

# **KINGS COUNTY GRAND JURY**



**2013~2014**

**FINAL REPORT**

**GRAND JURY ROOM  
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COUNTY OF KINGS  
**GRAND JURY**

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June 30, 2014

Honorable Michael J. Reinhart  
Superior Court of the State of California  
Designated Judge to County of Kings Grand Jury  
Kings County Government Center  
Hanford, CA 93230

Dear Judge Reinhart:

In review of the past year the 19 Jurors of Kings County assembled in the Grand Jury Chambers worked to the best of their abilities to uphold their sworn responsibilities and commitment. They worked earnestly to complete their investigations and report in a timely manner.

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. Other complaints were outside of the penal code for the Civil Grand Jury to investigate. The final reports submitted to you were done to the best of our ability after careful and thorough investigation.

Thank you to Jim MacLellan for taking over the foreperson duties in my absence. As Foreperson Pro Tem his assistance was invaluable.

The 2013-2014 Grand Jury performed their sworn duty in the best interest of the Citizens of Kings County.

As Foreperson I am pleased to submit to you our Final Report for the 2013-2014 Grand Jury.

Sincerely,

Doyle Rogers  
Foreperson

Kings County Grand Jury 2013/2014





Superior Court of the State of California  
County of Kings

Michael J. Reinhart  
Judge

June 3, 2014

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

The 2013-2014 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 2013-2014 Grand Jury, with special thanks to their Foreperson, Doyle J. Rogers. 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,

Michael J. Reinhart  
Judge of the Superior Court

Avenal Division  
501 E. Kings Street  
Avenal, CA 93204  
(559)582-1010, ext. 4094

Corcoran Division  
1000 Chittenden Ave.  
Corcoran, CA 93212  
(559)582-1010, ext. 3003

Hanford Division  
1426 South Drive  
Hanford, CA 93230  
(559)582-1010, ext.5002



## **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 insure the entities are functioning honestly and efficiently, and public monies 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

Gene R. Bassett	Co-Chairperson Local Government
Debbie Berard	Chairperson County Government
Jim Christian	Snack Master
Anthony "Tony" Collins	Co-Chairperson County Government
Garry A. Curtis	Sergeant at Arms
Mitchell Grundbrecher	Co-Chairperson Law and Public Safety
Patricia A. "Pat" Lopez	Treasurer
Clara Lynn	Chairperson Local Government
James L. "Jim" MacLellan II	Chairperson Pro Tem
Calvin "Dennis" Meeks	Chairperson Law and Public Safety
Mary Rivera	Social
Doyle Rogers	Foreperson
Thomas F. "Tom" Ross	Chairperson Edit and Review
Jack Schwartz	
Elizabeth "Anne" Sutton	Recording Secretary
Eldora Trigueiro	Corresponding Secretary
James "Jim" Tucker	Chairperson Health and Education
Carolyn Whiteside	Co-Chairperson Health and Education
Donald E. "Don" Wilcox	







**THE HONORABLE SUPERIOR COURT JUDGES  
and the  
2013 – 2014 KINGS COUNTY GRAND JURY**

<b>JUDGE</b> Donna Tarter	<b>JUDGE</b> Steven Barnes	<b>JUDGE</b> Jenifer Giuliani	<b>JUDGE</b> Michel Reinhart	<b>JUDGE</b> James LaPorte	<b>JUDGE</b> Robert S. Burns			
	Tom Ross	Doyle Rogers Fore Person	Jim Tucker	Jim MacLellan II Pro Tem	Dennis Meeks	Anthony Collins	Donald E. Wilcox	
Mary Rivera Social Secretary	Mitchell Grundbrecher Assistant Treasurer	Carolyn Whiteside	Jim Christian Snack Master	Clara Lynn	Gene R. Bassett	Elizabeth Sutton Recording Secretary	Eldora Trigueiro Correspondence Secretary	Jack Schwartz
			<u>Not Pictured</u>					
		Patricia Lopez Treasurer	Garry Curtis Sgt. at Arms		Debbie Berard			



# **COUNTY GOVERNMENT**

**Chairperson                  Debbie Berard**

**Co-Chairperson              Tony Collins**



**The Brown Act**  
**California Government Code §54950 - §54963**

The Brown Act has been mentioned a number of times in Grand Jury Reports, but **what is the Brown Act?**

The Brown Act is a California State Law that was established in 1953, authored by State Assemblyman Ralph M. Brown. It exists to provide the public with access to information which concerns them. **Transparency is a primary objective.**

**What are your rights under the Brown Act?**

- **All meetings** of legislative bodies in any local agency must be open and public.
- Any member of the public (including lobbyists and the press) may attend, record, and/or participate in any public meeting.
- The public has the right to access any documents presented to the majority of the legislative body, excluding those in closed session.

**What are obligations of local government under the Brown Act?**

- Meetings of city councils and committees, along with local legislative bodies, must be **public**. If more than two members of a legislative body want to talk business and make decisions, they must save it for a public meeting at a previously scheduled time.
- Meetings must be announced in **advance**. They must be posted at least 72 hours before the fact in a public area which is accessible 24 hours a day.

**What are some exceptions to the Brown Act?**

Closed Session is allowed in cases of:

- Litigation
- Real Estate Negotiations
- Personnel matters (appointments to public office must be public, and employees facing disciplinary action may request that said actions be made public)
- Grand Jury testimony

**All items** to be discussed and decided on in a meeting (including closed session) must be listed in the published agenda. A brief description must be made in that agenda, and if a meeting is closed, a statement with the legal authority to do so must be cited.

**This is only a brief outline of the Brown Act. Additional information regarding the Brown Act can be found on the internet. If you suspect your local government is in violation, complaint forms for the Grand Jury can be found online at <http://www.countyofkings.com/grand%20jury/index.htm> and in Kings County branch libraries.**





## **HOME GARDEN COMMUNITY SERVICES DISTRICT AND HOME GARDEN COALITION**

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

The Grand Jury received a citizen's complaint regarding conflict of interest of members on both the Home Garden Community Services District (HGCS D) and the Home Garden Community Coalition (HGCC) Boards. There was also concern regarding the manner in which the HGCC's 501(c)(3), a non profit corporation, was created for federal income tax purposes.

Previous Grand Juries have recommended follow-up investigations of HGCS D concerning district finances and Brown Act violations.

### **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 reviewed documents, including past minutes of board meetings and Grand Jury reports, financial records, attended board meetings and interviewed board members, staff and the District's accountant.

### **BACKGROUND AND FACTS**

Home Garden Community Services District is located southeast of the City of Hanford. HGCS D provides water supply and distribution, street lighting, waste water disposal and refuse collection. It is currently the administrator of a 1.9 million dollar grant from the State of California to build a community park.

The Board of Directors for HGCS D consists of five members who govern the services to approximately 420 residences. The members of the Board of Directors are sworn elected officials by the community serving four year staggered terms. The President and Vice President of the Board are elected annually at the first regular meeting of each calendar year pursuant to their bylaws.

All community services district officials may have Brown Act training (California Government Code (CGC) §54952.7) prior to taking office. The Brown Act governs meetings conducted by local legislative bodies, such as Boards of

Supervisors, City Councils, special districts and school boards. The purpose of the Brown Act is to facilitate public participation in local government decisions and to curb misuse of the democratic process by secret legislation by public bodies. The Grand Jury found the following discrepancies in board conduct relative to the Brown Act:

- Agendas not adhered to at board meetings
- Informal discussions and voting conducted over the telephone
- Three board members holding a discussion on an agenda item prior to the start of the board meeting
- Warrant payment without board approval
- Agenda additions without board vote at the board meeting
- Minutes modified after publication, prior to a board meeting

In addition to Brown Act violations, the Grand Jury also investigated the conflict of interest as stated in the complaint.

As sworn elected officials, the HGCSO Board of Directors, in accordance with their bylaws, are to be knowledgeable in complying with California's conflict of interest laws and the California Fair Political Practice Commission (CFPPC) regulations. HGCSO has adopted bylaws (revised 2/19/2009) that "are guidelines only and shall govern the Board in all cases to which they are applicable..." as per the HGCSO bylaws.

As of October 2013, the Board of five Directors included two members of one family. The same two family members were also on the HGCC Board. The members of the HGCSO Board of Directors each have one vote; however, the fact that two family members represent two thirds of the majority creates a perception of a conflict of interest. The public had raised concerns; however, no statutes pertain to this situation.

HGCSO minutes note that in February 2012, a motion was made and passed for a \$10,000 grant writing fund to be established. The District Manager, in April 2012, directed its accounting firm to "Please set up a separate G.L. [general ledger] account for these funds." This G.L. request was never completed by the accounting firm.

On January 9, 2013, a special HGCSO board meeting was held and discussions included, as per board minutes, the request for a credit card with a \$500 limit "...to be used for office/plant purchases." The Board President stated "...this card is intended for purchase of small items." This item was approved.

Testimony indicated that the bank declined to issue a credit card despite conflicting testimony that the bank would issue a credit card. Subsequently, two



debit cards were issued, one to the HGCS D President and one to the Vice President. According to the minutes this change was never reported or discussed by the board. The district manager and accountant were unaware of debit usage and had a difficult time obtaining receipts or explanation for their accounting purposes.

At a board meeting on April 18, 2013, the board approved sponsoring HGCC to become a 501(c)(3) corporation. When the coalition was formed, the stated purpose of the HGCC was to write grant requests for community improvement.

The HGCS D Board President stated “with a 501(c)(3) we can apply for many more grants that the district cannot apply for.” The 501(c)(3) motion was made and passed unanimously, with no discussion or any question of cost. The same two family members of the board were present and voted for approval of the motion. In accordance with CGC §87100 and §87103 and California Code Regulation §18701(a), there is a risk of conflict of interest. A firm was subsequently hired by a member of the board, without board approval or use of the bidding process, to acquire the 501(c)(3).

Debit card usage by the Board President in May 2013, \$299, July 2013, \$495, August 2013, \$295 and \$885, and a HGCS D check for \$850 for a total of \$2,824 was paid by HGCS D for the HGCC’s 501(c)(3) formation. HGCS D Board minutes indicated no further discussions on this topic. September 19, 2013, both directors announced the debit cards were canceled and destroyed. Further, there is no mention in the HGCS D bylaws concerning purchasing procedures, including bidding regulations governing the purchasing of supplies and equipment, as per CGC §61063.

## **FINDINGS AND RECOMMENDATIONS**

### **Finding 1**

The Grand Jury found that Brown Act violations were prevalent throughout the HGCS D board meetings.

