

**2006-2007
KINGS COUNTY GRAND JURY
FINAL REPORT**

FOREMAN'S LETTER

JUDGE'S LETTER

MEMBERSHIP LIST

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BIRD NUISANCE

SYNOPSIS:

The Kings County Grand Jury received a complaint about bird droppings on public sidewalks. The complainant was concerned that there is a health issue caused by these droppings. An investigation confirmed there is a problem.

REASON FOR INVESTIGATION:

The Kings County Grand Jury received a complaint from a business owner about bird droppings on public sidewalks on 11th Avenue in Hanford.

AUTHORITY:

California Penal Code §925(a).

METHOD OF INVESTIGATION:

Interviews were conducted with two officials from the Hanford Police Department, with one official from the Kings County Department of Environmental Health, and one official from the City of Hanford Department of Public Works.

FINDINGS:

1. The official from Kings County Environmental Health informed us that they have no legal authority and are not responsible because there is no health risk involved from the bird droppings. We were informed that the only time there would be a health issue would be if the droppings got into the water storage tanks. It was also stated that it is not their job to clean up the bird droppings and this is probably the job of the City of Hanford Public Works.
2. The official from Public Works stated that it is the property owner's responsibility to clean the bird droppings from the public sidewalks, curbs and gutters. It is not the city's job to clean the bird droppings from these areas. It is the responsibility of the property owner to keep the sidewalks clean. He had no knowledge of the existence of any ordinance in Hanford regarding the problems caused by birds.

3. The officials from the Hanford Police Department informed us that there is an ordinance that states no person shall shoot or bother nests of birds such as crows and pigeons. The police department at times goes out and shoots using blank shells that make a loud sound to scare the crows away from where they nest at night. They also stated that they will contact the Hanford City Manager and Department of Environmental Health about this problem and will monitor these bird issues. They have, in the past, used private entities to get rid of the crows after they received complaints about the birds. They stated that is not their job to clean up bird droppings and complaints are referred to City of Hanford Public Works.
4. Surrounding counties have problems with bird droppings and are addressing the situation.

RECOMMENDATIONS:

1. The Hanford City Manager, Hanford Police Department, Department of Environmental Health and Department of Public Works should join forces to create a program to address the bird problem and the nuisance that is caused by these birds. A program for cleaning up the bird droppings from public sidewalks, streets and our public parking areas needs to be created.
2. The Department of Public Works needs to inform citizens and businesses that it is their responsibility to clean public sidewalks in front of their property.
3. An ordinance should be created assigning the responsibility of overseeing the problem of bird droppings to the Kings County Department of Environmental Health. The enforcement of this new ordinance should be closely monitored.
4. The Kings County Department of Environmental Health should reassess its opinion that bird droppings do not create a health hazard.

COMMENTS:

The Grand Jury disagrees with the position that there is no health risk associated with or resulting from bird droppings. According to Greg Baumann, Vice President and Senior Scientist at National Test Management Association in Fairfax, Virginia, "Droppings are a problem with any bird. The droppings are full of bacteria, no matter what bird it came from. **It should be viewed as a potential health problem.**"

The Service Manager at Wildlife Control Technology, Mike Hadden, says, “The droppings are the first problem people notice. They’re also what spread disease, and they’re also unsightly and messy.”

RESPONSE REQUIREMENT:

- Hanford City Council
- Kings County Board of Supervisors

JUVENILE HALL/BOOT CAMP

WHY THE GRAND JURY INVESTIGATED:

A complaint was received asking the Grand Jury to investigate policies and procedures and occurrences perceived to be taking place at the Juvenile Probation Department.

AUTHORITY:

Our authority is pursuant to California Penal Code §925.

METHOD OF INVESTIGATION:

Interviews were conducted with various personnel assigned to Juvenile Probation. An onsite visit to the Juvenile Hall and Boot Camp was made. The tour was facilitated by staff personnel.

FINDINGS:

1. All staff members wear uniforms. The color of the uniform will designate at which facility the employee works.
2. All employees are expected to be in uniform when reporting for duty. Some individuals arrive at work in uniform while others change into their uniform on site prior to reporting for duty.
3. All inmates must attend school a minimum of 240 minutes Monday thru Friday. In addition to the teacher, a staff member is in the classroom at all times.
4. Educational requirements are provided by specifically trained educators for any special needs child.
5. All employees are required to record pertinent information on a daily log. Each facility keeps a set of logs. Information is exchanged at shift changes by employees reading the logs. All logs are kept for five years.
6. Title 15 of the California Code of Regulations is the overriding authority for all policies and procedures at Juvenile Hall and Boot Camp.

7. A policy and procedures manual is given to each new employee. The employee is given on-the-job training of eighty hours and additional five weeks core training within the first year. Twenty-four hours of training is required yearly. The Executive Lieutenant and the Training Officer keep track of the employees' required training by keeping a log which is filed in the employees' personnel file. The Grand Jury is unable to verify training logs due to Human Resource policies regarding privacy of personnel files.
8. Policy changes and procedures are communicated to staff via memos. A staff meeting of all employees is rarely scheduled.
9. Fire drills are required every three months. At the time of the Grand Jury visit in January, 2007, the last scheduled fire drill was February, 2006.
10. Food provided for Juvenile Hall and Boot Camp is prepared at the jail facility and is transported to site. Hot meals are provided for breakfast and dinner with a sack lunch.
11. The Grand Jury found security to be a high priority throughout Juvenile Hall. All doors were locked.

RECOMMENDATIONS:

1. Policy and procedural changes should be implemented by a Training Officer at a scheduled unit staff meeting. Notification via memo should also be continued. A log should be kept of individuals attending the staff meeting and should become part of the employee's training log which is kept in the employee personnel file.
2. Periodic review of current procedures and policies should be implemented.
3. Fire drills must be held at least every three months.

RESPONSE REQUIREMENT:

Pursuant to California Penal Code §933 the following agency is required to respond to the findings and recommendations contained in this report:

- Board of Supervisors

INFORMATION TECHNOLOGY DEPARTMENT

INTRODUCTION:

Information Technology's mission is to provide management resources and services to county departments and selected public agencies within Kings County. Major activities include the selection, acquisition, installation, maintenance and support of networks and computers, the selection/development, implementation and support of county business application systems, telephone system support and management of the County's central microfilming and records storage. All of the County's vital information is stored in these computer systems and much of it is extremely sensitive and confidential. Not only is identity theft possible, but the personal safety of employees (such as police officers, investigators, prosecutors) could also be compromised. The financial liability to the County of such a breach could be tremendous. Any risk of a security breach must be viewed with alarm, and the consequences of such a breach could be potentially disastrous.

REASON FOR INVESTIGATION:

The Kings County Grand Jury received a number of complaints about the County's computer service from various departments. The Grand Jury also noticed numerous problems with its own computers, which led to an investigation of the Information Technology (IT) Department. The investigation took an unanticipated turn when information about unauthorized use of County computers was uncovered.

AUTHORITY:

California Penal Code §925.

METHOD OF INVESTIGATION:

Numerous interviews were conducted with employees of the IT Department. Interviewees were requested to bring supporting documents to the interviews.

FINDINGS:

1. The security of the facility and its equipment is in doubt as reflected in the following:

- a. In August/September 2006 a Kings County IT employee attended a training class in San Francisco and was made aware of the Berkeley Open Infrastructure for Network Computing (BOINC) project by the facilitator. The BOINC organization invites individuals to loan the use of their computers for various scientific projects worldwide.
- b. Subsequent to returning from the training class, the employee downloaded BOINC software onto a county server claiming that it was a stress test for the system. BOINC records the computer time donated by each individual. The Grand Jury found that out of more than 700,000 participants, the County's computers ranked 78th in total time donated.
- c. In September 2006 unusually high usage of the County's computer system was observed.
- d. In November 2006 an IT employee found BOINC on two virtual servers. He removed the program but did not notify the IT Department Director.
- e. On January 31, 2007 an IT technician came to work early and found the computers running at 100% capacity. This was before the normal workday began. This was traced directly to the BOINC project.
- f. It was also discovered that BOINC software had been downloaded on several pc's, including those of managers. Those pc's have greater access to computing resources allowing more computer time to be donated to the project. However, these pc's also have access to a greater amount of sensitive and privileged information.
- g. The Director was notified of the situation and instructed that the BOINC program be removed from the system by the employee who had installed it.
- h. The Director was told by the employee on the following day that the program had been removed and the Director "assumed" that the problem had been resolved.
- i. On February 4, 2007, two county servers were still active with the BOINC program.
- j. On February 12, 2007 all servers were free of the BOINC program.

