

The Grand Jury is the “watchdog” of:

Administrative Office (CAO) Board of Supervisors
Clerk of the Board **COMMUNICATIONS** County Counsel
Deferred Compensation Gang Prevention Task Force
Human Resources and Development Information Technology
Business, Agriculture & County Development **AUDITOR / CONTROLLER**
Agricultural Commissioner *Assessor* Building Permits
Community Development / Redevelopment Planning
Property Tax Services Resource Management Agency
PURCHASING University of California Cooperative Extension
Treasurer/Tax Collector **Health and Human Care**
Workforce Investment Board *Mental Health Services Act*
Water Commission **CHILD SUPPORT SERVICES** Fire Department
Health and Human Service Agency (HHS) (HSA)
In-Home Supportive Services (IHSS) Public Authority Water Commission
Law and Justice **ACTION PROJECT** Ag Crime
District Attorney Public Defender **Sheriff - Coroner**
Juvenile Justice and Delinquency Prevention Commission
Probation **SUPERIOR COURT** Tax Collector
Property Tax Services *Assessor*
Auditor Tax Accounting Public Services
Alert JC Notification System Parks
CLERK-RECORDER Fire Department
Gang Prevention Task Force *Elections*
Indian Gaming **GRAND JURY** Law Library
Solid Waste Tulare County Area Transit
Mental Health Services Act
Office of Emergency Services(OES) **TCAG**
Retirement Services Roads **Water and Sewer Districts**
BUILDING AND INSPECTION Resource Management **GOVERNING BOARDS**
University of California Cooperative Extension **PERMIT CENTER**
Water Commission **Administration Branch (RMA)**
Employee Housing Permit Center (Porterville) **WRAP**
Code Compliance **LIBRARY** Transportation Branch
Community & Development Services Gis Mapping
Engineering Branch **Parks & Recreation** Planning
Redevelopment Branch Solid Waste Transportation



Tulare County Grand Jury

Final Report 2009-2010

2009-2010 TULARE COUNTY GRAND JURY MEMBERS



Charles Webber - Foreman
Alberto Aguilar
Bob Atwood
Mike DeBorde
Jacki Fletcher
Jacinto Gonzalez

Gerald King
Donald Motto
George Patterson
Larry Pendergrass
Virginia Perigo

Lisa Ramos
Marjorie Risi
Mario Rodriguez
Helen Savage
David Serpa

William White
Charles Wilson

Steve Pharris in Memoriam

Louise Whittle
Clerk of the Grand Jury

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LETTER FROM THE FOREMAN



Tulare County Grand Jury

5963 South Mooney Boulevard
Visalia, CA 93277

(559) 624-7295 • Fax (559) 733-6078

Honorable Judge Gerald F. Seiver
Presiding Judge of the Superior Court
State of California
County of Tulare

Honorable Judge Melinda M. Reed
Supervising Judge of the Grand Jury
State of California
County of Tulare

Pursuant to California Penal Code section 933 the 2009-2010 Tulare County Grand Jury presents its final report to the citizens of Tulare County. This report completes the work of 19 individuals who have spent numerous hours responding to citizen's complaints.

The Jury was impaneled on July 1, 2009 from a group of individuals with diverse backgrounds and geographical areas of the County. They immediately accepted their responsibilities as Jurors and started their investigations. The comradely between the individual Jurors working on different investigations, made a productive and happy workplace.

During the past year members inspected both the Mail Jail and the Bob Wiley Detention Facility. They attended school board meetings of ever school district in the County. They also attended many Community Service Districts and Public Utility Districts meetings as well as many of the County offices.

The Jury had great cooperation with County employees, and in many instances changes were made in different departments with only the suggestion from the Jury.

The members of the 2009-2010 Tulare County Grand Jury are honored to have had the privilege and opportunity to serve the citizens of Tulare County.

Respectfully,

A handwritten signature in cursive script that reads "Charles F. Webber".

Charles F. Webber, Foreman
2009-2010 Tulare County Grand Jury

grnd_jury@co.tulare.ca.us • www.co.tulare.ca.us

LETTER FROM JUDGES

LaRayne Cleek
 Court Executive Officer/
 Jury Commissioner
 Clerk of the Court

Superior Court of the State of California

County of Tulare

Administration, Room 303 ♦ 221 South Mooney Boulevard
 Visalia, California 93291
 (559) 730-5000 ♦ Fax (559) 737-4290



JUDGE'S COMMENTS

On behalf of the entire bench of the Tulare County Superior Court we want to sincerely thank the 2009-2010 Grand Jury for all the work they have performed on behalf of the citizens of Tulare County. Once again another Grand Jury's term has been completed.