### **Recommendation 1**

Training on the Brown Act should be conducted on an annual basis for all board members per the HGCS D bylaws.

## **Finding 2**

While the California Fair Political Practice Commission (CFPPC) is mentioned in HGCS D bylaws, it appears that Board members lack knowledge of its content.

## **Recommendation 2**

Bylaws and associated documents should be reviewed on a continuing basis, and members should obtain training to familiarize themselves with the Political Reform Act and its compliance and reporting requirements.

## **Finding 3**

HGCS D bylaws appear to be incomplete and not reviewed on a yearly basis per the stated policy: §14 of their bylaws.

## **Recommendation 3**

HGCS D Board members should read, update and follow their bylaws.

## **Finding 4**

The formation of the 501(c)(3) was put in place without a cost estimate, a bidding process or formal approval for the hiring of the firm.

## **Recommendation 4**

Procedures regarding bidding regulations are not addressed in the HGCS D bylaws as per CGC §61063(a). The bylaws should be updated to include the current regulations and be reviewed by all board members.

## **Finding 5**

Two family members on the HGCS D board also serve as President and Vice President of the HGCC.

## **Recommendation 5**

To avoid the appearance of a conflict of interest, because these family members are also members of the newly created 501(c)(3), they should have disqualified themselves from both discussing and voting on the approval for setting up the 501(c)(3).

### **Finding 6**

The HGCD Board approved a credit card with a \$500 limit. The card issued was a debit card and was not discussed or approved by the board. The use of the debit card was not questioned or approved at any board meeting, though the \$500 limit was exceeded.

### **Recommendation 6**

All expenditures should be reviewed by the HGCD board when using any debit or credit cards and receipts should be submitted to the appropriate person for accounting purposes.

### **Finding 7**

A G.L. account of \$10,000 for grant writing was never set up by the accounting firm as requested by the District Manager and the board.

### **Recommendation 7**

This account should be set up as previously requested.

## **COMMENTS**

The Grand Jury, in the course of its investigation, has found that many facets of Home Garden governance need to be addressed. The Board consists of citizens who sincerely desire to create a better district and devote time and energy toward that end. There seems to be a need of education and guidance in the performance of their duties. Possibly, mentors could be found who are willing to help with the organization and operation of the district. Maybe attending other district board meetings could offer new directions and guidelines.

## **RESPONSE REQUIRED**

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



Michael L. Farley  
Rhys C. Boyd-Farrell  
Moses Diaz  
Zachary J. Farley\*\*  
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Honorable Thomas DeSantos, Presiding Judge  
**KINGS COUNTY SUPERIOR COURT**  
1426 South Drive  
Hanford, California 93230

May 14, 2014

RE: 2014 *Grand Jury Report on Home Garden Community Services District*

Dear Judge DeSantos:

This office represents Home Garden Community Services District ("District") whose Board of Directors ("Board") asked that we respond on its behalf to the Kings County Grand Jury's March 5, 2014 report pursuant to Penal Code sections 933 and 933.05.

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

**Finding 1:** The Grand Jury found that Brown Act violations were prevalent throughout the HGCS D board meetings.

**Recommendation 1:** Training on the Brown Act should be conducted on an annual basis for all board members per the HGCS D bylaws.

**Response 1:** The District partially disagrees with this finding to the extent that no specific violations were identified. However, the District agrees that it can benefit from annual Brown Act training for all Board members. Since the issuance of the Grand Jury report, the District's Board and General Manager have obtained mandated AB-1234 (2005) training including training regarding the Brown Act, conflicts of interests and other required topics. Accordingly, the recommendation has been implemented as to the existing calendar year and the District's Board will continue to comply with AB-1234.

**Finding 2:** While the California Fair Political Practice Commission (CFPPC) is mentioned in HGCS D bylaws, it appears that Board members lack knowledge of its content.

**Recommendation 2:** Bylaws and associated documents should be reviewed on a continuing basis, and members should obtain training to familiarize themselves with the Political Reform Act and its compliance and reporting requirements.

**Response 2:** The District agrees with this finding. Since the issuance of the Grand

Hon. Thomas DeSantos, Presiding Judge

RE: 2014 Grand Jury Report on Home Garden Community Services District

May 14, 2014

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Jury report, the District's Board and General Manager have obtained mandated AB-1234 (2005) training including training regarding the Political Reform Act of 1974, conflicts of interests and other required topics. Accordingly, the recommendation has been implemented as to the existing calendar year and the District's Board will continue to comply with AB-1234.

**Finding 3:** HGCSO bylaws appear to be incomplete and not reviewed on a yearly basis per the stated policy: § 14 of their bylaws.

**Recommendation 3:** HGCSO Board members should read, update and follow their bylaws.

**Response 3:** The District agrees with this finding insofar as all bylaws were not reviewed annually. The Board intends to review its bylaws periodically and update them as needed, including any portions which might be incomplete. Accordingly, this recommendation has not yet been implemented but will be within six (6) months from the date of publication of the grand jury report.

**Finding 4:** The formation of the 501(c)(3) was put in place without a cost estimate, a bidding process or formal approval for the hiring of the firm.

**Recommendation 4:** Procedures regarding bidding regulations are not addressed in the HGCSO bylaws as per CGC § 61063(a). The bylaws should be updated to include the current regulations and be reviewed by all board members.

**Response 4:** The District agrees with this finding. However, a cost estimate, bidding process and formal hiring of a firm to provide professional services were not required by any statute. Furthermore, Government Code § 61063(a) does not mandate that bidding procedures be enacted as bylaws. For that reason, this recommendation will not be implemented through enactment of bylaws. However, because Government Code § 61063(a) requires adoption of policies and procedures, including bidding regulations, governing the purchasing of supplies and equipment *not* governed by Article 43 (commencing with Section 20680) of Chapter 1 of Part 3 of the Public Contract Code, the District intends to review its procurement policies and, if none exist or if they require updating, to enact by Board resolution or ordinance appropriate procurement policies and procedures for acquisition of: (1) supplies and equipment; and (2) materials and supplies for the construction or completion of any District building, structure or improvements costing less than the statutory threshold codified in Public Contracts Code § 20682 (presently \$25,000 or greater). Such implementation will commence within six (6) months from the date of publication of the grand jury report.

**Finding 5:** Two family members on the HGCSO board also serve as President and Vice President of the HGCC.

**Recommendation 5:** To avoid the appearance of a conflict of interest, because these

Hon. Thomas DeSantos, Presiding Judge

RE: 2014 Grand Jury Report on Home Garden Community Services District

May 14, 2014

Page 3

family members are also members of the newly created 501(c)(3), they should have disqualified themselves from both discussing and voting on the approval for setting up the 501(c)(3).

Response 5: The District agrees with this finding. However, the recommendation will not be implemented because the District cannot do so retroactively. Moreover, individual officeholders are responsible for disqualifying themselves. Finally, we do not anticipate this issue arising again since both of the family members resigned from the District's board of directors in 2013.

Finding 6: The HGCD Board approved a credit card with a \$500 limit. The card issued was a debit card and was not discussed or approved by the board. The use of the debit card was not questioned or approved at any board meeting, though the \$500 limit was exceeded.

Recommendation 6: All expenditures should be reviewed by the HGCD board when using any debit or credit cards and receipts should be submitted to the appropriate person for accounting purposes.

Response 6: The District agrees with this finding except that the use of debit card was subsequently questioned at a board meeting and the debit card was destroyed as unauthorized. Accordingly, this recommendation has been implemented.

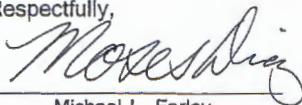
Finding 7: A G.L. account of \$10,000 for grant writing was never set up by the accounting firm as requested by the District Manager and the board.

Recommendation 7: This account should be set up as previously requested.

Response 7: The District agrees with this finding. The District will ask its accounting firm to implement this recommendation, no later than six (6) months from the date of publication of the grand jury report, by formally establishing the grant writing fund. However, presently the District might not have sufficient revenue available to allocate the full \$10,000 to this fund. If that is the case, the District will only allocate so much of the \$10,000 as is fiscally appropriate when considering the totality of the District's financial circumstances.

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

Respectfully,



Michael L. Farley  
Moses Diaz



## **KINGS COUNTY BOARD OF SUPERVISORS COMPENSATION**

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

Public interest.

### **AUTHORITY**

California Penal Code §927 The Grand Jury may investigate and report upon the needs for increase or decrease in salaries of the county-elected officials.

### **METHOD OF INVESTIGATION**

Information was reviewed comparing the salaries of comparable county boards of supervisors. Kings County officials were interviewed.

### **BACKGROUND AND FACTS**

The following was found in the County of Kings 2013/2014 Proposed Budget, "The Board of Supervisors serves as the legislative body for Kings County and provides policy direction for all branches of county government. The Board of Supervisors determines the funding allocation for all county programs. Members serve as the Board of Equalization to ensure fair and equitable tax assessments for county property owners. As the governing board for the Housing Authority, County Supervisors administer a program to provide low cost housing to eligible individuals and families. Members serve as the In-Home Support Services Public Authority Board of Directors to administer the program which provides in the home domestic and personal care services to very low income persons who are disabled or who are over 65 years of age. Members also serve as the Public Financing Authority Board of Directors to administer bonds or other financing to maintain continued coordination of county programs. Members also serve as the Oversight Board for the Successor Agency for the County of Kings to exercise decision making with respect to possible opportunities and constraints regarding the use of redevelopment in certain unincorporated portions of the County."

The state of California contains 58 counties, ranging in population from Alpine County (approximately 1,200) to Los Angeles County (approximately 10 million). The Grand Jury chose a small number of counties with comparable social and economic qualities to Kings County to compare the respective salaries of the Supervisors. Those counties were: Madera, Merced, El Dorado, Shasta and

Imperial. It was reported that the Kings County Human Resources Department also conducts a similar survey, yearly, in order to assist the Supervisors in setting their own salaries.

The Grand Jury found no state laws governing the pay of County Supervisors. In Kings County, the Supervisors set their own pay by County ordinance and change it at their discretion and subject to referendum per the California Constitution. The last time the Board of Supervisors increased their salaries was by Ordinance No. 643, passed on January 15, 2008. When the Supervisors vote to increase their pay, it becomes effective in 60 days, but they do not receive that raise until their next term of office.

The Board of Supervisors' current annual salary is \$58,727. The Chairman receives an additional \$400 per month. Each Board Member also receives in-county meal and travel allowances for work-related expenses. Compensation includes health and retirement benefits.

