it "was the only local" law firm applicant; (3) Griswold LaSalle was the "most expensive" of all applicants; and (4) the City is "spending more on legal services" than other comparable Cities in the South Valley. We must respectfully disagree regarding the Grand Jury's findings.

Finding 1.

Municipal Experience:

On a daily basis, the City deals with laws, regulations, and legal issues not limited to cities. Some legal matters involve specific government issues but many do not.

April 3, 2013

Page 2

As to laws, regulations, and issues involving government-related matters, Griswold LaSalle worked for decades for public agencies before being retained by the City---far more than the seven (7) years requested by the RFP. The governmental bodies included clients such as: the State of California, Kings County Water District, Kings County Housing Authority, Lake Don Pedro Community Services District, Riverdale Public Utilities District, Laton Community Services District, Kettleman City Community Services District, Hanford Elementary School District, Central Union School District, etc.

Griswold LaSalle also represented numerous private sector clients that regularly dealt with cities and other government agencies, through which Griswold LaSalle addressed “municipal” and other government issues, including laws and regulations, which caused the law firm to have expertise in such areas.

Before retention by the City, Griswold LaSalle had many years of experience with “municipal issues,” including the Brown Act, Bagley-Keene Open Meeting Act, Public Records Act, Conflicts of Interest, Robert’s Rules, Government claims regarding torts, personnel and negotiations, real estate transactions, construction law, public bidding and contracts, prevailing wage, drafting and interpretation of ordinances, zoning and land use, redevelopment, Subdivision Map Act, municipal general and precise plans, CEQA, NEPA and environmental laws and regulations, landlord-tenant and unlawful detainer actions, Proposition 218 and property related fees, risk management and insurance, constitutional issues such as free speech and due process, and municipal bonds. All of those areas are important to the City and are just a small sampling of areas in which Griswold LaSalle possessed more than seven (7) years of experience at the time of its hiring. Griswold LaSalle has been able to draw upon its extensive expertise in numerous areas of law, including “municipal law” to assist the City.

Through its RFP, the City sought a law firm with more than seven (7) years of experience in legal matters in which the City normally engages, and Griswold LaSalle was a law firm that greatly exceeded such threshold requirement.

Additionally, Griswold LaSalle worked as the “acting City Attorney” for the City for almost one (1) year before going through the RFP process and being retained as the City Attorney. In essence, the Council had almost one (1) year to “drive the car before purchasing.”

Only Local Firm: Griswold LaSalle was the only law firm from Hanford that responded to the RFP. Fortunately for Hanford, the Council retained Griswold LaSalle. Our City Attorney’s office has thirty one (31) full time and ten (10) part time employees. Much of the money paid Griswold LaSalle by the City remains in the City. Additionally, we have found the lawyer team of Griswold LaSalle always available to meet on the shortest of notice ---- a luxury one would not have with a law firm located outside of Hanford. Griswold LaSalle was not hired because they were a local firm – they were hired because the Council believed them to be the best lawyers for the job, and they just happened to be local, which is a plus.

Finding 2.

Most Expensive: We understand that all applicants generally had an "open ended" proposal----a fee for basic services and an hourly rate for non-routine work. Such proposals are common because one cannot predict what legal needs will arise. Also, it is critical to note that Griswold LaSalle, like any other attorney who could have been retained, only performs the work his/her client requests to be performed.

Spending More on Legal Services: We do not know what jurisdictions the Grand Jury used in the "South Valley" for its comparisons, but our review shows the City is in line with comparable jurisdictions. We have reviewed the 2010/11 financial reports for Visalia, Tulare and the County of Kings regarding the amount paid for their lawyers, and note in those reports: Visalia at \$1,160,018.00; Tulare at \$778,480.00; and the County of Kings at \$1,062,661 (see Exhibits "B," "C," and "D," respectively). Therefore, we find the legal expenses for the City to be in line with "South Valley" comparisons.

We hope the foregoing is of assistance in better understanding the referenced Grand Jury Report.

Sincerely,

HANFORD CITY COUNCIL

By: 


LOU MARTINEZ, Mayor and Councilmember

By: 

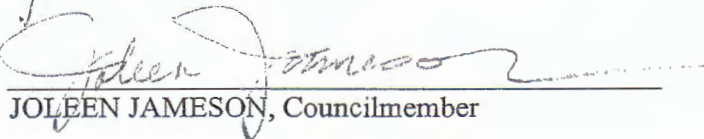
GARY PANNETT, Vice-Mayor and Councilmember

By: 

RUSS CURRY, Councilmember

By: 

JIM IRWIN, Councilmember

By: 

JOLEEN JAMESON, Councilmember

HOMELESSNESS IN KINGS COUNTY

SYNOPSIS

In Kings County there are many homeless people, mostly male. As a group they do not appear to be a police problem. Neither the cities within Kings County, nor the County have ordinances regarding the homeless.