Grand Jurors always assume a great deal of responsibility whenever they agree to be a part of a year's panel. They willingly do this as volunteers without any purpose other than to insure that governmental agencies and individuals are properly performing their duties. The taxpayers of Tulare County were well served by all the time and effort put forth by this Grand Jury. We are especially grateful for the efficient manner in which this year's Grand Jury performed these tasks and the overall cooperation and respect they showed to each other.

Much is misunderstood by the general public as to the functions and purpose of the Grand Jury. It is empowered by statutory authority to investigate local governmental agencies and process citizen complaints involving local government issues. No other agency or group has mandate to be a "watch-dog" to insure that our local government works effectively, efficiently, and to the best interest of all citizens. We need responsible, dedicated people such as those on this year's Grand Jury to serve in the future. If you would like to volunteer to do meaningful work for our community we invite you to apply for service on Grand Jury by contacting the Superior Court at (559) 730-5000 x1359 and ask for an application.

In closing we applaud each member of this Grand Jury for your dedication to service on behalf of all citizens who live in Tulare County.



Gerald F. Sevier

Gerald F. Sevier
 Presiding Judge

Melinda M. Reed

Melinda M. Reed
 Assistant Presiding Judge

GRAND JURY HISTORY

"I know no safe depository of the ultimate powers of the society but the people themselves; and if we think them not enlightened enough to exercise their control with a wholesome discretion, the remedy is not to take it from them, but to inform (them)." Thomas Jefferson.

The name Grand Jury is derived from the fact that it has a greater number of jurors than a trial (petit) Jury. The history of Grand Juries traces back to the founding of common law under the English system in the 11th and 12th centuries. King Henry II of England impaneled the first sixteen-man Grand Jury in 1164 to remove criminal indictments from the hands of the church. By the year 1290, we find that the accusing jury was given the authority to inquire into the maintenance of bridges and highways, the defects of jails, and whether the sheriff had kept in jail anyone who should have been brought before the Justices.

The Massachusetts Bay Colony impaneled the first Grand Jury in the United States in 1635 to consider such crimes as murder, robbery and wife beating. The Constitution of the United States as first written in 1776 did not include a provision for Grand Juries. However the Fifth Amendment, ratified in 1791, added this protection: "...no person shall be held to answer to a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except for cases arising in the land or naval forces, or in the Militia when in actual service in time of war or public danger." By the end of the Colonial period the Grand Jury had become an indispensable adjunct of government. They proposed new laws, protested against abuses in government and wielded tremendous authority in their power to determine who should and should not face trial.

In today's world there are two types of Grand Juries, Criminal and Civil.

- Criminal Grand Juries review evidence presented by a prosecutor and determine whether there is probable cause to return an indictment.
- Civil Grand Juries are the "watchdogs" of county government. They ensure that the county, cities within the county and special district's are lawfully carrying out their duties.

In California Criminal and Civil Grand Juries are separate. California's Constitution mandates a Civil Grand Jury be chosen in each county every year.

THE GRAND JURY IN TULARE COUNTY

A judicial body authorized by the Constitution of the State of California, the Tulare County Grand Jury is composed of 19 members elected by ballot from a pool of volunteers and nominees of the court. An attempt is made to impanel a Jury that represents a diversity of men and women from socioeconomic, ethnic, age, educational background and geographical areas of the county. The Jury monitors the performance of local government and makes recommendations that may improve services and save taxpayers' dollars. The court also appoints three alternate jurors who attend the Grand Jury training along with the 19 appointed jurors and are impaneled if necessary during the year to maintain a 19 member jury. The Grand Jury as a fact-finding body has the potential to make constructive changes and suggest meaningful solutions to a wide range of local governmental problems. This is done by reviewing and evaluating procedures, methods, and systems utilized by the county's various entities to determine if more efficient and economical programs may be employed. The Grand Jury is also authorized to and in some cases must:

- Inspect and audit books, records, and financial expenditures to ensure that public funds are properly accounted for and legally spent;
- Inspect financial records of special districts in Tulare County;
- Examine the books and records of any nonprofit organization receiving county or city funds;
- Inquire into the conditions of jails and detention centers; and
- Inquire into any charges of willful misconduct in office by public officials or employees.