## **FINDINGS AND RECOMMENDATIONS**

### Finding

The Grand Jury found that the Kings County Board of Supervisor salaries and benefits are comparable to those counties that were investigated.

### Recommendation

None

## **RESPONSE REQUIRED**

None



## **KINGS WASTE AND RECYCLING AUTHORITY**

### **SYNOPSIS**

Before 1927, when garbage disposal districts were established, waste disposal was not controlled by the State. In 1972 the State passed its first law governing solid waste disposal in an effort to lessen damage to the environment. Laws have been added and amended over the years, requiring more and more waste to be recycled. In the 1960's waste from the City of Hanford was taken to an open burning dump located at 11th and Houston Avenues.

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

Public Interest

### **AUTHORITY**

California Penal Code §925(a) The Grand Jury may at any time examine the books, records, and operations of a joint powers agency located in the county.

### **METHOD OF INVESTIGATION**

The Grand Jury toured the Kings Waste and Recycling Authority (KWRA) facility, was given a presentation by the Executive Director and examined documents pertaining to the functions of KWRA.

### **BACKGROUND AND FACTS**

The KWRA was formed in September of 1989 as a Joint Powers Authority (JPA) consisting of the cities of Corcoran, Hanford, Lemoore and some unincorporated portions of Kings County. It has a five-member Board of Directors comprised of one city council member from each of the member cities and two members of the County Board of Supervisors.

The KWRA exists to consolidate waste and recycling matter into one location and by doing so, replaces landfills throughout the area. It accepts refuse, greenwaste, commingled recyclables, construction and demolition debris, and sharps containers (discarded needles and other medical devices). Construction materials and recycled matter can be processed and resold. Compost made from greenwaste is available, at no cost, to County residents.

Commingled recyclables are sorted, processed and baled by KWRA staff and then sold to a variety of buyers. These commingled recyclables include cardboard and newspaper in addition to glass, aluminum, tin and various plastics. In 2013, approximately 6,000 tons of commingled recyclables were removed from the waste stream by KWRA.

By State law, 50% of solid waste must be recycled and KWRA now recycles 60%.

KWRA schedules public disposal of household hazardous waste at their facility twice a year. Any County resident can recycle E-waste at Kings Waste and Recycling Authority, 7803 Hanford-Armona Road, Hanford, during their business hours. Senior citizens, the disabled and small businesses (10 employees or less) may call any time to have KWRA pick up their E-waste and universal waste. E-waste consists of televisions, computers, cell phones, etc. as differentiated from universal waste such as batteries, fluorescent lamps, and mercury thermometers. Plastic bags are not recycled at KWRA. However, some grocery stores collect plastic bags for recycling.

Refuse that is collected by KWRA is transferred to the Waste Management, Inc. landfill near Kettleman City. Approximately 66,000 tons of refuse were transferred in 2013.

## **FINDINGS AND RECOMMENDATIONS**

### Finding

KWRA has surpassed the State law requiring 50% of its solid waste to be recycled and has a goal of reaching 70% in the near future.

### Recommendation

None

## **COMMENTS**

KWRA is commended for its well-run operation. The Grand Jury thanks the KWRA for the tour and presentation.

## **RESPONSE REQUIRED**

None

# **HEALTH AND EDUCATION**

**Chairperson**

**Jim Tucker**

**Co-Chairperson**

**Carolyn Whiteside**





## **EARL F. JOHNSON CONTINUATION HIGH SCHOOL HANFORD**

### **SYNOPSIS**

Earl F. Johnson's mission statement reads: "The mission of Earl F. Johnson Continuation High School is to provide alternative educational opportunities for high school students outside of the comprehensive school setting. The teachers and staff members at EFJ are dedicated to providing programs and curriculum that meet the state standards and appeals [to] student interest, aptitudes and competencies."

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

Public interest

### **AUTHORITY**

California Penal Code §933.5 The grand jury may investigate and report its 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 its duties.

### **METHOD OF INVESTIGATION**

The Grand Jury toured the Earl F. Johnson Continuation High School (EFJ) and interviewed the Principal and several members of the faculty.

### **BACKGROUND AND FACTS**

The school provides alternative education to students who are lacking credits toward high school graduation. Day and night programs are available as well as independent study via online classes. Enrollment is 254 students and faculty consists of five teachers plus other staff at the time of this report.

The focus is on 10<sup>th</sup> through 12<sup>th</sup> grades. In order to graduate, students must complete 220 units and pass the California High School Exit Examination. Approximately 80% of EFJ students graduate, which is the same as for the district as a whole, and the state of California.

The school received \$25,000 allocation from the district for facilities improvement. The Principal stated that the funds will be used to enhance the school grounds and purchase additional tablet computers.

EFJ has a limited interscholastic coed sports program which includes softball, basketball, and volleyball.

## **FINDINGS AND RECOMMENDATIONS**

Findings

None

Recommendations

None

## **COMMENTS**

The Grand Jury thanks the Principal and staff of EFJ for providing an interesting and informative tour of the facility and for their commitment to the students.

## **RESPONSE REQUIRED**

None

## **JAMISON HIGH SCHOOL LEMOORE**

### **SYNOPSIS**

Jamison High School's mission statement reads: "The mission of Jamison High School (JHS) is to provide a quality education for students needing an alternative to a traditional high school setting. Jamison fosters the philosophy that all students can learn in an environment where they are valued and given a personalized instruction."

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

Public interest

### **AUTHORITY**

California Penal Code §933.5 The grand jury may investigate and report its 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 its duties.

### **METHOD OF INVESTIGATION**

The Grand Jury toured the Jamison High School campus and interviewed the Principal and several faculty members.

### **BACKGROUND AND FACTS**

JHS was established in 1991. In 2009, the Western Association of Schools and Colleges gave the school a six year accreditation. Since 2010 JHS has been a Model School and is one of the top five in testing throughout the state.

Students who attend JHS must be 16 to 18 years old and lacking credits toward high school graduation. The core values of JHS state the belief that all students receive a fresh start upon enrollment and each student can learn and reach their highest potential.

The JHS campus consists of 11 separate classrooms and an administration building. The students take pride in keeping their campus litter-free.

### **FINDINGS AND RECOMMENDATIONS**

Findings

None

Recommendations

None

**COMMENTS**

The Grand Jury thanks the staff of JHS for their commitment to prepare the students for their next step.

**RESPONSE REQUIRED**

None



# **KINGS COUNTY COLLABORATIVE JUSTICE TREATMENT COURT**

## **SYNOPSIS**

“Collaborative justice courts - also known as problem-solving courts - combine judicial supervision with rehabilitation services that are rigorously monitored and focused on recovery to reduce recidivism and improve offender outcomes.” The above is quoted from the web site of the Judicial Council of California, Administrative Office of the Courts.

## **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 the county.

## **METHOD OF INVESTIGATION**

The Grand Jury visited the Collaborative Justice Treatment Court (CJTC), interviewed the presiding CJTC Judge, interviewed the Deputy Director of Kings County Behavioral Health Department, and reviewed documents provided by Behavioral Health.

## **BACKGROUND AND FACTS**

April 2, 2013 the Kings County Behavioral Health Department utilized Proposition 63 funding to collaboratively establish the Kings County Superior Court CJTC pilot program. In July, 2013, a Superior Court Judge was appointed to preside over the CJTC proceedings which include: a drug court, a behavioral court, and a veterans' court.

After an offender has pled guilty, representatives of involved Kings County departments assess the offender's eligibility for referral to CJTC as an alternative to serving a jail term.

Present at the weekly CJTC proceedings are representatives of: the District Attorney, Kings County Probation Department, Kings View Counseling Services,

Behavioral Health, and the Veterans Administration, during proceedings involving veterans. A defense attorney is also present.

In order to be eligible for the CJTC program, the offender must meet certain criteria:

- Be a Kings County resident
- Plead guilty to charges
- Participate voluntarily in the program
- Have no convictions for sexual offenses
- Not be on active military duty
- All military discharges are eligible
- Homeless participants will be evaluated on an individual basis
- Domestic Violence cases will be evaluated on an individual basis
- Have no prior conviction for possession of any controlled substance for the purpose of sale

CJTC requires a minimum 18 month commitment to the program. The offender agrees to meet regularly in court starting on a weekly basis, attend Alcoholics Anonymous (AA) meetings, counseling sessions, anger management sessions, substance abuse testing, and rehabilitation counseling. They are also subject to unscheduled visits by Probation Officers. Failure to comply with these requirements can result in extension of attendance in the program, community service, and attendance in other court proceedings. Bench warrants will be issued by the Judge for continued noncompliance. If removed from the program for non-compliance, then the judge will send the offender back to the trial court for sentencing.

## **FINDINGS AND RECOMMENDATIONS**

Findings

None

Recommendations

None

## **COMMENTS**

Since CJTC is a pilot program there has been limited data to record patterns of success or failure. As of the date of this report, only a small percentage of participants have been removed from the program for non-compliance.

The Grand Jury commends the Kings County departments involved in the CJTC program and the presiding Judge for taking an active, personal approach towards rehabilitation of offenders who can be kept out of jail or prison.

**RESPONSE REQUIRED**

None





# **KINGS COUNTY COVERED CALIFORNIA CALL SERVICE CENTER**

## **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 the county.

## **METHOD OF INVESTIGATION**

The Grand Jury toured the Kings County Human Service Agency which operates the Covered California Call Center, viewed a Power Point presentation and interviewed Program Managers. Documents concerning the Agency were also reviewed.

## **BACKGROUND AND FACTS**

Covered California is the state program created to implement the Affordable Care Act (ACA). There are three regional call centers (Fresno, Stanislaus, and Contra Costa Counties) which refer applicants to the appropriate local call center. Not all counties in the state have local call centers of their own. The “warm handoff” method is used, whereby calls received and data collected at the regional call centers are transferred to the local centers while the applicant remains on the phone. The goal is to answer all calls at the local centers within 30 seconds and complete the application within one hour. While the basic call is for health insurance, callers will be given the opportunity to apply for any other programs available in the County, including voter registration. All information exchanged between applicants and the call center is confidential. Effective April 1, 2014, hours of operation will be Monday through Friday 8 am to 6 pm and Saturday 8 am to 5 pm.

Of the 13 health insurance providers authorized to offer plans in the state, three are taking applications in Kings County: Anthem, Blue Shield and Kaiser Permanente. The call center may provide information regarding the ACA, as well as assist callers in the application process.