- k. On March 14, 2007 a report was run showing that a new server with the BOINC program was built on March 7, 2007. This server was still active as of March 19, 2007.
- l. The employee who downloaded the BOINC program has stated that he did so as a stress test for the County computer system.
 - i. The BOINC software had not been researched by the employee who either did not read the disclaimer or willfully ignored the statements on BOINC's website: "Run BOINC only on computers that you own or for which you have obtained the owner's permission. . . . Any time you download a program through the Internet you are taking a chance: the program might have dangerous errors, or the download server might have been hacked."
 - ii. The employee never kept a log monitoring the purported stress test.
 - iii. The purported stress test continued for six months before being brought to the attention of the Director.
 - iv. Individual IT employees felt that they could not report back to management after finding the BOINC program still running. There had been no follow-through on the previously reported January 31 incident.
2. The County computer system ran at full capacity for several months due to the installation and running of the BOINC program. This caused wear and tear on the County-owned computers and may have resulted in damage from overheating, thus shortening the life of the entire system. In addition, there is the issue of the high increase in electricity usage caused by running the computers at full capacity all night and on weekends, when normally there would be very little usage after working hours at the Government Center.
3. There is a clear lack of supervision and technical knowledge on the part of some upper management. This has led to a breakdown of communication and trust within the department. There is also a lack of concern about this problem.
4. Lack of leadership within the senior management level in the IT Department has caused poor supervisory oversight of the senior level technicians.
5. There is no effective chain of command.

6. The Director does not attend staff meetings.
7. There is no supervision by management to see that directions are followed. For example, instructions were given to remove the BOINC program in January but it was still running in March.
8. There is little documentation of projects being worked on, or reporting on status of work or use of logs to track changes made to the system.
9. There is no cross-training within the Department. Each employee is extremely specialized.
10. Departmental morale is poor.
11. A definite pattern has developed since the current Director was hired, showing IT's training budget has declined sharply.

RECOMMENDATIONS:

1. A departmental review of technical and management operations should be implemented.
2. In the event of a possible security risk a policy should be in place to alert those connected to the County's computer system to a potential problem.
3. IT managers and the Director should be aware of individual project assignments and meet and confer often with employees regarding the status of projects.
4. Individual employees should keep documentation of work in progress.
5. **Cross training is desperately needed in all areas of IT.**
6. The Information Technology Department Operating Policy and Procedures manual dated December 2, 2004 should be reviewed, updated and implemented by all IT personnel.
7. The Grand Jury feels that the ever changing technical world requires that the Kings County IT Department be trained constantly. Increased training eliminates the necessity of hiring costly consultants and the Director should be requesting an increase in its training budget.

8. In order to be aware of the projects being worked on and the status within the department, the Director should attend staff meetings.
9. Although no security breach has been found at this time, the possibility that an invasion may yet occur due to the unauthorized installation of the BOINC software by an IT employee remains. **The system must be closely monitored for the foreseeable future.**

COMMENTS:

The Grand Jury hopes that this department is not typical of departments throughout the County.

RESPONSE REQUIREMENT:

- Board of Supervisors

CITY OF HANFORD MUNICIPAL AIRPORT

SYNOPSIS:

The Hanford Municipal Airport is a General Aviation Airport maintained and operated by the City of Hanford. The operation of the airport is funded by the City of Hanford with the majority of funding (approximately 90%) from grants. There are 29 private hangars and 9 hangars owned by the city. The Hanford Municipal Airport is the only public airport in Kings County. A master plan is being formulated to address future goals and objectives including the possibility of rebuilding the taxiway and the installation of taxi lights.

AUTHORITY:

Our authority is pursuant to California Penal Code §925(a).

METHOD OF INVESTIGATION:

An interview with the Hanford Municipal Airport Manager was conducted during an onsite visit.

REASON FOR INVESTIGATION:

This investigation was conducted as part of a normal review.

FINDINGS:

1. The manager position is a part time position with working hours of Monday through Friday, 8:00 am to 12:00 pm.
2. Violations of rules and regulations are reported to the FAA. Compliance with rules and regulations is monitored by the airport manager and by others (pilots) who may observe violations.
3. No business or commercial activity of any nature is allowed on airport property except in conformance with a valid lease or permit granted by the city.

4. The city has placed a tank at the airport for the disposal of used aircraft oil. The tank is for used oil only and no other liquids are permitted in said tank.
5. All flight operations are conducted in conformance with approved Federal Aviation Administration rules and regulations and all applicable ordinances of the city.
6. All fueling of aircraft is from approved fueling facilities that are authorized by a valid lease with the city.
7. Aircraft traffic patterns applicable to the airport are as follows:
 - a. Traffic patterns are flown on the east side of the airport; right pattern when using runway 32, left pattern when using runway 14.
 - b. The altitude in the pattern is to be 1,000 feet above mean sea level at a distance from the runway to allow two 90 degree turns onto final approach.
 - c. Entry into the traffic pattern shall be at 45 degrees and at a point downwind from the center of the runway at flap lowering air speed or below.
 - d. The entry lag is to be of sufficient length to determine traffic in the pattern.

RECOMMENDATIONS:

None.

COMMENTS:

The Grand Jury thanks the Hanford Municipal Airport Manager for conducting the tour and answering questions.

RESPONSE REQUIREMENT:

None.

CITY OF CORCORAN—STORM DRAIN FEES

SYNOPSIS:

The Grand Jury received a complaint questioning the legality of the storm drain fees being charged to some Corcoran residents. Residents are charged a fee whether they are connected to the storm drain or not.

AUTHORITY:

Our authority is pursuant to California Penal Code §925a.

METHOD OF INVESTIGATION:

Documents were reviewed and an interview with the Corcoran City Manager, Finance Director and City Attorney was conducted.

FINDINGS:

1. A number of residents in the City of Corcoran who are not hooked up to the storm drain system pay a fee for this service.
2. Section 6 of Article XIII D of the Constitution of the State of California provides that no fee or charge may be imposed on a parcel for a service unless that service is actually used by or is immediately available to the property.
3. The “indirect benefit” to Corcoran residents who are not hooked up to the storm drain system is no greater than that to the public at large, which pays no fee. Anyone visiting the town receives the same indirect benefit at no charge.

RECOMMENDATION:

Residents who are not hooked up to the storm drain system should not be charged storm drain fees.

COMMENTS:

The Grand Jury also has a question as to whether the city has complied with the Proposition 218 procedural requirements for notice, hearing and election when it increased the storm drainage system fees in 2003 by adopting City Council Resolution No. 2100. The Grand Jury refers this issue to the 2007-2008 Kings County Grand Jury for its review and consideration.

RESPONSE REQUIREMENTS:

- Corcoran City Council

CALIFORNIA STATE PRISON – CORCORAN

SYNOPSIS:

California State Prison – Corcoran (CSP-Corcoran) is located in the south part of the City of Corcoran. The prison grounds cover 942 acres, with 63 acres fenced. It is built on what was once Tulare Lake, home of the Tachi Indians.

Like other modern California State prisons, CSP-Corcoran is circular in design, so that if problems with inmates arise, security personnel can respond quickly. The electrified fences at CSP-Corcoran are powerful enough to deter any attempt to escape.

CSP-Corcoran is a complex, multi-mission institution comprised of the following facilities: Levels I, III, and IV, Security Housing Unit (SHU), Prison Industry Authority and a fully licensed Acute Care Hospital.

AUTHORITY:

The California Penal Code §919(b) establishes the authority for this inquiry as follows: “The Grand Jury shall inquire into the condition and management of public prisons within the county.”

METHOD OF INVESTIGATION:

We obtained the information reported here through document review and a visit to the prison. Members of the Grand Jury toured CSP-Corcoran on October 5, 2006.

FINDINGS:

Our tour of CSP-Corcoran included a tour of the Security Housing Unit (SHU), Administrative Segregation Unit (ASU) and a Level IV Main Line.

1. The Security Housing Unit houses inmates requiring maximum custodial restraints. The Grand Jury observed that this is security at its highest.

2. In 2003 CSP-Corcoran opened a new Administrative Segregation Unit (ASU). When an inmate's presence in an institution's inmate general population presents an immediate threat to the safety of the inmate or others, endangers institution security or jeopardizes the integrity of an investigation for an alleged misconduct of criminal activity, the inmate is immediately removed from the general population and placed in ASU.
3. CSP-Corcoran's 3A serves as a Level IV Main Line housing unit. This consists of five cell block 270 degree housing units, each designed to house 250 inmates. The 3A gym has a capacity of 122 inmates. Current programs in this facility include an Administrative Segregation unit, an overflow Chronic Infectious Disease (CID) unit, and Correctional Clinical Case Management Services (CCCMS).

4.	Annual budget:		
	Salaries, wages and benefits		\$124,397,553.00
	Operating expenses and equipment		<u>38,461,953.00</u>
		TOTAL	\$162,859,506.00

5.	Authorized positions:		
	Peace officers	1130	
	Food services	34	
	Inmate welfare fund	6	
	Medical services	320	
	Other related services	<u>312</u>	
		TOTAL	1490

RECOMMENDATIONS:

None

COMMENTS:

The Grand Jury was impressed with the staff's attention to security detail while touring the facility.