WHY THE GRAND JURY INVESTIGATED

Several stories in the Fresno Bee concerning the problems created by homeless people in Fresno prompted the investigation.

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.

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

METHOD OF INVESTIGATION

The Grand Jury interviewed and questioned officials from the county and the cities of Hanford, Lemoore, Corcoran and Avenal. The Grand Jury also interviewed an official from a local charitable organization, and attended a police-sponsored conference regarding the homeless in Avenal. A Youtube.com video regarding homelessness in Hanford was also viewed.

BACKGROUND AND FACTS

After receiving testimony from the individuals noted above, it appears that most of the homeless in Kings County prefer to stay in Hanford. One of the other cities actually puts them on a bus to Hanford where more services are available through charitable organizations. The homeless, who are predominantly male, make use of

several organizations which give them free lunch six days a week, and frequent breakfasts. One organization intends to offer showers and laundry facilities in the future.

There are about 200 homeless in Hanford. Many of them sleep in city parks though, technically, the parks close at midnight. Others sleep on private property or abandoned buildings unless and until the property owner objects.

The law enforcement agencies do not have a great deal of trouble caused by the homeless because they tend to police themselves.

None of the public agencies have ordinances dealing directly with the homeless, nor do they plan to at this time.

FINDING

The homeless do not appear to be a problem.

RECOMMENDATIONS

None

COMMENTS

Homelessness is sometimes temporary due to economic problems, although the majority are chronic homeless.

RESPONES REQUIRED

None

LEMOORE RECREATION CENTER (LRC)

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 in the county.

METHOD OF INVESTIGATION

The Grand Jury visited the LRC and interviewed the Parks and Recreation Director.

BACKGROUND AND FACTS

The LRC was originally a large yarn factory (Candlewick). It was purchased at the cost of \$2.1 million by the City of Lemoore in 2002. Subsequently a portion of the facility was sold to a private party for \$1.7 million. The building has been covered by solar panels and is divided into a public works and maintenance facility, a recreation complex and a public food distribution warehouse.

Available to the public at this time is a variety of indoor recreational opportunities: a teen center, basketball courts, a dance room, a playground, a walking track, a boxing ring, a soccer field, and a practice rink for roller derby. The recreational facility can be rented by individuals.

Currently, a large covered parking lot with solar panels is being developed to provide adequate parking.

Future plans include the addition of an air rifle range, a commercial kitchen, expansion of the summer camp program, and recreation department offices. As funds become available additional heavy duty ceiling fans will be purchased and installed.

FINDING

None

COMMENTS

The Grand Jury was impressed with the variety of recreational programs offered to the public and the future plans.

NO RESPONSE REQUIRED

RESPONSES

TO

2011-2012

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



RECEIVED JUN 26 2012

**KINGS COUNTY
PROBATION**

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

1424 FORUM DRIVE
HANFORD, CA 93230

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

FAX
(559) 583-1467

To: Honorable Judge 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



**KINGS COUNTY
PROBATION**

STEVE BRUM

Chief Probation Officer

~~XXXXXXXXXXXXXXXXXXXX~~
~~XXXXXXXXXXXXXXXXXXXX~~

**1424 FORUM DRIVE
HANFORD, CA 93230**

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**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

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SB/dj

City of

RECEIVED JUN 30 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, it's 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 agendized, 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 inks 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



**CORCORAN
DISTRICT HOSPITAL**

RECEIVED AUG 21 2012

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	Phase 2
	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

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 1 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

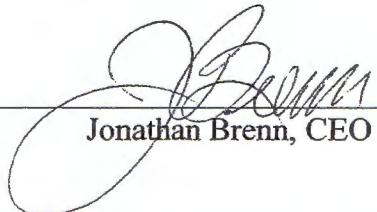
An Administrative employee related to a seller appeared to have been inappropriately involved in a real estate transaction.

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 -
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

RECEIVED
AUG 20 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.

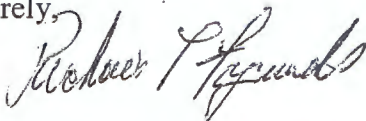
Under the Recommendations Section of the Report the Grand Jury states:

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



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, "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.**

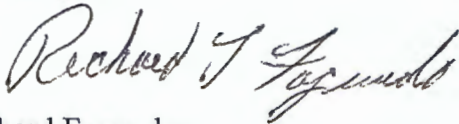
The Board of Supervisors agrees with the finding. The Human Services Agency has had difficulty developing a formal training program due to economic instability, which continues to be ongoing. However, the Human Services Agency started meeting with all of the law enforcement agencies in the county in 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.