The Kings County Human Services Agency has 28 work stations available to service Covered California calls. A significant number of these work stations were not staffed at the time of the Grand Jury's visit and managers reported that the call center was understaffed. The department was going through the process of hiring and training additional staff at that time.

The Kings County Human Services Agency reported that of the 17,111 calls processed from October through December, 2013, only 127 were for Covered California. Other ways to enroll in Covered California insurance plans are: the internet, walk-in, mail-in, or directly with the insurance company. This is known as the "no wrong door policy."

All departmental staff is given six weeks of classroom training focusing on program rules and regulations. This is followed by approximately four weeks of practical application training, wherein new employees are supervised and their work reviewed at all times. Background checks are done on new employees, and after being hired employees are on one year of probation. All employees undergo ongoing training to accommodate the frequent changes in program policy and procedures.

## **FINDINGS AND RECOMMENDATIONS**

### **Finding 1**

The Grand Jury found that the number of calls intended for Covered California was lower than anticipated. The Grand Jury did not analyze the other methods of application for Covered California.

### **Recommendation 1**

None

### **Finding 2**

The Grand Jury found that the department appears to be organized and able to handle the frequent policy changes with adequate training for employees.

### **Recommendation 2**

None

## **COMMENTS**

The implementation of Covered California is a work in progress, and changes take place frequently. This requires the Human Services Agency to make appropriate adjustments on an ongoing basis.

**RESPONSE REQUIRED**

None





## **KINGS COUNTY DEPARTMENT OF PUBLIC HEALTH**

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

Public Interest

### **AUTHORITY**

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

### **METHOD OF INVESTIGATION**

Members of the Grand Jury attended Board of Supervisors meetings and public hearings that included Kings County Public Health Department discussions. The Grand Jury interviewed the Director of Public Health Services and the Deputy Health Director of Nursing and Community Services.

### **BACKGROUND AND FACTS**

The mission statement of the County Public Health Department is, "to promote the physical, social, and environmental health of the people in Kings County."

The department includes four divisions:

- public health
- environmental health
- laboratory services
- administration

The public health division provides health centers in the four cities of Kings County and the Kettleman City Health Center. The health centers provide immunization services, issue birth and death certificates, perinatal services, public health nursing, sudden infant death syndrome counseling, reproductive health care, expanded teen counseling, aids/HIV services, communicable disease control, tuberculosis control, STD control, bioterrorism and public health preparedness planning, preventive health care for the aging, health resource center, Healthy Families/MediCal applications, California children's services, child health and disability prevention, tobacco control, WIC supplemental nutrition and child passenger safety classes.

The environmental health department offers food safety and water quality programs, recreational health, liquid waste management, housing inspection, solid waste enforcement, and hazardous materials programs.

The laboratory provides testing services for infectious and communicable diseases.

An important change in administration was the recent realignment of women's reproductive health services from the County to private clinics. Hearings were held where members of the public expressed concerns involving the discontinuation of those women's health services. The Director of Public Health Services stated that the loss of state funding for the program was responsible for its inability to continue financing this health service. Women who were using the County clinic are now being referred to the Family PACT (Planning\* Access\* Care\* Treatment) providers. These providers receive Federal funding to support the services which are comparable to those that were provided by the County. Currently there are eight PACT clinics in Hanford and Home Garden, five in Avenal and Kettleman City, three in Corcoran and three in Lemoore.

## **FINDINGS AND RECOMMENDATIONS**

### **Finding 1**

The Grand Jury found that the Kings County Department of Public Health is providing necessary and valuable services to the citizens of the County.

### **Recommendation 1**

None

### **Finding 2**

The transition of services from the County to the PACT providers appears to have been smooth and will save the County funds while not reducing the quality of women's reproductive health services.

### **Recommendation 2**

None

## **RESPONSE REQUIRED**

None

## **KINGS COUNTY VETERANS SERVICES AND PUBLIC GUARDIAN**

### **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 the county.

### **METHOD OF INVESTIGATION**

The Grand Jury conducted an interview with the Veterans Service Officer/Public Guardian and Deputy Veterans Service Officer/Deputy Public Guardian.

### **BACKGROUND AND FACTS**

The Veterans Services Office (VSO) and the Public Guardian Office (PGO) share a staff of five full-time and three part-time employees. The VSO also employs three work-study staff. The total combined budget for the VSO and the PGO is \$750,000 annually.

#### **VETERANS SERVICES OFFICE (VSO)**

The Veterans Services Office serves approximately 12,000 veterans and their dependents in Kings County. Their first priority is helping veterans apply for benefits for which they qualify. This includes benefits for eligible dependents. The VSO is a department of the Kings County government, and is not affiliated with the Veterans Administration (VA). They do, however, work closely with the VA, the California Department of Veteran Affairs, and Naval Air Station Lemoore. In 2011, \$54 million in veterans' benefits were distributed to Kings County veterans and their dependents.

Federal benefits that veterans can apply for through the VSO include:

- Disability benefits
- Education and Training
- Vocational Rehabilitation
- Healthcare
- Burial benefits



California benefits that veterans can apply for through the VSO include:

- College Fee Waiver program
- CalVet Farm and Home Loans

Many other benefits are available on both the state and federal level.

Efforts are made to find veterans in the County who may qualify for benefits. Outreach efforts include assisting incarcerated veterans who may qualify for benefits, making presentations to local groups, writing a regular column published in eleven newspapers in the Valley, and providing internet resources such as social media and an email newsletter. The VSO provides KART bus passes for transportation to the VA Hospital in Fresno. The VSO supplies services to homeless veterans. An annual point in time census is conducted, the most recent of which found 15 homeless veterans in the County.

#### **PUBLIC GUARDIAN OFFICE (PGO)**

The Public Guardian's main function is to take court-ordered responsibility for the affairs and estates of citizens of Kings County who cannot take care of these affairs by themselves, for reasons including but not limited to mental health issues. The PGO takes referrals from the Behavioral Health Department and Adult Protective Services. Referrals to the court can be made on behalf of any adult resident of the County in need of Public Guardianship.

Other duties of the PGO include but are not limited to:

- Acting as payee through Social Security
- Managing estate and personal property
- Managing medical and life decisions
- Assisting in applying for benefits

The PGO does routine site visits to each client quarterly. Each conservatorship is audited by the Superior Court annually. Social Security payees are audited every three years. As of the writing of this report, there are approximately 125 conservatorships and 90 payees for a total caseload of 215.

#### **FINDINGS AND RECOMMENDATIONS**

Finding

None

Recommendation

None

**COMMENTS**

The Veterans Services and Public Guardian Offices are providing valuable services to the citizens of Kings County.

**RESPONSE REQUIRED**

None





## **SHELLY BAIRD SCHOOL**

### **SYNOPSIS**

“The vision of Shelly Baird School is to provide each student with the opportunity to reach his/her full potential for a rich and productive future and turn challenges into accomplishments by providing each student with an individual program of instruction, which promotes maximum development”.

### **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 districts in the county, including school districts.

### **METHOD OF INVESTIGATION**

The Grand Jury toured Shelly Baird School and was given a presentation by the Principal.

### **BACKGROUND AND FACTS**

Shelly Baird School’s function is to provide education and support for special needs students in Kings County.

The Principal provided a presentation and tour of the main campus of the school. She also provided documents including the 2013 – 2014 Student Handbook, a list of satellite locations, and an organizational chart for Kings County Office of Education special education programs.

The Grand Jury observed the students arriving at school and being escorted to their classes by staff members. Several classrooms were toured and the Grand Jury was impressed by the quality of interaction between faculty and students. Each classroom is designed to address the needs of students with specific limitations. For security purposes all classrooms require a key to enter.

### **FINDINGS AND RECOMMENDATIONS**

#### **Finding 1**

Student safety is of primary importance. No area can be entered by anyone without authorization and a key.

Recommendation 1

None

**Finding 2**

The dedicated faculty of Shelly Baird is making commendable efforts to meet the special needs of each student.

**Recommendation 2**

None

**RESPONSE REQUIRED**

None

## **SHELLY BAIRD STUDENT TRANSPORTATION**

### **SYNOPSIS**

The Grand Jury investigated concerns regarding the transportation of special needs students between school and home. This report also addresses the communication between the school district and parents involving potential incidents on the school buses.

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

A written complaint was held over from the previous Grand Jury regarding student safety during transportation to and from Shelly Baird School, which is a school for special needs students, and its satellite campuses.

### **AUTHORITY**

California Penal Code §925a The Grand Jury may at any time examine the books and records of any joint powers agency located in the county.

### **METHOD OF INVESTIGATION**

The Grand Jury:

- Interviewed the complainant
- Visited Shelly Baird School to observe arrival of students by bus
- Interviewed Student Transportation of America (STA) bus company supervisors
- Interviewed Kings Student Transportation Authority (KSTA) Chairman. KSTA is a Joint Powers Authority (JPA)
- Examined the contract between the KSTA and STA
- Reviewed minutes and agendas of KSTA board meetings
- Attended a KSTA board meeting

### **BACKGROUND AND FACTS**

Home-to-school transportation is provided for the special needs students of Shelley Baird School. Student transportation to and from Shelly Baird School and satellite locations is provided by STA, under contract with the KSTA. STA is responsible for providing drivers and for routine maintenance of the buses, which are the property of the KSTA. KSTA is responsible for major repairs of the buses.



The Grand Jury was informed by KSTA and STA that all school buses operated by STA were equipped with cameras. STA operates a total of 22 buses in Kings County. Of the 22 buses, only five had operable, up-to-date cameras. STA informed the Grand Jury that recordings by these cameras are not reviewed except in the event of a reported incident, and that there is no procedure to store the video files.

An estimate dated May 8, 2013 was given to KSTA by STA for a total of \$23,272.41 for cameras, GPS antennas, and installation.

The policies and procedures documents received from STA, KSTA and Shelly Baird School included some procedures for communications among the agencies and parents or guardians.

Aides are assigned to students who qualify for special assistance on the buses but not all buses are assigned aides or monitors.

## **FINDINGS AND RECOMMENDATIONS**

### **Finding 1**

The Grand Jury found there to be a lack of timely communication between STA, Shelly Baird School and parents or guardians concerning reported incidents.

### **Recommendation 1**

Communication between concerned parties should be performed in a timely manner.

### **Finding 2**

At the beginning of this investigation, the cameras on the buses had not been adequately maintained or replaced.

### **Recommendation 2**

Install and maintain new digital cameras on all buses. Establish policies and procedures to store and randomly review recordings. Train all staff on policies and procedures regarding camera operations.