RESPONSES TO GRAND JURY REPORTS 2008 – 2009 COMPLIANCE REVIEW

BACKGROUND

As the public's Watchdog or Beacon as some would call it, the Tulare County Grand Jury investigates and reports on the affairs of local government, hospitals, schools, etc. As a fact-finding body the Grand Jury has the potential to make constructive changes and recommend meaningful solutions to a wide range of local governmental problems. This is done by reviewing and evaluating procedures, methods, and systems utilized by the county's various entities to determine if more efficient and economical programs may be employed. The Grand Jury is also authorized to and in some cases must:

- Inspect and audit books, records, and financial expenditures to ensure that public funds are properly accounted for and legally spent;
- Inspect financial records of special districts in Tulare County;
- Examine the books and records of any nonprofit organization receiving county or city funds;
- Inquire into the conditions of jails and detention centers; and
- Inquire into any charges of willful misconduct in office by public officials or employees.

The Grand Jury also looks into complaints brought to their attention by citizens who are concerned with governmental actions. The Jury does not investigate private entities except those who contract with county government.

Grand Juries in every county issue at least one report. California Law requires this. The law also requires all governing bodies, including but not limited to the County Board of Supervisors, Boards of Trustees, city and county governments and special districts respond to the Grand Juries report(s). This ensures continual performance in a lawful, economical and efficient manner. These reports are generally released at the end of the Grand Jury's fiscal year, which runs from July 1 through June 30 each year. On occasion, a report will be released mid-year.

Each report includes background information regarding the subject matter, reasons for the investigation, the procedures followed in obtaining information, what the findings are and in most cases recommendations to resolve any revealed problems. All required responders must reply to ***each finding and recommendation*** in the specified report within a given period of time and in a particular matter pursuant to the California Penal Code Section 933.05.¹ Each agency or person who is required to respond is given a copy of the report two working days before it is published to the public. Per Penal Code Section 933 (c) responding entities must send their response(s) to the County's "presiding judge of the superior court with an information copy sent to the Board of Supervisors". Most counties including Tulare County require a copy of the response also be sent to the Grand Jury.

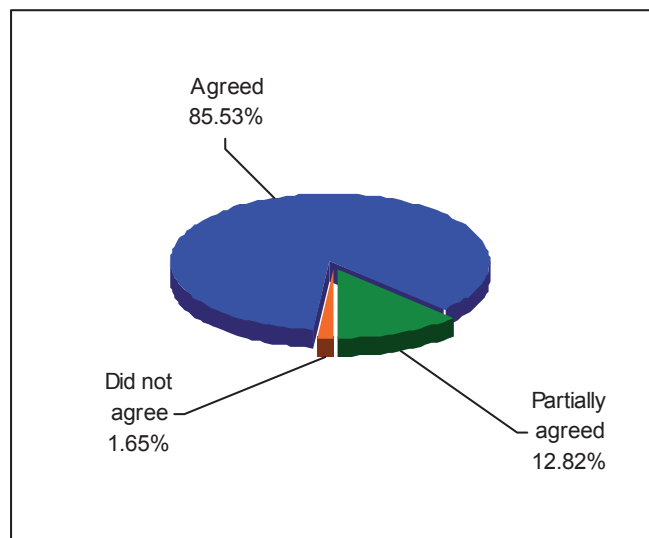
¹ See text of Penal Code Section 933.05 at the end of this report.

PROCEDURES FOLLOWED

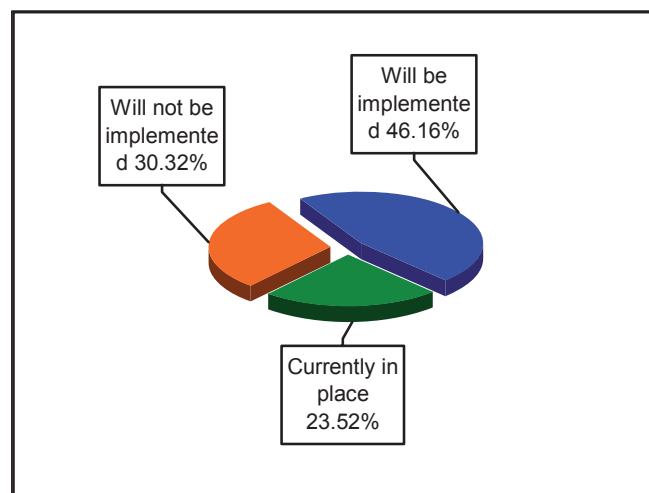
1. Reviewed all returned responses to the 2008-2009 Grand Jury reports
2. Reviewed relevant Penal and Government Codes