RESPONSE:

None required. This is an informational report.

CALIFORNIA SUBSTANCE ABUSE TREATMENT FACILITY AND STATE PRISON AT CORCORAN

SYNOPSIS:

California Substance Abuse Treatment Facility and State Prison, Corcoran (CSATF/SP) is located in the City of Corcoran, adjacent to California State Prison. The mission of CSATF/SP is to provide long-term housing and services for men who have been convicted of felonies, and also to provide intensive substance abuse treatment for inmates. The facility covers 280 acres with a perimeter of 2.8 miles of electrified fence.

It was the 33rd prison built in California. Activation of CSATF/SP took place August 4, 1997. CSATF/SP is the largest substance abuse treatment facility in the world. The substance abuse facility building design is set up in four clusters, each with a central hub that allows greater security. Each cluster has group meeting rooms, counselor offices, classrooms and two separate tiers of six four-man dormitories. Inmates are confined in all four levels of security, from minimum to maximum. The entire facility is designed to hold 3,600 inmates.

AUTHORITY:

California Penal Code §919(b).

METHOD OF INVESTIGATION:

Members of the Grand Jury toured the CSATF/SP April 19th, 2007.

FINDINGS:

1. CSATF/SP currently has 7,356 inmates.
2. There is significant overcrowding. There are 140 inmates living in each gym.
3. Inmates go through a classification process consisting of scoring an inmate based on what his crime was, the time he will serve in prison, educational level and several factors of other background information. A score of 1-18 is level one which allows the inmate to be out in the exercise yard, eat in the dining room, and to have more freedom in the dorm. A score of 19-27 is level two, 28-51 is level three. A score of 52 and above is level four. All inmates are allowed access to the education program.

4. CSATF/SP has self help groups which are voluntary. These are Alcohol Anonymous and Narcotics Anonymous.
5. A problem with dorm settings is the difficulty of controlling gangs and suppressing riots. This is due to the amount of free contact between a large group of inmates.
6. On September 7, 2006, a 6-chair dialysis center opened. Previously the prison paid \$7 million a year for dialysis treatment for inmates. CSATF is tracking expenses to determine if the center will save money. They are planning to open a 14-chair dialysis center soon.
7. SATF/SP operates a wheel chair repair shop and a bicycle repair shop. As many as 300 to 500 bikes are received each year from law enforcement impounds. These are refurbished and given back to the community.
8. Educational and vocational training is provided.
9. Staff block training is conducted each year. Staff not on armed posts must qualify yearly with all weapons. Those on armed posts must qualify quarterly. On the job training is done daily.
10. The three dorm style housing units the Grand Jury observed were open to each other and inmates were able to pass freely between them. Gates separating the sections can be closed when needed.
11. A dorm facility may have as many 300 inmates who are supervised by three staff members.
12. Correctional Officers carry a baton, handcuffs and pepper spray.
13. Dogs are not used in state prisons to control inmates.
14. Walden House, Inc. and Phoenix House of California Counseling provide programs.
15. Fridays, Saturdays and Sundays are visiting days.
16. A positive program involving at-risk juveniles is held at CSATF/SP. They are brought by a sponsoring agency to spend all day observing the facility. Some prisoners are specially trained to work with the juveniles to help them to learn what prison life is like. Juveniles are never alone with inmates.

17. Multi religious services are provided to inmates. Other programs offered include education program services, counseling, law library, laundry, medical, dental and mental health.

18. General population inmates shower every day. Inmates on lock-up shower every three days. They are allowed seven minutes per shower.

RECOMMENDATIONS:

None

COMMENTS:

The Grand Jury thanks the Administrative Assistant/Public Information Officer and CSATF/SP staff for an interesting and informative tour.

RESPONSE REQUIREMENT:

None

ECONOMIC DEVELOPMENT CORPORATION
AND JOB TRAINING OFFICE

SYNOPSIS:

The Kings County Grand Jury requested an interview with the Economic Development Corporation and Job Training Director (EDC President/CEO JTO Director) for information relating to the functions of his department.

WHY THE GRAND JURY INVESTIGATED:

Public interest

AUTHORITY:

The Kings County Grand Jury exercises its authority under Penal Code §925 which states, "The Grand Jury shall investigate and report on the operations, and records of the officers, departments or functions of the county."

METHOD OF INVESTIGATION:

On October 27, 2006, the EDC President/CEO JTO Director presented an in depth overview of the Kings County Economic Development Corporation highlighting recent business openings, expansions, and significant economic events.

FINDINGS:

1. More companies have shown an interest in establishing their businesses in Kings County in the last twenty-four months than in the last ten years.
2. The Kings County population grew at a rate of 1.8% compared to an average of 1.2% for the remaining California counties.
3. The taxable sales for Kings County exceeded \$1 billion in 2004 according to data from State Board of Equalization and should continue to climb with the addition of several retailers and restaurants throughout the county.
4. Building permit valuation jumped from \$143 million in 2004 to nearly \$168 million in 2005 reflecting increased residential and commercial development.

5. Currently there are approximately 52,000 people working in Kings County. The 2006 unemployment rate is expected to be 8% compared to 9.2% last year. The goal was create 750 new jobs last year; the number of jobs actually created was 1200. For year 2006, the goal is to create an additional 900 jobs.
6. The Kings County Job Training Office offers Employment Counseling, Vocational Training, Job Placement Services and On-the-Job Training. Anyone who has been laid off from his or her job is welcome to come into the training center.

COMMENTS:

The Kings County Grand Jury thanks the EDC President/CEO JTO Director for an informative and interesting presentation of his department's goals and accomplishments.

RECOMMENDATIONS:

None

RESPONSE REQUIREMENT:

None

KINGS COUNTY FIRE STATION NO. 4

SYNOPSIS:

Kings County Fire Station No. 4, at 7622 Houston, went into operation in October of 2004. It is the County's newest fire station. It replaced Fire Stations No. 3 and No. 8.

WHY THE GRAND JURY INVESTIGATED:

Public interest led the Grand Jury to investigate the Fire Station.

AUTHORITY:

California Penal Code §925 establishes the authority for this inquiry.

METHOD OF INVESTIGATION:

Interviews were conducted and a visit made.

FINDINGS:

1. Firefighters work 48 hours on and 48 hours off in three rotations of eight days, then have an eight day break. A shift used to be 72 hours per week, but is now 53 hours per week. This station has nine firefighters with three on duty at one time.
2. They participated in the recent "Fill The Helmet" charity drive.
3. Kings County cars used by Deputy Sheriffs who live out of Kings County are parked here as are their personal cars.
4. There are two big rooms, each with four beds, which have large storage areas and are nicely furnished. There is a spacious break room with easy chairs, TV, and a complete kitchen and eating area. There are shower, restroom and laundry facilities, an office, and storerooms.
5. A firefighter's full gear weighs about 100 pounds. After responding to a fire the gear is generally soaked, and the clothing under the gear is also soaked. There may be blood or hazardous materials on the gear.

6. There are three large bays for fire trucks which have doors at both ends. There are more storerooms off the garage area. One includes a special, large capacity washing machine which uses special detergents to be used for contaminated clothing. There is also a restroom with shower there.
7. Three fire trucks are garaged at Station No. 4 including the County's 110 foot ladder truck. All firefighters are Emergency Medical Technicians. Firefighters are usually the first responders to an emergency.
8. Firefighters participate in many kinds of training: hazardous materials, entrapment, controlled structure burns, and disasters among others.
9. The hearing of the firefighters is tested annually. The sirens were moved from the tops of the trucks to below the front bumper to assist with preserving the firefighter's hearing. There are two sets of ear protectors in the cab which are connected to the radio.
10. Kings County owns a large amount of land adjacent to Station No. 4. They intend to construct a headquarters building for a medical helicopter there and staff it year round. Money for this is already allocated. Plans are being prepared by Kings County. Those plans must be approved by Cal Trans and the Federal Aviation Administration before construction can begin.

RECOMMENDATIONS:

None

COMMENTS:

With very little notice, the captain and his crew were gracious enough to give the Grand Jury a complete and comprehensive tour of the facility. The Grand Jury appreciates the hospitality of the firemen on duty and thanks those individuals for their dedication.

RESPONSE:

This is an informational report and no response is necessary.

FIRST 5 KINGS COUNTY

SYNOPSIS:

First 5 is, and should remain, under continuous scrutiny by the Grand Jury.

AUTHORITY:

Our authority is pursuant to California Penal Code §925.

METHOD OF INVESTIGATION:

The Grand Jury reviewed First 5 Kings County's newly released 2005-2006 Annual Report.

REASON FOR INVESTIGATION:

This investigation was conducted as part of a normal review.