### **Finding 3**

Buses do not have monitors to assist the driver  
Recommendation 3

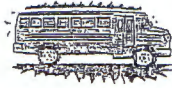
All responsible parties should research the feasibility of assigning a monitor to each bus.

### **COMMENTS**

At the KSTA board meeting on December 2, 2013, STA informed KSTA that installation of three digital cameras per bus had been completed in the past week. All of the drivers will be trained on the operation of the cameras. The Grand Jury commends STA and KSTA for their prompt action in replacing cameras on the buses.

### **RESPONSE REQUIRED**

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



# Kings Schools Transportation Authority

823 W. Lacey Blvd.  
Hanford, CA 93230

(559) 583-5901  
(559) 589-9769 fax

## KSTA RESPONSE TO THE KINGS COUNTY GRAND JURY 2013/2104 FINAL REPORT

### SHELLY BAIRD STUDENT TRANSPORTATION

Below is the response from KSTA regarding the above stated report received from the Kings County Grand Jury on February 12, 2014.

#### Response to Finding and Recommendation 1:

As issues arise on STA buses and are reported to either Shelly Baird School or STA employees, notification will be communicated between those parties and the Chairman of KSTA.

#### Response to Finding and Recommendation 2:

All buses currently have digital cameras and the appropriate staff has been trained.

#### Response to Finding and Recommendation 3:

Bus monitors are assigned through an IEP process. It is cost prohibited to provide monitors for all KSTA bus riders.

#### Comments:

On June 30, 2014, the contractual agreement between STA and KSTA will end. MV Transportation, Inc. will begin a three-year agreement with KSTA on July 1, 2014.

Signed: William L. Fishbough

Date: April 25, 2014

William L. Fishbough, HJUHSD Superintendent  
Chairman of KSTA  
559.583.5901, extension 3101

This copy is received by:

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title/Position: \_\_\_\_\_

Date: \_\_\_\_\_ Time: \_\_\_\_\_

Attachment: Copy of the above stated Grand Jury Report  
H:/KSTA/Grand Jury Response 04-25-14.docx

#### Board of Directors

Mr. Paul van Loon  
Pioneer Union Elementary School District

Mr. William Fishbough- Chairperson  
Hanford Joint Union High School District

Dr. David East  
Reef Sunset Unified School District

Dr. Paul Terry  
Hanford Elementary School District

Mrs. Charlotte Hines  
Island Elementary School District

Mr. Todd Barlow  
Kit Carson Elementary School District

Mr. Rick Rayburn  
Lemoore Elementary School District



# **LAW AND PUBLIC SAFETY**

**Committee Chairperson    Dennis Meeks**

**Co-Chairperson**

**Mitchell Grundbrecher**



## **AVENAL STATE PRISON**

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

Annual inquiry of the condition and management of the public prisons

### **AUTHORITY**

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

### **METHOD OF INVESTIGATION**

The Grand Jury was given a presentation by the Warden and the Administrative Assistant/Public Information Officer, followed by a tour of the facility. At the end of the tour there was a question/answer session with the Warden, Deputy Warden, and Public Information Officer.

### **BACKGROUND AND FACTS**

Avenal State Prison was opened in 1987, the first prison built in 20 years in California. At the time it was named the Kings County State Prison, and in 1988 the name was changed. It covers one square mile and has six separate facilities, containing 23 housing units, an Administrative Segregation Unit, a 28-bed Outpatient Housing Unit. A 10-bed fire station is outside the main prison's perimeter. The prison is also surrounded by a lethal electric fence which eliminates the need to staff all eight towers. The fence has a dedicated generator on standby.

There are 1,373 total allotted staff employed at Avenal State Prison. The prison holds approximately 4,100 inmates, although it was designed for 2,320. However, this is a drop from a high of 7,800 and will be going down further due to AB-109, which aims to reduce prison overcrowding.

The Grand Jury visited the Prison Industry Authority (PIA) warehouse onsite, which held pallets of items to be sent out to other institutions upon request. Next was a visit to the metalworking and woodworking areas, where cubicles, desks, and other items were built for prisons and other state agencies. Inmates staffing these areas can be paid up to \$0.90 an hour.

After the PIA facility, the Grand Jury visited the fire station. Seven inmates were working there at the time of the visit, but up to ten are allowed. Inmates who work

in the fire station live at the station 24 hours a day and are on call at all times. They are not permitted to leave except for extenuating circumstances which require them to go somewhere, such as classes, medical appointments, or if there is a call. The Fire Chief and an On-Duty Captain were also present at the station. The Grand Jury was given a demonstration of a timed exercise where an inmate firefighter put on his gear within one minute. Avenal State Prison fire department has a mutual aid agreement with the City of Avenal, Kings County, Fresno County, and San Luis Obispo County.

The Grand Jury then visited the Investigative Services Unit (ISU), which held makeshift contraband confiscated from inmates, as well as items that were smuggled in. Weapons, cell phones, tobacco, media materials, and hidden containers were on display. Cell phones normally cannot be used on prison grounds, as there is a active signal jammer. There are short-range communication devices that prison staff can use, and radio signals get through, but most phone signals are blocked.

In the case of health concerns and emergencies, 911 can be called from landline phones.

Valley Fever is currently a concern, and as a result, high-risk prisoners are being transferred to other prisons.

## **FINDINGS AND RECOMMENDATIONS**

### **Findings**

None

### **Recommendation**

None

## **COMMENTS**

The Grand Jury was impressed with how well Avenal State Prison and its PIA program are run, and found that conditions appeared to be adequate. The Grand Jury extends its thanks to the staff who guided the tour and provided information and answers to questions.

## **RESPONSE REQUIRED**

None



## **CITY OF AVENAL**

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

The Grand Jury was extended an invitation by the Mayor of Avenal to tour their historical landmarks and city points of interest.

### **AUTHORITY**

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

### **METHOD OF INVESTIGATION**

The Grand Jury visited the City of Avenal and was given a tour by the Mayor and City Manager.

### **BACKGROUND AND FACTS**

The City of Avenal, “Oasis in the Sun”/ “Pistachio Capital of the World”, has a population of 9,500 not including the population of Avenal State Prison. The Mayor led the Grand Jury on a tour to the Veterans Memorial Hall, Avenal Police Station, Avenal Theater, City Park, Sports Complex, Avenal Landfill, Avenal High School Stadium and Avenal Animal Shelter.

The Veterans Memorial Hall is a community center utilized as a senior center, teen center, and for community functions.

The Avenal Police Station is located in the former Avenal District Hospital Building. This is the Emergency Operational Center for the city. The Police Department was established in November 2010. The Police Chief provided a brief tour of their facility. Although the Police Department only occupies a small portion of the building, there are plans for the remainder of the building to be utilized for emergency and other city services.

The Avenal Theater, originally constructed in 1935, was destroyed by a fire in 2003 and subsequently restored and reopened in 2010. The restoration also included renovations that provide two up to date theaters, with a portion of the original theater converted to a banquet/performance room. An addition was added to provide public meeting rooms.

The City has a new active recreation park. This park has slides, sandboxes, solar lights, swings, and other playground equipment and landscaping.



The 102 acre sports complex is used for community sports activities. It has two Olympic size soccer fields, two softball fields, eight Olympic size horse shoe pits, and restroom facilities. It has a fully equipped concession building and portable BBQ. There is a plan to put in golf putting greens and a driving range.

The National Sand Drag Association competition is held twice a year on the north portion of the sports complex. It is the fastest and quickest sand drag strip in the nation. Space is provided to competitors and spectators for dry camping and RV parking.

The city of Avenal owns the landfill acquired in 1979 from Standard Oil, Inc. The landfill encompasses 173 acres with 123 in use. The landfill has an expected life of 30 years and receives approximately 120 tons of refuse per day. When space is exhausted the landfill will be capped and returned to a natural environment.

The Grand Jury viewed Avenal High School sports stadium which was recently renovated with an all weather track surface, new restrooms, grass, updated press boxes, additional seating and snack bar.

The city is also constructing a small hydro-power system in support of the existing water system.

The animal shelter was also visited. This shelter is primarily a no-kill facility, with a temperature controlled environment and will accommodate large and small animals.

## **FINDINGS AND RECOMMENDATIONS**

None

## **COMMENTS**

The Grand Jury thanks the Mayor and City Manager for the invitation and the courtesies extended.

The Grand Jury was impressed with the management and over all cleanliness of the city including the landmarks and attractions visited.

The Mayor and City Manager can be proud of the city they represent.

## **RESPONSE REQUIRED**

None

## **CALIFORNIA STATE PRISON CORCORAN**

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

Annual inquiry of the condition and management of the public prisons

### **AUTHORITY**

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

### **METHOD OF INVESTIGATION**

The Grand Jury visited the prison and was given a guided tour of the facility after speaking with the Administration Assistant/Public Information Officer.

### **BACKGROUND AND FACTS**

California State Prison Corcoran was opened in February of 1988, and covers 942 acres. It employs approximately 2300 staff, with 1400 custody and 900 support staff. There are approximately 4600 inmates housed in the prison. Located on the facility is a fire department, a dairy, milk processing plant, Prison Industry Authority (PIA) warehouse, classrooms, and a food and beverage packing enterprise. The prison houses levels 1, 3 and 4 inmates. Level 1 consists of minimum-security inmates, the only inmates permitted to work in these on-site industries. Level 3 is general population. Level 4 is maximum security.

The Grand Jury toured the dairy, the fire house, the PIA warehouse, and the food and beverage packaging enterprise, which supplies box lunches and other food items to other prisons in the state as requested. The food and beverage packaging enterprise is centered in both California State Prison Corcoran and Corcoran Substance Abuse Treatment Facility (CSATF). It generates approximately \$11,400,000 in revenue yearly. There are three On Time Food Delivery Centers in California, Corcoran being the largest. The other two are in Chino and Sacramento.

The prison fire department has a mutual aid agreement with Kings County and covers a 15-mile radius around the prison grounds. The fire department consists of a fire chief, five captains, seven inmates and two engines. The department receives approximately 10 calls a month. Training for the inmates consists of 15-20 hours per week and at the end of their training course, they may be certified as Firefighter 1. However, to get a job as a firefighter outside of the prison, they would need to take CPR/EMT training.

The dairy produces approximately 6000 gallons of grade-A quality milk a day. Most of the product goes to the other prisons. There are 800 milking cows, with a total herd size of 2100, providing raw milk to the on-site milk processing plant.