FINDINGS

1. There were a total of 18 final reports in the 2008 – 2009 Final Report, 16 of which required responses from 40 different entities with a total of 57 required responses.
2. There were 256 findings and 42 recommendations.
3. Oroshi High School failed to respond to the *Status of Harassment Policies in Tulare County High Schools* report.
4. Of those who responded, 10 (18.18%) responded late.
5. Of those who responded 45, (81.82%) responded on time.
6. Forty entities (72.73%) responded as set forth by Penal Code 933.05.
7. Fifteen (27.27%) of those who responded did not respond as set forth by Penal Code 933.05.
8. The following diagrams indicate the percentages of concurrence and implementation of the findings and recommendations of those entities that responded.



Percentage of concurrence with findings of those who responded as required by law



Percentage of implementation as Recommended by 2008-2009 Grand Jury

CONCLUSIONS

Although a cover sheet is sent to each entity explaining the when, where, who and how to complete responses to a Grand Jury report, not all entities respond as required. Some do not respond at all, some respond late and some respond only in part. This leads the Grand Jury to the conclusion that education in this area is necessary as there are penalties for non-compliance with Penal Codes. The Grand Jury can bring a civil action against any offending agency for a Writ of Mandate to compel the agency to perform its legally required duty. Such an action would seek attorneys' fees to be awarded against the agency. In sever cases, the Grand Jury has available to it the remedies in Government Code 3060² by the filing of an accusation against the officers of the agency seeking their removal from office.

RECOMMENDATIONS

1. All entities that are required to respond to a Grand Jury Final Report do so in accordance with Penal Code 933.05.
2. In the Government 101 training which is provided by Tulare County, add curriculum that explains how to respond to Grand Jury Final Reports.
3. All entities that are required to respond to a Grand Jury Final Report attend the Government 101 training.

REQUIRED RESPONSES

Tulare County Board of Supervisors
Tulare County Office of Education

NOTE: The 2008–2009 Final Report responses are on file in the Grand Jury office and available for public review

² See end of report for the text of Government Code Section 3060.

PENAL CODE SECTION 933.05.

(a) For purposes of subdivision (b) of Section 933, as to each grand jury *finding*, the responding person or entity shall indicate one of the following:

- (1) The respondent agrees with the finding.
- (2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons there-for.

(b) For purposes of subdivision (b) of Section 933, as to each grand jury *recommendation*, the responding person or entity shall report one of the following actions:

- (1) The recommendation has been implemented, with a summary regarding the implemented action.
 - (2) The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.
 - (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.
 - (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation there-for.
- (c) However, if a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the board of supervisors shall respond if requested by the grand jury, but the response of the board of supervisors shall address only those budgetary or personnel matters over which it has some decision making authority.

The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.

(d) A grand jury may request a subject person or entity to come before the grand jury for the purpose of reading and discussing the findings of the grand jury report that relates to that person or entity in order to verify the accuracy of the findings prior to their release.

(e) During an investigation, the grand jury shall meet with the subject of that investigation regarding the investigation, unless the court, either on its own determination or upon request of the foreperson of the grand jury, determines that such a meeting would be detrimental.

(f) A grand jury shall provide to the affected agency a copy of the portion of the grand jury report relating to that person or entity two working days prior to its public release and after the approval of the presiding judge. No officer, agency, department, or governing body of a public agency shall disclose any contents of the report prior to the public release of the final report

GOVERNMENT CODE SECTION 3060

An accusation in writing against any officer of a district, county, or city, including any member of the governing board or personnel commission of a school district or any humane officer, for willful or corrupt misconduct in office, may be presented by the grand jury of the county for or in which the officer accused is elected or appointed. An accusation may not be presented without the concurrence of at least 12 grand jurors, or at least eight grand jurors in a county in which the required number of members of the grand jury is 11.