FINDINGS:

1. First 5 has total current assets of \$6.9 million.
2. First 5 dispersed just over \$1 million during the 2005-2006 fiscal year to the six remaining Family Resource Centers ("FRCs"), which were initially created to provide support services to needy families.
3. First 5 is no longer promoting FRCs as hands-on service centers. This conflicts with the Centers' feeling that their mission is to help people in need regardless of whether or not they fit First 5's very narrow profile.
4. First 5 will no longer be fully supporting the FRCs per its original plan that they are to become self-sustaining. Funding is being cut incrementally from the annual grants.
5. Some FRCs have already completely severed relations with First 5 because of the difficulty of applying for grant money and the ongoing problems with reporting requirements imposed by First 5.

6. Administrative costs continue to be one of First 5's largest annual expenses. Three new positions were approved by the Board of Supervisors effective July 1 at an additional administrative cost of \$170,327 annually increasing the percentage of state money intended to help children being spent only to administer the program.
7. The Annual Report is very general and is really nothing more than a promotional tool.
8. Each FRC receives the same amount of money from First 5 regardless of the number of clients being served.

RECOMMENDATIONS:

1. The Grand Jury recommends that First 5 disperse the funds allocated to Kings County children as was intended by California voters rather than hoarding millions in a savings account.
2. The Grand Jury recommends again that efforts should be made to fund small, independent daycare providers and other small community projects. A little monetary help focused toward the smaller, independent daycare providers would surely help them do a better job of caring for young children.
3. First 5 should make it easier to apply for and obtain funds by working with individuals to complete the unnecessarily complicated application forms. They should stop rejecting projects because the applicants are not professional grant writers.
4. Grant amounts for FRCs should take into consideration the individual needs of each FRC as well as the number of clients served. It is not fair to either the FRCs or their clients for First 5 to give equal dollars to all FRCs.

COMMENTS:

The Grand Jury understands that First 5 Kings County is acting within the law by saving more than they are spending and that is a discretionary call on the part of the Executive Director, with the approval of the Commission. We simply question that decision. The money was raised to be spent to help the children.

The Grand Jury hopes that First 5 has plans to release the funds that will no longer be going to the FRCs to other worthy projects. Will First 5 step in if the FRCs have no choice but to close their doors because of First 5's funding cuts? It would seem to be a huge waste, as well as a disservice to the community, to let that happen.

The Grand Jury has noted the constant changes that First 5 makes in both direction and requirements in dealing with the FRCs.

RESPONSE REQUIREMENT:

- Kings County Board of Supervisors
- First 5 Commission

KINGS COUNTY GANG TASK FORCE

SYNOPSIS:

In the fall of 1991 the Sheriff's Department and the Office of the District Attorney saw the need for an agency to control the gang activity that had been growing in Kings County. Thus, the multi-agency unit consisting of members from the Kings County Sheriff's Department, Hanford Police Department, Lemoore Police Department and Corcoran Police Department was created under the direction of the Kings County Probation Department. Prevention, intervention and suppression are the goals of the Kings County Gang Task Force.

AUTHORITY:

The Kings County Grand Jury exercises its authority under Penal Code §925 which states, "The Grand Jury shall investigate and report on the operations, and records of the officers, departments or functions of the county."

METHOD OF INVESTIGATION:

On November 16, 2006 four members of the Kings County Gang Task Force (KCGTF) made a presentation to the Grand Jury.

FINDINGS:

1. Information derived from a presentation by the KCGTF:
 - a. Gang members are identified to other gang members by specific colors, numbers, tattoos or gestures.
 - b. Gang members are commonly between the ages of 13 and 19 years of age but have been found as young as eight years of age.
 - c. Gangs are commonly segregated along ethnic lines.
 - d. Some gang members have family members who belong to a gang.

e. When a known gang member, or someone known to be related to a gang member, is arraigned in a gang related crime, the charges may be enhanced.

f. Most gang activity occurs at night.

g. The KCGTF will make a presentation to any requesting public agency.

h. If a citizen finds graffiti on his property, he may call the Probation Department Office at 582-3211, extension 3850. That office will arrange to have it removed.

2. Information derived from the presentation provided by the KCGTF:

"Gang crimes included homicide, attempted homicide, assault with a deadly weapon, battery, vandalism, drug sales, possession of dangerous/deadly weapons, throwing an object at a vehicle, witness intimidation, terrorist threats, illegal firearms possession, burglary, theft, vehicle theft, forgery, fraud, etc. Gang members are not specific as to which crimes they will commit. One of the things that makes them gang members is that they commit crimes, any and all crimes."

COMMENTS:

The Kings County Grand Jury thanks Sgt. Dave Robinson and the other three officers from the KCGTF for putting on this very informative presentation. Keep up the good work.

RECOMMENDATIONS:

None

RESPONSE REQUIREMENTS:

No response is required for this report.

HANFORD JOINT UNION HIGH SCHOOL DISTRICT

WHY THE GRAND JURY INVESTIGATED:

The Grand Jury became aware of potential problems in regards to the Hanford Joint Union High Schools (Hanford High, Hanford West and Earl F. Johnson). Jaywalking and traffic has been a problem for several years and the Grand Jury thought it was time to reevaluate the situation. There were questions concerning other matters related to the school.

AUTHORITY:

California Penal Code §933.5

METHOD OF INVESTIGATION:

Interviews were conducted and documents researched.

The Grand Jury met with two representatives with the Hanford City Police Department, two representatives of the Hanford Joint Union High School District Board of Trustees (HJUHSB), and the Hanford Joint Union High School District Superintendent.

FINDINGS:

1. There is a huge traffic problem created by the students jaywalking before school, during lunch and after school, which could result in serious injuries to students and/or drivers. Starting with the school year 2006/2007 Hanford Police Department issued jaywalking citations the first two weeks of the school year. The citations were costly, and they did eliminate the problem during this time frame. But, due to lack of manpower and complaints from students' parents, the enforcement was discontinued.
2. The traffic situation created by students leaving campus during lunch period and after school causes traffic congestion on several major streets located near the high schools. Also adding to the traffic situation are the buses leaving the campus, particularly the traffic from Hanford High School service drive where left turns are made by buses and students.

3. Currently we find that the high schools in the HJUHSD are open campuses. Students are allowed to leave the campus during the 47 minute lunch period. The new high school which is due to open in the fall of 2009 could accommodate a closed campus by building a fence around the perimeter of the school. Sufficient food facilities are included in the plans for the new high school which will make a closed campus possible.
4. The new high school which is scheduled to open in the fall of 2009 (phase 1) will be a comprehensive school offering all classes. Phase 1 will be opened to approximately 900 freshman and sophomore students. The school is designed to accommodate approximately 1700 students including grades nine through twelve. At this time the boundary lines have not been established and demographic studies will be done. Consideration will be given to ethnic diversity, to keeping the new school a neighborhood school and to keeping feeder schools intact. The Board will also ask for public input.
5. There is no plan to build a stadium at the new high school. All three schools will share the current stadium.
6. Donated land determined the location of the new high school.

RECOMMENDATIONS:

1. A joint committee consisting of representatives of the Hanford Police Department, the HJUHSD Board of Trustees and the Superintendent should make a joint effort to resolve the current jaywalking and traffic congestion before someone is seriously injured or killed.
2. The traffic congestion occurring after school with students, parents and buses leaving the school could be reduced by having the lane from the Hanford High School service drive be a right hand turn lane only.
3. Serious consideration should be given to making the newly established high school, scheduled to open in the fall of 2009, a closed campus. This would be an opportune time to initiate a closed campus. In the near future, consideration should be given to adopting a district wide closed campus policy

COMMENTS:

To prevent jaywalking, it's the responsibility of the parents to see that their children are dropped off on the correct side of the street and also to educate them about using crosswalks.

REPONSE REQUIREMENT:

The following are required to respond to the findings and recommendations contained in this report.

- Hanford Joint Union High School Board of Trustees

SAN JOAQUIN VALLEY POWER AUTHORITY
COMMUNITY CHOICE AGGREGATION

INTRODUCTION:

Nearly all residents of Kings County will soon be given a choice that will affect their personal finances. The choice will be to go with a new program that will furnish the generated electric power or to stay with the public utility that currently serves them.

Local government has chosen to use public hearings so that the City Councils of the involved cities and the Kings and Tulare Counties' Boards of Supervisors will decide whether or not to participate in the new Joint Powers Authority ("JPA"). The public should understand what changes may occur if this proposal is approved so it can voice its opinion at the hearing and to the elected officials who will be speaking for everyone with their votes. The Grand Jury was fortunate enough to have representatives from the Kings River Conservation District ("KRCD"), Pacific Gas & Electric ("PG&E") and Southern California Edison ("SCE") make presentations on the proposal.

It should also be noted that this is only the first attempt at financing construction of the power generation facility and that KRCD will move forward on the project with or without the JPA.