The Grand Jury also observed five classrooms where the inmates could earn a GED and vocational certifications. There were approximately 25-30 inmates per room. At the time of the tour, four classrooms were occupied and the other one was under maintenance.

## **FINDINGS AND RECOMMENDATIONS**

### **Findings**

None

### **Recommendation**

None

## **COMMENTS**

The Grand Jury found that the California State Prison Corcoran's PIA facility was a well-kept, organized operation with adequate training and work experience for the inmates. It provides the inmates with an opportunity to succeed in a real work environment.

## **RESPONSE REQUIRED**

None



## **CALIFORNIA SUBSTANCE ABUSE TREATMENT FACILITY AND STATE PRISON AT CORCORAN**

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

Annual inquiry of the condition and management of the public prisons

### **AUTHORITY**

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

### **METHOD OF INVESTIGATION**

The Grand Jury toured the prison after being given an orientation by the Chief Deputy Warden, the Public Information Officer, and the California Prison Industry Authority (PIA) Manager.

### **BACKGROUND AND FACTS**

California Substance Abuse Treatment Facility and State Prison at Corcoran (CSATF/SP) was activated in 1998 and consists of 280 acres. There is a total of 1,828 staff and an inmate population of 5,428. There are housing units in each of the seven facilities.

The Grand Jury began the tour of CSATF/SP by visiting the prison infirmary, which included a dental office, urgent care rooms, a five-bed psychiatric ward, and an available mobile MRI/CT scanner. Patients with serious conditions are transported to Mercy Hospital in Bakersfield, which has a secured ward specifically for inmates.

The Dialysis Unit was visited next. It contained 18 stations, plus one extra for high-security patients. The unit is active on Mondays, Wednesdays, and Fridays from 5 a.m. to 9 p.m. There is a Registered Nurse on duty at all times. CSATF/SP provides dialysis treatment for other prisoners in California. Although the treatment area was generally clean, the fluid supply tubes which connect from the wall to the machines were found to have a buildup of grime.

The Grand Jury then toured the Central Services building. Central Services handles transportation of inmates to court, hospital and other locations. They are also responsible for the scheduling of correctional employees.

The CSATF/SP kitchen was observed to be very clean and well-kept. Inmates prepare all meals for the facility up to two days in advance, with two cook supervisors onsite. For health reasons, the food is flash-frozen and held for at least one day before being sent out. Meals are delivered to the facilities, where the food is heated and served in their own dining hall.

The Grand Jury then visited the PIA food and beverage packaging facility, which was opened in 2004. They package peanut butter, jelly, honey, bread, syrup, and cookies to be sold to other state facilities throughout the state, upon request. Inmates work in this facility and can earn up to \$0.90 per hour.

Facility E holds 720 inmates in its “enhanced program.” Inmates can earn privileges such as internet, television viewing, and microwave access if they have a good record of behavior and if they work and/or use the prison’s educational resources. In the past year, 225 GEDs were issued to inmates in CSATF/SP.

## **FINDINGS AND RECOMENDATIONS**

### **Finding**

Although the medical and dialysis facilities were generally clean, the dialysis fluid supply tubes were in need of cleaning.

### **Recommendation**

More attention should be paid to keeping all areas, even those out of sight, sanitary for staff and patients.

## **COMMENTS**

The Grand Jury found that CSATF/SP is working to provide educational and vocational training which provides inmates with life and work skills to be used upon their release from prison. They focus on rehabilitation as opposed to punishment, in order to help inmates become positive members of society.

The Grand Jury thanks the CSATF/SP staff who guided and answered questions during the tour.

## **RESPONSE REQUIRED**

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



## **HANFORD POLICE DEPARTMENT BODY-WORN CAMERAS**

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

Public Interest

### **AUTHORITY**

California Penal Code §925a The Grand Jury shall investigate and report on the operations, accounts, and records of the officers, departments, or functions of any incorporated city located in the county.

### **METHOD OF INVESTIGATION**

The Grand Jury visited the Hanford Police Department, toured the building and was given a demonstration of the cameras being evaluated for purchase.

### **BACKGROUND AND FACTS**

The Grand Jury was given a tour by a Hanford Police Captain. The tour included the 911 Dispatch Center, holding area, report writing room, one of seven evidence rooms, briefing room, locker rooms, and several offices.

The tour ended with a demonstration and explanation of the various body-worn cameras being considered for purchase. The Department is currently testing three different cameras. One is a lapel camera and two are clip-on cameras. Each camera has advantages and disadvantages. These include battery life, video downloading time, storage space and accessibility. Cost, reliability and service are major factors in consideration of the purchase.

The cameras are intended to aid the patrol officers in their report writing and provide video evidence, if needed. The videos can be used in court proceedings and to verify accuracy of the reports. The cameras will improve transparency between law enforcement and the community, along with protecting officers from false claims. The cameras have the potential to improve behavior between all parties during police interactions.

### **FINDINGS AND RECOMMENDATIONS**

Findings

None

Recommendations

None

**COMMENTS**

The Grand Jury thanks the Hanford Police Department for the tour, the body-worn camera presentation, and the demonstration given by the officer providing a view of the potential usage of the cameras.

**RESPONSE REQUIRED**

None

## **KINGS COUNTY CORONER'S OFFICE AND MORGUE**

### **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 the County.

### **METHOD OF INVESTIGATION**

The Grand Jury visited the Morgue and spoke with the Senior Deputy Coroner, who gave a presentation and answered questions. The Grand Jury also interviewed the Kings County Public Works Director concerning the new Morgue.

### **BACKGROUND AND FACTS**

The Coroner's Office is an extension of the Sheriff's Office, and the Sheriff serves as Coroner of the County. All Sheriff's Patrol Deputies in the County are also Coroner Assistants. The current Morgue is located in the basement of the old Kings County General Hospital, which was built in 1907. The Morgue consists mainly of a single, small room containing an exam table with autopsy equipment and an adjacent refrigerated storage area. Across the hall, there is also an evidence room. The upper floors of the hospital have been vacant for the past several years.

The Morgue has been continually in use at its current site since the early 1970's. The facility has not been updated since the closure of the hospital. For several years, there have been plans to demolish the hospital but no facility was available for the relocation of the Morgue. Requests were made to repair and update equipment, but it was found that parts were no longer available and the budget did not allow for replacement of the equipment. The refrigerated storage area is a single room lacking security to prevent potential evidence from being compromised.

A new Morgue is being built next to the new Kings County Jail and is projected to be completed in October, 2014. This Morgue is 5,120 square feet in area and will consist of two primary autopsy rooms, a divided refrigerated storage unit, several evidence holding areas, offices, showers and a conference room with an

observation window into one of the autopsy rooms. The autopsy rooms will be sanitized with an ultraviolet system after each procedure.

## **FINDINGS AND RECOMMENDATIONS**

Finding

None

Recommendation

None

## **COMMENTS**

After several years of uncertainty, the building of a new Morgue is finally a reality. The Morgue will be a modern facility that should serve Kings County for many years to come.

## **RESPONSE REQUIRED**

None



## **KINGS COUNTY FIRE DEPARTMENT**

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

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

### **AUTHORITY**

California Penal Code §925

### **METHOD OF INVESTIGATION**

The Grand Jury toured the following Kings County Fire Stations:

- Kettleman City Fire station #9
- Hanford Fire station #4 and Training Center
- South Lemoore Fire station #7
- The Grand Jury interviewed the Fire Chief and the Assistant Fire Chief

### **BACKGROUND AND FACTS**

At Fire Station #9 the Grand Jury was greeted by two Fire Engineers. The Grand Jury was shown the bays where they had five emergency vehicles which included a 3000 gallon water tender, one squad vehicle, and three engines. All these vehicles are used in responding to emergency calls and servicing the station's area of responsibility. This station receives approximately 400 calls per year.

The Grand Jury toured Fire Station #4 and the Training Center on Houston Ave. east of Highway 43. There was one engine and a 100 foot ladder truck. This ladder truck was purchased by the Indian Gaming Special Distribution Fund and donated to Kings County Fire Department.

This station receives approximately 800 calls per year with 80 percent being medical calls and 20 percent fires.

The Training Center was built by Kings County fire personnel to simulate one and two story structures. It is used by fire and law enforcement, College of the Sequoias and Porterville College fire academies.

The last station visited was Station #7, south of Highway 198 on 18<sup>th</sup> Avenue in Lemoore. This station has two engines. One of the engines was provided by the State of California, to be used until it has 10,000 miles on it. Then it will be kept



at Station #4 to be used as a reserve engine. This engine will be used to respond anywhere within the state on a 24/7 basis, manned with four county personnel. This station has automatic aid with the City of Lemoore Volunteer Fire Department. Automatic aid consists of responding automatically to any emergency within the Lemoore city limits.

The Kings County Fire Department has a mutual aid agreement with Fresno, Tulare and Kern Counties. Mutual aid consists of responding, upon request, to assist other counties with emergencies.

The Kings County Fire Department Chief and the Assistant Chief met with the Grand Jury for an informational meeting to explain the operations of and future plans for the department. Kings County Fire Department consists of ten stations to cover all of Kings County. Four of these stations have only one person on duty per shift. The other six stations have two or more personnel per shift. The Chief's goal is to have at least two engineers per station per shift. The Kings County Fire Department is in talks with the City of Hanford Fire Department to consider an automatic aid agreement between the two.

#### **FINDING**

None

#### **RECOMMENDATION**

None

#### **COMMENT**

The Grand Jury appreciates the time and courtesy shown them during their visits.

#### **RESPONSE REQUIRED**

None

## **KINGS COUNTY JUVENILE CENTER**

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

Request from Kings County Juvenile Center

### **AUTHORITY**

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

### **METHOD OF INVESTIGATION**

The Grand Jury was met by the Chief Probation Officer and the Juvenile Institutions Captain, who gave a tour of the center. The Captain later appeared before the Grand Jury for an interview.

### **BACKGROUND AND FACTS**

The Juvenile Center consists of three facilities. One facility contains a receiving area, a maximum security area, and a general housing area that includes cells and day rooms segregated by gender.

Another contains classrooms for educational levels 6-12. There are three classrooms, one of which is in Maximum Security. The staff of four teachers is supplied by the Office of Education. Resource teachers are also available to work with juveniles who have special needs. Unless a juvenile already has a high school diploma or a GED, they are required to attend classes on a 12 month schedule.

A third facility contains a medical clinic, which provides both physical and mental health services contracted out to a private provider. There is a registered nurse on site 24 hours per day who can provide immediate care, dispense medications and provide referrals for further treatment. A doctor is scheduled on site one day a week. Mental health concerns are handled through video conferences with the contracted providers.