ADMINISTRATION

ARE EMERGENCY EVACUATION DRILLS WORTH THE TIME?

BACKGROUND

On December 17, 2009, a scheduled emergency evacuation drill was conducted at the Tulare County Government Plaza Building (Government Plaza) located on the 5900 block of South Mooney Boulevard in Visalia, California. Emergency evacuation drills are conducted periodically under the direction of the Tulare County Safety Officer. Emergency evacuation drills ensure that occupants of the Government Plaza can exit the facility safely in a timely manner, and be accounted for at pre-assigned assembly areas. The purpose of these drills is to prepare the occupants on procedures to follow in the event an emergency building evacuation is required. They are also intended to identify emergency equipment deficiencies and discover irregularities that need to be corrected.

REASON FOR INVESTIGATION

On December 17, 2009, the Grand Jury was notified there would be a fire drill. The Jury was informed to exit the building through the north-side door located on the first floor. During the exercise, there was some confusion on the part of several participants of this drill as to how to exit the building and where to assemble upon exiting. Due to this event the 2009-2010 Tulare County Grand Jury elected to investigate the emergency procedures in place at the Government Plaza.

PROCEDURES FOLLOWED

1. Interviewed relevant witnesses
2. Reviewed relevant records, documents and policies
3. Walk through inspection of the Government Plaza with Safety Officer

FINDINGS

1. During the Government Plaza emergency evacuation drill on December 17, 2009 the following was observed:
 - a. Some agencies did not have an assigned individual to check if in fact all persons in their agency had

actually left the building.

- b. There was not a specific assembly area designated for each agency and/or branches thereof. (There are several branches/units of different Tulare County agencies housed in the Government Plaza.)
 - c. At least one agency did not have an individual designated to contact the person in charge of the drill to report all pertinent information.
 - d. People were trying to use the elevator to exit the building.
 - e. Disabled persons having difficulty evacuating from the second floor.
2. The Tulare County Safety Officer, from Risk Management, organized the emergency evacuation drill and invited the Visalia City Fire Department to observe and participate in the exercise.
 3. The previous fire and emergency evacuation drill conducted at the Government Plaza was over three years ago.
 4. The Government Plaza Building is owned by Tulare County and located within the Visalia City limits.

5. Building maintenance for the Government Plaza was the responsibility of the Tulare County Resource Management Agency (RMA) in December 2009. On January 26, 2010, this responsibility was taken over by the Tulare County Administrative Office, General Services Division.
6. The walk through inspection of the Government Plaza revealed:
 - b. Several emergency lights do not function.
 - c. Some offices do not have emergency illuminated exit signs above the doors as required.
 - d. At least one hallway does not have any type of backup lighting or an illuminated exit sign.
 - e. In three places, where illuminated exit signs do exist, they need to be repositioned.
7. Procedures regarding the safe evacuation of physically disabled individuals from the second floor are not adequate.
8. The Tulare County Safety Officer provided all agencies in the Government Plaza with a summary report of the December 17, 2009 fire and emergency evacuation drill. However, this report does not include all of the deficiencies identified by the walk through inspection.
9. Prior to December 17, 2009, some agencies housed at the Government Plaza did not have written or posted Fire and Emergency Evacuation Plans.
10. Abatement of all unsafe conditions have not been completed in an expeditious manner.

CONCLUSIONS

Emergency and evacuation drills are essential and necessary to help save lives in case of a real emergency. The emergency evacuation drill did identify several problematic issues and emergency equipment deficiencies. However, not all of these issues were discovered at the time of the drill. The fact that they were not reported to the Tulare County Safety Officer initially, demonstrates the need for improvement.

RECOMMENDATIONS

1. Post fire and emergency evacuation procedures at all designated emergency exit doors within each of the office facilities throughout the Government Plaza as well as all other occupied Tulare County buildings.
2. Perform fire prevention inspections more thoroughly to identify potential safety hazards within the Government Plaza.
3. Provide fire and emergency evacuation procedures to all personnel during their orientation and training.
4. Conduct emergency and evacuation drills annually at the Government Plaza and all other occupied Tulare County buildings.
5. Require all agencies within the Government Plaza to communicate, with the County Safety Officer in writing, to identify all emergency equipment deficiencies and what corrective actions are initiated after every emergency evacuation drill.
6. Check every office, as part of the emergency evacuation drill to ensure

a written Fire and Emergency Evacuation Plan is posted.