AUTHORITY:

California Penal Code §925(a)

METHOD OF INVESTIGATION:

A presentation by KRCD and interviews with representatives from SCE and PG&E, as well as various documents provided during the course of our investigation were utilized to obtain information contained in this report. It should be noted that the utilities must cooperate on the proposed project per Public Utilities Code §366.2.

FINDINGS:

1. The Kings County Grand Jury felt that there was not enough information being made available to the public to enable them to form an opinion on this matter.

- 2 The San Joaquin Valley Power Authority (“SJVPA”) proposal, if approved, will be the first of its kind in California.
3. Under the provisions of Public Utilities Code §366.2, customers will be automatically enrolled in the Authority’s electricity program unless they opt out during the 120-day customer notification process on startup. Four notices will be given in that 120-day period. Some elements of the process are still being defined and will soon be finalized.
 - a. If the opt out option is not exercised within the 120-day period, it is expected that there will be a charge for opting out later.
 - b. There is also the expectation that there will only be certain time periods during which customers may choose to opt out without penalty—every three years is the period currently proposed by KRCD representatives. The Community Choice Aggregation (“CCA”) will be allowed to charge those who opt out prematurely for loss of revenue out of fairness to remaining customers so that their bills will not increase.
 - c. Public Utilities Code §366.2 lays out the rules for the formation and operation of the CCA’s. The Legislature can amend this at any time.
- 4 Reliability has been cited by KRCD as a major selling point for this project, but increasing power generation at the local level does nothing to address the problem of disruption of service caused by transmission constraints.
 - a. The Independent System Operator (“ISO”) at the state level will continue to have authority to shift power to meet demands throughout the state.
 - b. A local generation plant does nothing to guarantee against temporary power loss (blackouts or brownouts). Power from the plant is not necessarily used locally and is certainly not exclusively for local use. It will simply be purchased by the utilities and will go into the state’s pool of electrical energy. If there is not enough power generated by the plant to serve its customers, power will be bought in the open market.
 - c. There is a lack of generation capacity at the local level and so having another generation plant in the Valley is a positive.

5. KRCD plans to construct a 500 megawatt natural gas-fueled, combined cycle combustion turbine electrical generation plant near the City of Parlier to provide energy to the program. Residents of the Parlier area are not in agreement with this proposal due to concerns such as air quality, noise, traffic, water, visual aesthetics and proximity to an elementary school.
6. During the first few years in business, prior to completion of the generation plant, the CCA will be buying power on the open market (just like the big utilities) for sale to their new customers.
7. The CCA will be dependent on the very volatile wholesale natural gas market to power its generation plant. SCE and PG&E are able to diversify (buy from different sources and lower the risk of cost spikes by spreading charges over different markets) so stabilizing costs as much as possible. The CCA will not have that option but will attempt to manage risk by utilizing both short and long term contracts and by spot buying when prices are low. It will also buy power from other sources when advantageous.
8. KRCD's status as a public agency qualifies it for tax-exempt financing for construction of the power generation facility. This low-cost borrowing as well as the non-profit status of the CCA will result in savings for customers. There are no stockholders to pay as with the public utilities.
9. New state legislation requires that **all** energy providers utilize 20% renewable energy (i.e. solar, wind, hydro) by the year 2010. PG&E and SCE are already contracting to meet the 20% requirement and are confident that they will have no problem doing so. The CCA will have to compete for that limited renewable energy with other utilities that are currently working to contract for future needs.
10. Five percent is the amount initially guaranteed as the savings on monthly electrical bills. Savings are not applied to the **total** bill, but **only to the utility generation cost portion of the bill**, which for many residential customers may amount to less than a dollar per month. Customers will continue to pay full transmission costs, administrative costs, and all the other charges seen on current electric bills.
11. The SJVPA will have ultimate responsibility for the operation of the new CCA program, as well as setting rates for its customers. The CCA Board will be made up of representatives from each participating entity.

12. The CCA will not operate under the purview of the Public Utilities Commission (“PUC”) because it is a public agency. Public utilities must have approval from the PUC for rate increases and to charge additional fees. Rates and fees charged by the CCA will be set by the SJVPA, giving more control at the local level. Hearings will be held locally rather than in San Francisco.
13. Public Utilities’ employees will continue to read the meters and handle billing and will charge the CCA for providing those services. All other operational procedures and customer service matters will also remain with the public utilities.
14. KRCD and the bondholders assume all financial risk associated with the project. There is no risk to SJVPA members or individual customers.
15. The proposal is that the percentage of savings applied to generation charges will be equal for all customers and rate structures across the board to ensure equity among customer classes.
16. The proposed opt out charges may range from \$25 for residential customers to \$2500 for large commercial and industrial customers (depending on usage) plus a recovery charge.
17. Health issues must be considered when additional air pollution is proposed. **The fact that the proposed generation plant expects to buy credits from others does not reduce air pollution!**
18. The proposed power plant will use 3.5 million gallons of water per day (10-acre feet) at peak operation. The source of the water is to be from the sewage treatment facilities for the Cities of Parlier and Sanger. Without the power plant this water would go into the ground to replenish the water table.
19. The water table has gone down consistently as California’s population has grown.

RECOMMENDATIONS:

1. There should be a simple statement of savings on each CCA customer’s monthly bill.
2. Since there would be little reason for an electrical customer to opt out from the CCA if cost savings are always achieved, there is no need for expensive opt out charges. The Grand Jury recommends that these charges be nominal.
3. There should be no opt out charge if there are no savings to CCA customers.

4. Gas-fired generation plants are already outdated technology. Renewable energy costs are expected to be no more expensive than fossil fuel powered generation by the year 2018. The San Joaquin Valley needs to be progressive and think ahead now.
5. The cities, Kings and Tulare Counties should work with PG&E and SCE in helping get the rights-of-way for additional transmission lines in order to deliver power from outside our valley. This would improve the reliability and availability of electric power with **no** increase in air pollution.
6. All classes of CCA customers must receive the same percentage of generation cost reduction.

COMMENTS:

In order to reduce annual global carbon dioxide emissions by 2050, the Electric Power Research Institute estimates that nearly half of the world's electricity would need to come from carbon-free fuels, such as nuclear, wind, water, and solar. It is very hard to accept the idea that though our valley air needs to be improved we are at the same time considering building a new plant that will add to our air pollution 24 hours a day, seven days a week.

The contents of this report should be read with the understanding that all the facts may change as new information is continuously revealed.

RESPONSE REQUIREMENT:

- Board of Directors, San Joaquin Valley Power Authority

KINGS COUNTY ELECTIONS DEPARTMENT
RESIDENCY REQUIREMENT

REASON FOR INVESTIGATION:

The Grand Jury found that two officials recently elected to public office, the latest being a school board member, did not reside in the district they were to represent.

AUTHORITY:

California Penal Code §925

METHOD OF INVESTIGATION:

Interviews were conducted with an official from the Kings County Elections Department and officials from The Hanford Joint Union High School District.

FINDINGS:

1. The Elections Department uses voter registration records to verify residency of a candidate. It does not have the mandate to ascertain a candidate's residency in any other manner.
2. Qualifications differ for each of the many entities the Elections Department prepares ballots for. There are different rules for each entity.
3. Each entity has the option to change its Declaration of Candidacy form.
4. A person can be removed from office for giving false information.

RECOMMENDATIONS:

1. Some procedure of addressing a complaint about qualifications of a local elected official needs to be established.
2. An office or individual needs to be assigned the task of receiving complaints and channeling them to the appropriate entity for action.

COMMENTS:

The Grand Jury commends the Kings County Elections Department in strictly following its guidelines in ascertaining residency by voter registration, as they are required to do.

RESPONSE REQUIREMENT:

- Kings County Board of Supervisors

KINGS COUNTY HEALTH DEPARTMENT
ENVIRONMENTAL DIVISION

SYNOPSIS:

The Kings County Division of Environmental Health Services is charged by law with enforcing various statutes, regulations and ordinances. They also educate the community on environmental health issues.

Their department covers many aspects of our every day living, some of which are:

- 1 Retail food establishments (permanent and mobile)
2. Public water systems of 200 service connections or less
3. Solid waste collection vehicles and transfer stations
4. Material recovery facilities and composting operations at those locations
5. Landfills
6. Medical waste at various types of businesses
7. Livable rental housing facilities
8. Public swimming pools, jails and local detention facilities
9. Hazardous waste by business and emergency response on chemical spills
10. Investigate complaints of excessive vectors (flies, cockroaches, fleas, mosquitoes, rats, mice, etc.)
11. Onsite sewage disposal systems
12. Food crop sanitation

13. Underground storage tanks

14. Public nuisances

AUTHORITY:

The Kings County Grand Jury exercises its authority under Penal Code §925, which states, “The Grand Jury shall investigate and report on the operations and records of the officers, departments or functions of the county.”