There are 32 staff members. At the time of the Grand Jury's visit to the Juvenile Center, there were 59 juveniles ranging in age from 9 to 18 years old. The maximum capacity is 65 juveniles. Once a juvenile offender reaches the age of 19 they are generally transferred to county jail, though some stay until 21. The

Juvenile Center is required to maintain a 10:1 offender to staff ratio during the day, and 30:1 at night.

## **FINDINGS AND RECOMMENDATIONS**

Finding

None

Recommendation

None

## **COMMENTS**

The Kings County Juvenile Center appears to operate in an efficient and professional manner. The Grand Jury thanks the staff for conducting the tour.

## **RESPONSE REQUIRED**

None



## **KINGS COUNTY MAIN JAIL**

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

The Grand Jury shall inquire into the conditions and management of the public prisons (including jails) within the county.

### **AUTHORITY**

California Penal Code §919 (b)

### **METHOD OF INVESTIGATION**

The Grand Jury:

- a. Toured the Kings County Jail
- b. Conducted an interview with the Public Works Director

### **BACKGROUND AND FACTS**

The tour was conducted by the Assistant Sheriff, accompanied by a Jail Commander and a Jail Sergeant.

Areas observed included the Command Center, Warming Kitchen, Audio Visual Visitor Center, Inmate Housing Pods, Booking Area, Inmate Exercise Yards, Medical and Mental Health Treatment Area, and Laundry Area.

During the tour the Assistant Sheriff provided information and commentary on inmate segregation and duties of the correctional officers.

There is no personal contact visiting at the jail. Visiting is accomplished through audio/visual communication. Appointments must be made at least twenty four hours in advance but no earlier than seven days in advance. The appointments can be made online.

The Grand Jury was informed about inmate early releases as a result of Assembly Bill 109 "2011 Public Safety Realignment" (AB 109). In August 2013, the jail experienced a decrease in inmate releases due to the reopening of the Branch Jail.

At the conclusion of the tour, the Grand Jury was shown where the tunnel from the jail to the new court house will be constructed. This tunnel will provide secure movement of inmates to and from the court house.



An interview was held with the Public Works Director at which time the Grand Jury was shown plans for the expansion of the jail. This expansion will provide 252 additional beds, bringing the total to approximately 828. The projected date of completion for the 42 million dollar expansion will be May 2016.

## **FINDINGS AND RECOMMENDATIONS**

### **Finding**

It was found that the Kings County Sheriff is operating an efficient jail under the current conditions brought on by realignment.

### **Recommendation**

None

## **COMMENTS**

None

## **RESPONSE REQUIRED**

None

## **KINGS COUNTY RURAL CRIME TASK FORCE**

### **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 the County.

### **METHOD OF INVESTIGATION**

The Grand Jury conducted an interview with two Rural Crime Task Force detectives.

### **BACKGROUND AND FACTS**

The Rural Crime Task Force is a small branch of the Sheriff's Department consisting of three officers. They are commonly known as the "Ag Unit." To quote the Sheriff's Department's website:

"This unit's sole responsibility is to investigate any property crime against a farmer, rancher, agricultural-related business or industry which takes place in the unincorporated rural areas of Kings County, and impacts the victim's commercial production, distribution, or economic livelihood derived from agricultural products, livestock, petroleum, chemicals, farm implements and equipment."

Agricultural crimes, particularly in a rural area such as Kings County, can cost farming communities millions of dollars. For example, thefts of copper wire, equipment including but not limited to vehicles, welders, pumps, and other vital materials are not uncommon to the agricultural industry. Theft of farming products, such as livestock and crops, is also frequent. Agricultural crime is not restricted to petty crimes or misdemeanors. Heavy amounts of damage and theft can be encountered, and many thieves of agricultural materials are capable and organized in their efforts.

The Rural Crime Task Force was formed, with state funding, in the 1990's to combat rural crime. The Task Force, as an arm of the Sheriff's Department, will investigate all of the crimes mentioned above, as well as embezzlement in farm

businesses and other crimes, including those unrelated to agriculture. It will assist other law enforcement units throughout the state in their investigations, as well.

In 2012, the Task Force investigated 187 crimes, and in 2013, 226 were investigated. Approximately \$600,000 worth of losses were reported in 2013, and an estimated \$700,000 worth of property was recovered. Some 30% of that property was recovered outside of Kings County. Many of the crimes that occur in Kings County that are investigated by the Task Force are not committed by citizens of Kings County.

The Kings County Rural Crime Task Force meets with other Rural Crime Task Forces of surrounding counties every month. Every four months, regional meetings are held throughout the state. A monthly newsletter is published to the Farm Bureau describing equipment that was stolen, along with reports of crimes from other farmers.

## **FINDINGS AND RECOMMENDATIONS**

Finding

None

Recommendation

None

## **COMMENTS**

The Grand Jury commends the Rural Crime Task Force for enforcing the law with such limited resources.

## **RESPONSE REQUIRED**

None

# **LOCAL GOVERNMENT**

**Chairperson                      Clara Lynn**

**Co-Chairperson                Gene Bassett**





## **HANFORD CEMETERY DISTRICT**

### **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 visited the Hanford Cemetery District (District) office and interviewed the District Manager and Administrative Assistant, followed by a tour of the Hanford Cemetery. Cemetery staff provided documents which were examined by the Grand Jury.

### **BACKGROUND AND FACTS**

The Hanford Cemetery District was created in 1882. The District Board members are appointed by the Kings County Board of Supervisors. The District consists of four cemeteries: Calvary, Lakeside, Kings River and Hanford. These are located in the City of Hanford and surrounding area. The District also maintains Potters Field Cemetery and Sam Yup Cemetery, which are now both closed.

There are niches for cremated remains of veterans and their spouses surrounding the military tank at the northwest corner of Hanford Cemetery, along with a memorial wall with names of local veterans. The tank was provided by the American Legion. There are plans to add a scattering garden and more cremation niches in Hanford Cemetery.

Hanford Cemetery is in the process of building a new maintenance/storage facility. The Grand Jury recommended in the 2009-2010 Final Report that this be done. The Hanford Cemetery has two water wells. Lakeside, Calvary and Kings River each have one.

The District performs approximately 250 burials per year. They also report that cremations have increased by 50% in recent years. There is an endowment fund, which is the primary funding for the District, although county tax money is also

received. The District has ten employees: eight full-time, and two part-time. People who are court-ordered to do community service, as well as those in the Job Training Organization, also work there.

## **FINDINGS AND RECOMENDATIONS**

### **Finding**

The Grand Jury found that the concerns presented by the previous Grand Jury's report have been addressed.

### **Recommendation**

None

## **COMMENTS**

The Hanford Cemetery District appears to be well-managed and the overall conditions of the cemeteries have improved significantly.

## **RESPONSE REQUIRED**

None

## **LEMOORE CITY COUNCIL AND PLANNING COMMISSION**

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

A citizen's complaint was received regarding actions taken by the Lemoore City Council and Planning Commission alleging Brown Act violations, violations of protocol, and conflict of interest.

### **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 the complainant, examined the Lemoore City Charter, read the minutes of the Lemoore City Council and Planning Commission meetings, examined the City of Lemoore Personnel System guidelines, listened to recordings of the Planning Commission meetings, attended Lemoore City Council meetings, and consulted with County Counsel.

### **BACKGROUND AND FACTS**

The complaint received by the Grand Jury regarded the following:

- A Brown Act violation regarding removal of the Planning Department
- Failure to follow procedures in an environmental impact negative declaration form
- Conflict of interest

These were all found to be worthy of investigation.

The Planning Department staff was furloughed by the acting Lemoore City Manager on April 29, 2013. The department was abolished on May 7, 2013 at the City Council meeting on the same date as a part of new budgeting measures. The complaint asserted that the Brown Act was violated due to the lack of public notice regarding these actions.

On May 6, 2013, the Planning Commission was asked to vote on a California Environmental Quality Act (CEQA) Negative-Declaration form which was allegedly not filled out completely.



The Planning Commission voted 4-1 to approve a Chevron Solar Renewable Energy System (CSRES). It was alleged that a member of the commission held a financial interest in the property adjacent to the CSRES project which it was requested to approve. Despite this fact, the Commissioner not only voted on the matter but made the motion to approve it. The California Fair Political Practices Act applies to officials and prohibits any such official from voting on any “real property in which the official has an interest, or any part of that property, is located within 500 feet of the boundaries... of the property which is subject of the governmental decision.” (Commission regulation § 18704.2) Additionally, this restriction applies to Commission regulation § 18705.5, a public official’s immediate family, including spouse and dependent children. While the Planning Commissioner’s CSRES vote itself did not appear to have an impact on the passing of this motion, as it would have passed anyway, it could potentially be more problematic if this behavior is repeated.

## **FINDINGS AND RECOMMENDATIONS**

### **Finding 1**

The Grand Jury found no merit to the complaint of alleged Brown Act violations regarding the elimination of the Planning Department. The City Manager has the authority to remove departments and most employees of the city government, and is not required to give notice as it is at his or her discretion according to Lemoore City Ordinance Code 1-6A-4-C.

### **Recommendation 1**

None

### **Finding 2**

The Grand Jury found no merit to the complaint of alleged incorrect CEQA application procedures. Every part of a CEQA form is not required, by law, to be filled out completely. Different requirements call for different information.

### **Recommendation 2**

None

### **Finding 3**

The Grand Jury found the conflict of interest complaint to be valid.

**Recommendation 3**

Public officials are required to comply with the Political Reform Act and avoid conflicts of interest. Each official should receive training and familiarize him/herself with these requirements to avoid future conflicts.

**RESPONSE REQUIRED**

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

RECEIVED MAR 03 2014

**Mayor**  
William Siegel  
**Mayor Pro Tem**  
Lois Wynne  
**Council Members**  
John Gordon  
Edward Neal  
Willard Rodarmel



**Office of City  
Manager**

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

February 10, 2014

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

Dear Judge DeSantos:

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

**Finding 1:**

The Grand Jury found no merit to the complaint of alleged Brown Act violations regarding the elimination of the Planning Department. The City Manager has the authority to remove departments and most employees of the city government, and is not required to give notice as it is at his or her discretion according to Lemoore City Ordinance Code 1-6A-4-C.

**Recommendation 1:**

None.

**Finding 2:**

The Grand Jury found no merit to the complaint of alleged incorrect CEQA application procedures. Every part of a CEQA form is not required, by law, to be filled out completely. Different requirements call for different information.