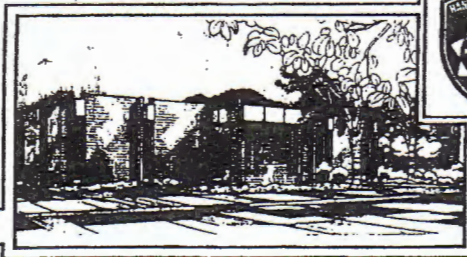
Sincerely,



Richard Fagundes,
Chairman, Board of Supervisors

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COPY



**CITY OF HANFORD
POLICE DEPARTMENT**

CARLOS A. MESTAS, CHIEF OF POLICE

August 2, 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 and the County of Kings Grand Jury:

We received the Kings County Grand Jury, Final Report for 2011-2012. We would like to thank those that served on the Grand Jury and we appreciate the service they provided. Upon review of the Final Report we have responded below to the, "Hanford Police Department (HPD) Burglary Response" Section.

FINDING 1

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

RESPONSE 1

The Hanford Police Policy Manual does address this issue. Every employee is issued an evidence kit upon being employed by the Hanford Police Department. We maintain spare kits at the police department for kits that are destroyed and also keep replacement items to restock kits. These replacement items such as powder, tape and fingerprint cards are located in the report writing room and are available to all officers. A senior Officer is responsible to ensure these items are continually stocked.

Hanford Police Policy Manual Section 700.2 Care of Department Property, deals with the officers responsibility in ensuring all of their assigned equipment is maintained in serviceable condition and what to do when it is not.

Officers are expected to have all of the equipment necessary when they report to work to properly investigate crimes within the scope of their available resources. Officers not prepared to or improperly prepared to investigate these crimes can be subject to punitive action under the before mentioned Policy Manual Section.

Officers will be reminded of their obligation to inspect their gear and vehicles prior to going on duty to ensure their operability.

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

RESPONSE 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.

RESPONSE 3

The Hanford Police Department current policy is to contact all past burglary victims within two weeks after the incident. See the below policy. To ensure this, burglary cases are put into an officer case investigation file within our report writing system. The officer would then access the report and conduct the follow-up. The supervisor has access to the file to ensure the officers are conducting the follow-up. The officer initially leaves a case receipt with the victim that contains the report information and the contact number of the officer, location of the police department, as well as the email address for the officer.

The notification of victims is very important to us but is also difficult at the same time. It is not possible for us to notify them of the amount of times we have stopped by the residence or attempted to contact them with negative results. Additionally, we have become frustrated with the length of time it takes the Department of Justice to process evidence. It is not uncommon for local agencies to have to wait in excess of one year for fingerprint results. In an effort to improve this, local agencies are investing approx. \$180,000 in a local fingerprint system that will reduce that time to about 30 days.

It is also important that people know the responsibility they have to take an active interest in their case. It is not possible for officer to inform a victim of every change related to a case. The officer would soon become so overwhelmed that the only thing he would be able to do is follow up on existing cases. In most major changes to cases, the victim is notified during the course of the investigation. For instance, if we received a possible suspect hit on fingerprints we would contact the victim to see if they have any relationship with that person.

We will continue to monitor our policies to ensure that our actions represent the needs of the community.

400.2.2 CRIME REPORTS

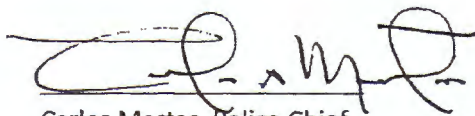
A crime report may be completed by any patrol officer who receives criminal information. The report will be processed and forwarded to the appropriate bureau for retention or follow-up investigation.

When officers complete crime reports for the following crimes, mandatory follow-up with the victim is required within a two (2) week period:

- Residential Burglary
- Robbery
- Grand Theft

Thank You for your time and interest in our department and your efforts in helping us improve our service. If you have any questions do not hesitate to contact us.

Sincerely,

A handwritten signature in black ink, appearing to read 'Carlos Mestas', written over a horizontal line.

Carlos Mestas, Police Chief

**Kings County Office of Education**

Tim Bowers - County Superintendent of Schools

**Kings County
Board of Education**Area 1
*Mickey Thayer*Area 2
*Joe Hammond*Area 3
*John Boogaard*Area 4
*William Gundacker*Area 5
Rachel R. Caudillo

To: Tom DeSantos, Superior Court

From: Tim Bowers, County Superintendent of Schools 

Re: Response to Grand Jury Report, 2011-2012

Date: March 4, 2013

In its report of their visit to Shelly Baird School, the Grand Jury detailed three findings and made one recommendation. In response to the one recommendation is the following:

- 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.
- The site administrator will be involved more deeply in developing the site budget. The site administrator will work with the Assistant Superintendent of Special Education to develop the annual budget. The site administrator will then work within the developed annual budget and will have control of how dollars are expended within that budget. It should be pointed out that many of the dollars within the program are restricted to their use, which doesn't allow for latitude in how they are used.