FINDINGS:

1. All of the professional staff is required to have a minimum of a Bachelor of Science Degree in the field compatible to the workings of environmental health. They are hired for a training period of six to twelve months and have three years to pass the test to become a state certified Registered Environmental Health Specialist.
2. Permanent food facilities and food vendor trucks are inspected once or twice a year. The general public can ask owners to see their last health inspection report.
3. Special event food vendors are inspected at least once during the event. Food vendors at events such as Thursday Night Market Place are inspected at least once every three or four weeks.
4. Non-profit food events can be held no more than three times in a ninety-day period by the same organization. No inspection by the Environmental Health Department is required.
5. Retail food vendors selling for profit cannot have food prepared at a location that does not have a retail license and inspected by the Environmental Health Department.
6. Food stands at special events such as games or musical programs are inspected randomly.
7. The Health Department has no jurisdiction over special event organizers, who make the determination as to the number and location of trash containers, port-a-potties. Food vendors are required to have a container of water for hand washing.

8. The Health Department only has jurisdiction over agricultural port-a-potties. They also make sure that there is a place to wash hands and that there is drinking water available for workers in the fields.
9. Retail businesses selling milk products and eggs are inspected to see that they are kept under the proper refrigeration.
10. "Sell by" dates on food items are advisory only except those on milk and some baby foods.
11. Neither Kings County nor any of the cities in Kings County have a noise ordinance. Environmental Health will investigate a complaint it receives as a public nuisance.
12. Kings County Environmental Health Services do not consult with nor inspect The Tachi Palace Hotel and Casino of the Santa Rosa Indian Rancheria. Their health inspections are done yearly by the California Indian Health Services.

COMMENTS:

The Kings County Division of Environmental Health Services covers many aspects of daily living with only a total of eleven (11) employees. The public is requested to call their office at (559) 584-1411 any time Monday through Friday between 8:00 a.m. and 5:00 p.m. to report what may be considered a health hazard. An employee will answer these calls so the maximum information can be available for a field inspection.

RECOMMENDATIONS:

None

RESPONSE REQUIREMENT:

None needed. This is an informational report only.

KINGS MOSQUITO ABATEMENT DISTRICT

SYNOPSIS:

Hanford Mosquito Abatement District (13 square miles) was formed in January 1945. Corcoran Mosquito Abatement District was formed July 1947. The two districts were combined into the Kings Mosquito Abatement District (KMAD), in April 1961. The District currently is 552 square miles, which includes 31 square miles of Tulare County. The Corcoran prisons have pest control on site and only contact KMAD for advice. Lemoore Naval Air Station contracts with KMAD for services. The KMAD has a Board of Trustees. There is one representative from each of the cities of Hanford, Lemoore and Corcoran. There is also a representative from Tulare County and one from Kings County. The District employs 11 full-time (including office staff) and 15 seasonal employees. The KMAD has an annual budget of almost 1.5 million dollars. The KMAD is supported by property taxes.

WHY THE GRAND JURY INVESTIGATED:

Some local citizens were concerned that the seasonal workers were not doing their jobs correctly. Considering the threat of the West Nile Virus, that could be very serious.

AUTHORITY:

California Penal Code §933.5 establishes the authority for this inquiry as follows: The Grand Jury may at any time examine the books and records of any special district located in the county.

METHOD OF INVESTIGATION:

The Grand Jury interviewed the Department of Agriculture Deputy Commissioner on August 22, 2006. The Grand Jury interviewed the Kings Mosquito Abatement District Manager on August 29, 2006. The Grand Jury toured the KMAD facility.

FINDINGS:

1. There are seven mosquito control technicians.
2. There are 15 seasonal employees.
3. The seasonal employees work in pairs, and the individuals are rotated occasionally.

4. Seasonal employees must be a minimum of 18 years old for insurance reasons.
5. Seasonal employees are usually hired through the high schools and colleges.
6. Uniforms consisting of long sleeve shirts, long pants, gloves, goggles and respiratory mask, are furnished.
7. There is an eight hour training session, which includes a two hour segment for pesticides.
8. A treatment log is kept daily by the technicians and a summary is sent monthly to the Kings County Department of Agriculture.
9. KMAD escaped budget cuts, because the district crosses county lines.
10. There is a procedure for reviewing employee performance.
11. Mosquito fish are available to the public at no charge by calling (559)584-3326.

RECOMMENDATIONS:

None

COMMENTS:

1. The facility is neatly kept, with materials properly identified and stored.
2. KMAD provided the grand jury with a copy of the budget, a mission statement, a history of the district, along with a pamphlet on the West Nile Virus.
3. The public should notify KMAD when dead birds are found. The number to call for dead birds is 1-800-WNV-BIRD (968-2473) or on-line at www.westnile.ca.gov.
4. KMAD purchased a new Argo 8X8 Avenger for the purpose of spraying without damaging the orchards.
5. During the off season, employees make repairs to equipment.

RESPONSE:

This is an informational report and no response is required.

CITY OF LEMOORE PUBLIC WORKS

SYNOPSIS:

The Grand Jury was impressed by Lemoore city management's approach to the third can recyclable program. From the very start they informed the city residents of the necessity of the program and the changes in pick-up days for their convenience. The city personnel working with the program also accepted these changes.

Lemoore city management tried to ease the concerns of the residents by emphasizing how these changes would greatly improve the environment now and in the future, but still not add any additional costs for their city services.

All of the city employees working with the program realize there will be many problems which will be worked out as the program progresses. Their positive attitude will reverberate the message of the program's benefits.

The City of Lemoore is confident the program will be accepted after proper training eases the concerns from the public and impartial enforcement of their policies is implemented.

WHY THE GRAND JURY INVESTIGATED:

The City of Lemoore, along with the City of Corcoran, has begun a forward-thinking recycling program that involves a third trash can for recyclables that will be picked up by the city along with green waste and regular household waste. The Grand Jury was interested in how the planning and implementation, as well as the economic and ecological impacts of this program were addressed by the City of Lemoore.

METHOD OF INVESTIGATION:

The Grand Jury visited the City of Lemoore Public Works Department and spoke with the Director of Public Works. The Director spoke to the Grand Jury at some length and then conducted a tour of the facility explaining each department and fully answering questions.

AUTHORITY:

Our authority is pursuant to California Penal Code section 925a, which states in part, “The Grand Jury may at any time examine the books and records of any incorporated city...”

FINDINGS:

1. City of Lemoore began a third can pickup for recyclables October 2, 2006.
2. All three cans (recycle, green, and garbage) will be collected on the same day.
3. Residents may incur fines for misuse of cans.
4. Cans must be placed at least 3 feet apart and 5 feet from the curb.
5. The City of Lemoore has launched an extensive education campaign to facilitate acceptance of the third can concept.
6. The only additional initial cost to the City of Lemoore was for one additional can to each residence.
7. City of Lemoore offers 1, 2, and 3 yard dumpsters for rent by the residents for periods of 30 days with a possible renewal of an additional 30 days.
8. The set up and removal fee for the 1, 2, and 3 yard dumpsters is \$60.00.
9. A dump fee of \$15.50 to \$31.25 (depending on size of the dumpster) is charged each time the customer requests the dumpster be emptied. The dump fee is added to the utility bill.
10. City of Lemoore requests that a dumpster be placed in the resident’s driveway.
11. City of Lemoore has printed information sheets provided to each renter in the form of Dumpster Rental Rules.
12. In case a dumpster is not available when requested the city works with the customer to arrange a delivery date for the next available container.

CONCLUSION:

The Grand Jury would like to suggest that perhaps the City of Lemoore consider adding magnetic cards to their present hang tags that are placed on the trash cans outlining what materials may be placed in each can. By having the information readily available to the consumer there may be less confusion as to which items may go in the various containers and would be less likely to be misplaced. This is only a suggestion--not a recommendation.

RECOMMENDATIONS:

There are no recommendations.

RESPONSE REQUIREMENT:

No response is required, as this is an informational only report.

KINGS COUNTY PUBLIC GUARDIAN AND VETERANS SERVICES

WHY THE GRAND JURY INVESTIGATED:

The Grand Jury received two complaints regarding the Public Guardian's office. Upon investigation it was found that the issues brought forth in both complaints had been properly dealt with and resolved.

AUTHORITY:

The Kings County Grand Jury exercises its authority under Penal Code §925 which states, "The Grand Jury shall investigate and report upon the operations and records of the officers, departments, or functions, of the county."

METHOD OF INVESTIGATION:

On October 26, 2006 the Grand Jury interviewed the complainant. On November 2, 2006 the Public Guardian Officer presented an in depth overview of the Public Guardian/Veterans Service Office, consisting of two distinct areas of responsibility, Public Guardian and Veteran Services.