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**Recommendation 2:**

None

**Finding 3:**

The Grand Jury found the conflict of interest complaint to be valid.

**Recommendation 3:**

Public Officials are required to comply with the Political Reform Act and avoid conflicts of interest. Each Official should receive training and familiarize him / herself with these requirements to avoid future conflicts.

**City Comments:**

The City of Lemoore does not necessarily agree with the findings of the Grand Jury on this issue as the Planning Commissioner in question has no financial interest in said property. The City does realize that conflict of interest issues are serious in nature so the City agrees to provide additional training to our Planning Commissions in the near future. This training will be done as soon as we are able to schedule the City Attorney to provide such training.

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,



William M. Siegel, Jr.  
Mayor





## **LEMOORE GOLF COURSE**

### **SYNOPSIS**

The Lemoore Golf Course is the only public Golf Course in Kings County. As such, it provides a significant addition to the recreational facilities in the County. However, the financial history of the Course has been the subject of controversy for the Lemoore City Council and the public. Loans obtained by the City of Lemoore on behalf of the Golf Course have been managed ineffectively and not in a manner conducive to expedient repayment.

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

Public Interest and Citizens' complaints regarding confusion concerning Golf Course finances.

### **AUTHORITY**

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

### **METHOD OF INVESTIGATION**

The Grand Jury interviewed several employees of the City and Golf Course staff, examined financial documents of both the City and the Golf Course, and reviewed minutes of and attended Lemoore City Council meetings.

### **BACKGROUND AND FACTS**

The Lemoore Golf Course began as a nine-hole course in 1928. A feasibility study was conducted in 1989 to expand to 18 holes, and in 1991 a loan was taken out of approximately \$4.125 million and the Golf Course was expanded. In 1995 the decision was made to refinance the initial loan, and the total owed from the Golf Course after the refinance to the City increased to \$4.215 million. For the first three years after the refinance, interest only was paid. Thereafter, annual payments of \$250,000 were to be made to cover principal payments and interest.

In 2000, a second loan of approximately \$242,000 was taken out for the purpose of building a golf cart barn. In 2004 a third loan in the amount of \$300,000 was taken out for improvements to the Golf Course. These expenses were not tied to existing loans. Payment amounts were denoted by invoice.

In 2005, the Redevelopment Agency (RDA) lent money to the City to cover Golf Course loan debt, creating a fourth loan. New payment schedules were established taking this and other debts into account. However, in 2012, the dissolution of RDA programs statewide necessitated a change in financing. As the Successor Agency to the RDA, the City Council required that those funds used to repay the Golf Course loans be paid into the Successor Agency fund.

In 2013, the City paid \$1.4 million out of the general fund to pay debt owed on behalf of the Golf Course. This saved money in interest. The City intended that Golf Course revenue was to reimburse this payment. The Successor Agency, which consisted of the Lemoore City Council, did not establish a payment schedule based on accurate numbers until 2014, due to errors made by the previous Financial Department. Prior to this schedule, payment amounts were decided by the City on a yearly basis with no consistent pattern.

Payments were made from the Golf Course revenue to reduce the outstanding debt to the City, but these payments were not standardized until the most recent payment schedule was established in 2014. Funds were transferred from Golf Course revenue and paid to the City. After these monies were transferred to the Golf Course fund, there was no standard procedure of using those monies to retire the debts associated with the Golf Course. Throughout this time, interest continued to accumulate.

According to the most recent payment schedule, the Golf Course continues to make payments to the City to pay off the primary debt (\$4.215 mil.) while also paying off the 2000 and 2004 debts. The RDA loan will not begin to be repaid until 2021, after the other loans are paid off in full. Payments of \$250,000 are made annually to address the primary debt to the city. The delayed RDA repayment will increase total principal and interest payments to \$300,000 yearly.

According to both Golf Course and City records, the Golf Course has been sustaining itself on revenue alone from at least 2007. The City does not pay management or Golf Course expenses out of the general fund. Payments were made to the City from the Golf Course, but until the newest payment schedule was created, regular payments to reduce debt owed to the City were not clearly detailed and documented. City officials have stated that the Golf Course has not been able to support itself, and that it was not making a profit. However, financial reports show conclusions at odds with these claims.

The Lemoore City Council faced controversy starting in July of 2013, when a potential buyer expressed interest in purchasing the Golf Course. Subsequent City Council meetings involved a large number of public comments from Kings County residents, most of whom expressed opposition to the prospect of a sale.



City officials expressed concern that local, private entities could plan to build a golf course of their own if the Lemoore Golf Course was not sold, creating competition and making it even more difficult for the Golf Course to pay off its debts. As of the writing of this report, there is no confirmation of this actually occurring.

At present, the Golf Course is supporting its expenses out of its revenue, including debt payments to the City. However, in the event of a very large and urgent expense, such as a well drying up, it would be in danger of either needing to use City general fund resources or having to take out another loan. To prevent this from happening, the City Council considered selling the Golf Course, or even writing a new lease agreement, since the current manager's contract is set to expire soon. Either action could potentially save the City money. Current management of the Golf Course presented a new proposal to the City Council for a lease, and negotiations have yet to be settled as of the writing of this report. The City Council is currently drafting a Request for Proposal (RFP) for a new lease agreement.

Four options for disposal of the Golf Course debt have been mentioned in City Council meetings:

- Keep the Golf Course and continue debt payments according to the current debt repayment plan
- Lease the Golf Course to a private organization
- Sell the Golf Course to a private organization
- Put to a city vote the possibility of making the Golf Course a community service district, supported by tax money

The Grand Jury received testimony stating that due to disorganized management of funds and records over the years, the financial history and debt situation of the Golf Course became a convoluted and confusing topic to work with for City officials, as well as for much of the public, leading sometimes to incorrect assumptions. The current Lemoore City Finance Department developed a clearer picture of the situation and history of the financial records of previous years.

## **FINDINGS AND RECOMMENDATIONS**

### Finding 1

The Grand Jury found that former Lemoore City Councils failed to effectively address the debts associated with the Lemoore Golf Course. Rather than paying the debt, the City Council made decisions to refinance and, at times, made interest-only payments or even no payments while interest continued to accumulate.

### Recommendation 1



The City Council should continue its current process of analyzing the Golf Course finances and follow through on plans to retire the debts.

#### Finding 2

The Grand Jury found that although there is a perception that the Golf Course has been operating with a negative cash flow, the Golf Course is, in fact, supporting its own expenses from revenue and has been since at least 2007. This includes making payments on the debt, when requested by the City.

#### Recommendation 2

The City of Lemoore should make the citizens of Lemoore aware that the Golf Course has been able to sustain itself at the current debt level and, barring a large expense that would deplete emergency funds or a significant drop in income, should be able to continue to do so according to financial documents.

#### Finding 3

The Grand Jury found that the Golf Course has been estimated to be able to pay off its debts unless a major unplanned expense occurs. If this were to occur, another loan might need to be taken out, which would create an even larger debt problem for the Golf Course and, by extension, the City.

#### Recommendation 3

A contingency fund for major unforeseen expenses should be established, and a secondary plan should be established if the City chooses not to sell and absolve itself of responsibility for the Golf Course.

### **COMMENTS**

Previous Grand Jury reports state that the City of Lemoore has an excellent recreation program. The Golf Course is a part of this. In no place is it stated that recreation must run at a profit.

There is no record of the Golf Course being formally appraised by the City. It is thus difficult to assess what action might be most financially responsible.

### **RESPONSE REQUIRED**

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



## **WATER MANAGEMENT BY HANFORD AND LEMOORE**

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

Public Interest

### **AUTHORITY**

California Penal §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 the Public Works Directors of the Cities of Lemoore and Hanford and reviewed information provided by the Directors.

### **BACKGROUND AND FACTS**

Both Lemoore and Hanford operate their water functions as an enterprise. In other words, they are self-supporting. Water supply for both cities is from groundwater, and accessed through wells. Within each of the cities, the water usage of most homes and industries are metered, and restrictions apply to water usage for the purpose of conservation. Lemoore meters all of its properties and Hanford is in the process of completely metering all of its properties. The state of California is experiencing severe drought conditions, and both Lemoore and Hanford have ordinances in place to address the issues created by such conditions.

The Cities of Hanford and Lemoore both restrict landscape water usage and car-washing for their residents. Landscape watering is restricted to a three day per week schedule, which can be found on the websites of both cities. Residents are required to use a shutoff nozzle on their hoses if they choose to wash their cars at home, and it is recommended that they use car washes that recycle water. Both cities have reduced their water usage on parks, landscaping, etc.

Lemoore has a three-step plan in place to restrict outdoor watering to two days per week, one day, or even none, should the need arise. There are financial penalties in place for repeatedly violating water restrictions. The City measures changes in the water table and makes adjustments accordingly. Hanford does not have a similar plan in place.



Both cities employ water enforcement officers, who monitor outdoor water usage in the cities and issue notices of violations when ordinances which require restricted watering are in place.

## **FINDINGS AND RECOMMENDATIONS**

### **Finding**

At the time of the interview with the Hanford Public Works Director, the Grand Jury was told that the City of Hanford does not have a contingency plan in place should the drought worsen.

### **Recommendation**

The City of Hanford should consider the potential need for a similar plan to Lemoore's.

## **RESPONSE REQUIRED**

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

**FINAL REPORT RESPONSE**

**2012-2013**





## Kings Mosquito Abatement District

10871 Bonney View Lane, Hanford, CA 93230  
P.O. Box 907, 93232  
Phone (559) 584-3326 Fax (559) 584-3310  
office@kingsmosquito.net

April 18, 2013

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

Re: Grand Jury Investigation Response

Dear Judge DeSantos,

Please allow this correspondence to serve as the District's response to the 2012-2013 Grand Jury investigation of the Kings Mosquito Abatement District.

Finding 2 of the investigation indicated that the current District facility is not in compliance with the American Disabilities Act. This was the only finding that included a recommendation, which stated that, "If the existing facility is retained and occupied, it should be brought up to ADA standards."

The District is aware of this issue and is in the process of purchasing property in the Kings Industrial park from the City of Hanford with the intention of constructing a new Facility. This new facility will be in compliance with all state and federal laws concerning ADA compliance.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Cavanagh".

Michael Cavanagh  
District Manager

Cc: Len Giuliani, President  
Kings Mosquito Abatement Board  
Dale Bacigalupi, Attorney at Law  
Lozano Smith

Member of the Mosquito and Vector Control Association of California