FINDINGS:

1. Office staff consists of the Public Guardian/Veterans Service Officer, four Deputy Public Guardians (one is part-time), two Veteran Service Representatives, two support technicians, and three part-time transportation aids.
2. When an adult can't care for, or make their own decisions, regarding his finances, food, clothing, shelter and physical health, they may be recommended for a conservatorship. The majority of clients are normally referred from Adult Protective Services, or Mental Health Services. Family members and friends are contacted to see if there are any other arrangements that can be made before a conservatorship is pursued. If no one else is available to care for the individual, the Public Guardian will petition the court to become the conservator. All conservatorships are established to that office by the Superior Court.
3. Conservatorships are broken into two main categories, Probate and Lanterman-Petris-Short (LPS). Probate conservatorships are typically for the elderly, seniors

or physically disabled. LPS conservatorships are confidential, for those whose inability to provide for their own needs is a result of a mental disorder. LPS must be renewed by the court every year. Clients are visited quarterly except those placed a significant distance away.

4. The duties of a Conservator cover many areas. Basic responsibilities consist of providing for food, clothing and shelter. There is a warehouse to store belongings. Some items may be purchased or sold for the client or the Public Guardian may also make investments on their behalf.
5. The Representative Payee Program is administered by Social Security. When Social Security feels a recipient has issues in managing his benefits, it will contact the Public Guardian's Office and request that it become the payee. The Public Guardian's responsibility is to manage the client's money for the Social Security benefits received. There is no duty to inspect living conditions. The Public Guardian's basic function is to set up a budget particular to the client's needs. It attempts to pay any outstanding debts the client may owe. Social Security may determine that a payee is no longer necessary when the client is able to demonstrate financial responsibility.
6. The Public Guardian may require face to face meetings with all clients in order to determine physical and mental well-being.
7. A fee of \$34.00 per month is charged to the client by the Public Guardian to help defray costs.

RECOMMENDATIONS:

None

COMMENTS:

The Grand Jury would like to commend the Public Guardian for doing such good work with a very difficult job. Kings County is fortunate to have people who truly care about the welfare of the people who need the services of the Public Guardian.

RESPONSE:

No response is required for this report.

CITY OF HANFORD
PUBLIC WORKS DEPARTMENT

SYNOPSIS:

The refuse collection section of the Hanford City Public Works Department considers itself as a city service. The City does not allow outside business to offer any services to its residents to compete with city services. This makes any of its services in which it charges a fee a business monopoly (a commodity controlled by one party). We feel that the term service (useful labor that does not produce a tangible commodity) is misinterpreted for business (a commercial or sometimes an industrial enterprise with economic dealings).

Hanford City residents needing to use the one-yard or two-yard trash containers must deal with the Public Works Department.

The present demand for these containers exceeds supply. Management does not seem to consider adding to these containers to supply the present or future demand. If the City of Hanford does not improve its service to its customers then it should open their city for other companies to serve the residents' needs.

WHY THE GRAND JURY INVESTIGATED:

The Grand Jury received complaints from citizens regarding the manner and method in which the City rented the one-yard and two-yard trash containers to its residents.

AUTHORITY:

Our authority is pursuant to California Penal Code §925a., which states: "The grand jury may examine the books of any incorporated city or joint powers agency located in the county ... [T]he grand jury may investigate and report upon the operations, accounts and records of the officers, departments, functions and the methods or system of performing the duties of any such city or joint powers agency and make such recommendations as it may deem proper and fit."

METHOD OF INVESTIGATION:

Members of the Grand Jury either telephoned or appeared in person over a period of six consecutive business days at the City of Hanford's Public Works Office to inquire about the availability of the one and two-yard trash containers provided by the city for its residents' use. The Grand Jury then conducted a field trip to the Public Works Yard and spoke with the Director of Public Works.

FINDINGS:

1. Hanford City ordinance does not allow outside business to compete with the solid waste collection offered by the city. Residents needing to use the one-yard or two-yard trash containers must deal only with the office at the City of Hanford Corporation Yard.
2. Most but not all residents are told that they must call each working day to see if any containers are available. However, some residents are told they must go to the office at the corporation yard daily to check if any of the containers are available.
3. Grand Jury members who telephoned for information to rent the containers were given different or limited information outside of answering specific questions.
4. One of our committee members called on a Wednesday afternoon. She was told that there would be no containers available until the following week and to call the office the next Monday morning. Another member of the committee went down to the corporation yard office the following afternoon and was told there were 2 one-yard containers and 1 two-yard container available at that time for rent. The member was informed if the rental contract was not signed at that time there was no guarantee a container would be available later.
5. The trash containers are rented on a "first come basis". There is no customer listing in order of request for consideration to rent the trash containers. Customers that needed containers so contractor start dates could be scheduled were left with no help by city policy and practices.
6. Container rental shall be for a period not to exceed two months in one calendar year.
7. The City of Hanford presently continues to offer the same number of containers (25 one-yard and 25 two-yard) that they have for the past several years despite the increased population with no plans to increase this number.

8. Conflicting information was given to various Grand Jury members as to the location a container needed to be placed for the city truck to empty.

RECOMMENDATIONS:

1. It is recommended that an improvement in public relations as far as communications and distribution of information should be made. Printed information on all requirements for the trash bins, weight limitations, pick-up locations and rental requirements should be given to all people that go into the corporation yard and mailed to all that call in for information.
2. A list of people should be kept in the order received for renting containers as they become available. The explanation we received on our field trip for not having such a list could be corrected by a small change in policy. One of the following two alternative waiting list procedures should be adopted.
 - a. A down payment would be made by a customer to have his name placed on the waiting list. When the person's name comes up to take an available container he will be notified. If the person does not sign up for the container within a specific time, then the next person on the list is notified. If the person does respond, then the deposit is applied to the first months' rent.
 - b. Alternately, a customer could fill out the rental agreement and leave the first months rent as a deposit either in person or by mail. When a container becomes available to rent to the resident a telephone call could be made informing them their container would be delivered the next business day. The City of Lemoore's progressive program uses this practice and it appears to work well for the residents of that city and could easily be adopted by Hanford, making the program much more user friendly.
3. The city should increase the number of containers available for rent to residents.
4. The city should allow independent contractors to make this service available to city residents if there will be no waiting list procedure established or increase in the number of available containers by the City.

RESPONSE REQUIREMENT:

Pursuant to California Penal Code § 933 (c) the following agency is required to respond to the findings and recommendations contained in this report.

- City of Hanford

MAIN STREET HANFORD **THURSDAY NIGHT MARKET PLACE**

SYNOPSIS:

The Thursday Night Market Place functions for 24 weeks a year in the downtown Hanford area. The complaints received by the Grand Jury included issues with respect to parking availability, the volume of the music, the location of the stage and alcohol booth (beer garden) and the hours during which parking is prohibited in the area. These issues were addressed by the Grand Jury's investigation.

Both the Main Street Hanford Board and the Hanford City Council received a complaint signed by numerous downtown business owners and their customers. No action was taken by either to try to resolve the problem.

AUTHORITY:

Our authority is pursuant to California Penal Code §§925a and 933.6. Main Street Hanford contracts with the City of Hanford for services related to the revitalization of the downtown Hanford Business District. The services to be provided by Main Street Hanford include the coordination of the Thursday Night Market Place. A copy of the Agreement is attached to this report.

METHOD OF INVESTIGATION:

Interviews were conducted, documents researched, and visits made.

REASON FOR INVESTIGATION:

The Grand Jury received several complaints regarding the Thursday Night Market Place.

FINDINGS:

1. The Thursday Night Market Place began as a Farmer's Market under the direction of the Chamber of Commerce. It evolved into a partnership between the Downtown Business Association and the City of Hanford.

2. The Mission Statement states: “Main Street Hanford is the leader and coordinator for the continued revitalization of downtown Hanford. We use the Four Points of the Main Street Approach: Organization, Economic Restructuring, Design, and Promotions and Marketing. We value communication with our members and our community, we encourage a healthy business climate, and we strive to preserve our historic resources.”
3. Main Street Hanford is a non-profit corporation which contracts with the City of Hanford to coordinate continued downtown revitalization, including the contributions of the Thursday Night Market Place..
4. Parking is a problem for people wishing to patronize businesses on Irwin Street. There is no provision for handicap parking for people wishing to attend the Market Place. Employees of businesses which stay open Thursday evenings who leave the business and return later are unable to find parking places nearby. Safety of late staying employees walking in the dark to their cars is a concern.
5. Businesses which are near where music is played find it difficult to hear on their telephones, or to converse with customers because the volume is so high, even inside their business with the doors closed.
6. The music is always played at the same location. The beer truck parks in the same location every week. It is too hot in midsummer for the Market Place to begin at 5:00 PM. The paving has collected heat and there is little shade. Business owners had no input on the relocation of the Market Place from the park to the streets.
7. Restrooms in the Courthouse Park are not well marked. There are no signs directing patrons to the restrooms or to the single porta potty located in an alley. One porta potty is not sufficient for the size of the crowd. Businesses receive requests from Market Place patrons to use their restrooms.
8. The direction of the Market Place has changed from its original focus of being a family event to a focus on entertainment.
9. There is little seating available outside of the beer garden.
10. The usual fee to use the stage behind the Old Courthouse is \$1,000 per night.

RECOMMENDATIONS:

1. Some provision for handicap parking is needed, and must be made known and be clearly marked and enforced.

2. Starting at 6 PM rather than 5 PM would increase the shade and help reduce the heat problem which now keeps patrons away for the first hour of the event. Since many businesses close at 5 PM, those parked cars would be gone thereby opening up more parking spaces for patrons.
3. Rotating the location of the Market Place to different areas would help alleviate the inconvenience and noise experienced by adjoining businesses.
4. Lower the volume of the music. It need not be so loud that business patrons and owners must yell to be heard inside their businesses.
5. The number of port-a potties needs to be increased, and be located where they are easily found, and be in a well lighted area.
6. The Board of the Thursday Night Marketplace should negotiate with the City for the use of the stage behind the Old Courthouse for either no fee, or a greatly reduced fee.

COMMENTS:

Main Street Hanford and the City Council need to work together to resolve the issues to ensure a healthy business climate as set forth in the Agreement.

RESPONSE REQUIREMENTS:

Pursuant to California Penal Code §933(c) the following agencies are required to respond to the findings and recommendations contained in this report.

- Hanford City Council
- Main Street Hanford Board of Directors

KINGS COUNTY YMCA POOL

SYNOPSIS:

The Kings County YMCA applied for and was awarded a million dollar grant from the Department of the Youth Authority to build a project identified as the YMCA of Kings County Aquatic Youth Center. There was a shortage of funds and the county stepped in with \$100,000 in Proposition 40 money to complete the pool. The YMCA is to maintain and operate the property as a public pool and pre-school playground to provide a public recreational facility for the people of Kings County.

REASON FOR INVESTIGATION:

The Kings County Grand Jury was curious as to why the YMCA pool could not be completed with the million dollar Youth Authority grant it had received, requiring the county to procure an additional \$100,000 in Proposition 40 funds on its behalf to do so.

AUTHORITY:

California Penal Code §§925 and 933.6.

METHOD OF INVESTIGATION:

Interviews were conducted, documents were reviewed and the facility was toured.

FINDINGS:

1. The pool is nearly complete. The \$100,000 will be used to install the pool ventilation system, electrical system to power exhaust fans and lighting, a new ADA lift to allow pool access for the disabled, purchase playground equipment, purchase safety surfacing, install the irrigation system and landscape on the property.
2. All remaining work was bid out and cash is dispersed to contractors by the County on completion.
3. YMCA leadership is hoping that the pool, in conjunction with new classes and programs that will be offered, will help renew interest in YMCA membership.

RECOMMENDATIONS:

1. Proposition 40 funds are to be used for public recreation. The YMCA must allow access to both the pool and the new playground equipment to ALL the public, not members only. **The County must make sure that is the case.**
2. Pool admission price should be comparable to other public pools.

COMMENTS:

The Grand Jury is impressed by the enthusiasm and commitment shown by the new YMCA management and Board and wishes them well.

RESPONSE REQUIREMENT:

- Kings County YMCA Board of Directors
- Kings County Board of Supervisors

KINGS COUNTY ELECTIONS DEPARTMENT

SYNOPSIS:

The Help America Vote Act requires all voting jurisdictions in the United States to make it possible for voters with disabilities to have the same access to vote privately and unassisted as non-disabled voters. Kings County has met this requirement by purchasing AVC Edge voting systems.

METHOD OF INVESTIGATION:

Grand Jury interviewed the Kings County Registrar of Voters on September 14, 2006. A demonstration of the Sequoia AVC Edge Voting Machine was presented.

AUTHORITY:

California Penal Code §925

FINDINGS:

1. The voting machine can be lowered for voters using a wheelchair. It is also equipped for aiding the blind in casting votes by using Braille buttons on the machine and earphones without having to be assisted by polling place personnel. When electrical power is lost, internal batteries can run the machine for one hour with the printer or two hours without using the printer. Printer modules attached to the machine allow voters to verify their selections before the vote is officially cast. Simple to understand, on-screen instructions and prompts guide voters through all phases of the voting process.
2. The voting machines are inspected and sealed before they leave storage.
3. Voters choose their language preference on the first screen. The ballot is then presented in that language until the voting process is complete. Votes are immediately confirmed on-screen with green check marks. Over voting is impossible because spoiled or rejected ballots are automatically eliminated.

Voters can verify their selection and change their vote at any time before casting their ballot.

4. An audit trail provides an unalterable electronic record of all votes cast. This record is redundantly stored on the results cartridge in the machine. The VeriVote feature creates a voter verified paper record of each vote cast. After the vote is verified the paper record scrolls out of view so that the next voter cannot see the prior voter's selections. This record is retained in the machine. The system continuously monitors itself for system integrity. Three to four teams of roving trouble shooters are available to maintain the machines and replace printer modules when needed.

5. There are an estimated 50,000 registered voters in Kings County. There are 40 polling precincts. One machine is needed for every 250 registered voters in a precinct. There are approximately 14,000 permanent absentee voters in the county. Between six and eight thousand voters request absentee ballots. Some are required to vote absentee ballots. Those who are required to vote absentee live in districts with too few registered voters to merit the expense of operating a polling place. The voted absentee ballots must be received by the Office of Elections by the close of Election Day either via mail or hand delivered to any polling place. Absentee ballots are confirmed when received by the elections office and put into a voting machine to be counted.

RECOMMENDATIONS:

None.

COMMENTS:

The Grand Jury was impressed with the presentation of the voting machine and thanks the Kings County Elections Department for sharing its knowledge with us.

RESPONSE REQUIREMENTS:

None.

AVENAL STATE PRISON

SYNOPSIS:

Avenal State Prison (ASP) is located in the city limits of Avenal on Highway 33. ASP was the first institution constructed during the prison building era of the 1980's and 1990's.

It was the first all-new prison built in California in 20 years and was originally known as Kings County State Prison. On February 22, 1988 it was officially named Avenal State Prison.

ASP is a Level II institution that originally had 17 dormitory housing units for general population inmates. The institution was designed for a capacity of 2,320 inmates. The large influx of convicted felons committed to the California Department of Corrections and Rehabilitation (CDCR) contributes to the current population of 7,600. A few years ago, 100 bed dormitories were built on each facility for a total of six to alleviate overcrowding. ASP has a total staff of approximately 2000. The institution is comprised of six separate, semi-autonomous facilities, administration segregation unit, and a 10-bed firehouse, which is located outside the fence. The main infirmary is located in the center of the institution.

AUTHORITY:

California Penal Code §919(b)

METHOD OF INVESTIGATION:

The Grand Jury obtained information reported here through document review, and a visit to Prison on May 10, 2007. The Administrative staff conducted the tour.

FINDINGS:

1. The Grand Jury's visit to ASP included a tour of inmate housing units, education facilities, furniture factory and the egg farm.
2. Inmates are assigned to a facility based on many factors (security, educational, work experience or medical).

3. Each facility has 4 housing units with dorm settings (no cells). Even from our brief tour, it was clear that the housing conditions are adequate but crowded. ASP has retrofitted the dormitory housing the handicapped prisoners in such a manner that all amenities are readily accessible.

4. ASP has the following vocational programs to offer inmates.
 1. Janitorial
 2. Carpentry
 3. Plumbing
 4. Small engine repair
 5. Welding
 6. Landscape/Gardening
 7. Office machine repair
 8. Machine shop
 9. Refrigeration/Air Conditioning
 10. Mill and Cabinet
 11. Electronics
 12. Auto Body and fender repair
 13. Dry Cleaning
 14. Auto Mechanics
 15. Computer and related technology.
 16. Upholstery
 17. Mechanical drawing
 18. Culinary Training

During the Grand Jury visit it was explained how Prison Industry Authority (PIA) provides jobs for inmates in the production of goods and services used both inside and outside of the prison system. We toured the PIA Egg Production Enterprise. This enterprise has multiple barns of egg laying hens and produces eggs for CDCR institutions. It operates on one eight hour shift, seven days a week. ASP provides eggs to all California State Hospitals, the California Youth Authority and the California State Prison System. Other PIA enterprises are laundry, general fabrication/metal products, maintenance department, warehouse and furniture factory. In addition to PIA, prisoners may be assigned to other work programs, such as food services, office clerks, janitorial duties, gardening and many others. ASP inmates who are in the Disability Placement Program (DPP) are expected to participate in the work incentive program and no exceptions are made for mobility-impaired inmates, inmates who are confined to wheelchairs or otherwise handicapped. Everyone works.

COMMENTS:

The Grand Jury thanks the Food Service Program for the excellent lunch served to all and a special thanks to ASP's Warden and her cordiality.

RESPONSE REQUIREMENT:

None