7. Require all agencies within the Government Plaza to develop written procedures to accommodate the safe evacuation of physically disabled occupants and visitors from the second floor.
8. Identify and initiate corrective actions to ensure the proper installations of illuminated exit signs in corridors and

above designated emergency exit doors throughout the Government Plaza and all other occupied Tulare County buildings.

9. Monitor to ensure emergency equipment is tested and maintained as required by the preventive maintenance schedules.
10. Complete abatement of all unsafe conditions in a timely manner.

REQUIRED RESPONSES

Tulare County Association of Governments
Tulare County Administrative Office, Print and Mail Services
Tulare County Counsel, Risk Management Division, Safety Officer
Tulare County Fire Department
Tulare County Health and Human Services Agency
Tulare County Information Technology
Tulare County Registrar of Voters
Tulare County Resource Management Agency, Director
Tulare County Resource Management Agency, Government Plaza Safety Manager
Tulare County Resource Management Agency, Government Plaza Maintenance Manager

CITY OF EXETER — GARBAGE IN GARBAGE OUT

BACKGROUND

Before the coming of the European settlers, the area that is now Exeter was part of a vast plain where elk, antelope and deer grazed and spring wildflowers bloomed in profusion. Native American Indians made their homes in the oak forest two miles north of the present town.

In 1888, as the railroad carved its way through the southern San Joaquin Valley, towns grew up along its route. D.W. Parkhurst, representing the Southern Pacific Railroad, bought land from John Firebaugh, an early settler and the town of Exeter was born, named after Parkhurst's native Exeter, England.

The development of water resources and the planting of fruit trees and vines brought growth to the little community. The first school was built in 1897, the high school district was organized in 1908, and the residents voted to incorporate in 1911. Cattle ranching was an integral part of Exeter's history. The Gill Cattle Company of Exeter was established in the late 1800's and is still in operation. Once the largest cattle ranching business in the United States, the company owned and leased more than six million acres of land in nine western states.

Boasting the finest navel oranges in the world, Exeter, California, has a rich agricultural heritage built on a hundred years of American tradition. Exeter is known for growing the sweetest oranges in the world and as the "Citrus Capital of the World".

REASONS FOR INVESTIGATION

The 2009-2010 Tulare County Grand Jury received a complaint concerning the awarding of a contract to Sunset Waste for handling the City of Exeter (City) refuse, green waste collection, disposal and recycling services. The complaint alleged that the City's approval of this contract was unlawful and the City failed to follow their own procedures. As a result, an investigation was initiated.

PROCEDURES FOLLOWED

1. Relevant witnesses were interviewed
2. Relevant documents were inspected

FINDINGS

1. On May 27, 2009, the City sent out a Request for Proposals (RFP) for refuse, green waste collection, disposal and recycling services.
2. The RFP indicated that sealed proposals would be accepted until 10:00 AM on June 30, 2009. The RFP also indicated that a pre-bid conference would be held at the City Hall on June 10, 2009.
3. The City formed a committee to review the five proposals. Of the five, one was rejected because the committee felt their programs were lax.

4. The committee met with the four finalists and ranked the proposals from 1 to 4 as follows:
 - a. Number 1. Sunset Waste
 - b. Number 2. Penas
 - c. Number 3. Waste Connection (which had the contract for the proceeding eighteen years)
 - d. Number 4. Tule Trash
5. On August 11, 2009, the committee's recommendations were presented to the City Council. Included in the packet was an "Attachment B" comparing the services the companies could provide. The Council authorized the Public Works Director to meet with Sunset Waste to negotiate a contract. "Attachment B" included items that were not specified in the RFP and the "Attachment B" was inaccurate in some areas. At this meeting, several of the companies that submitted proposals objected to the committee's recommendation.
6. On August 25, 2009, the City approved the contract with Sunset Waste.
7. On September 16, 2009, the City signed the contract with Sunset Waste. This contract was for seven years with a three year extension. The total cost of the contract was well in excess of \$75,000.
8. City Ordinance No. 579, Section 3.36.100 states, "Formal Bid Procedure. The procedure set out in this Section shall be utilized for all purchases or contracts involving amounts of \$75,000 or more.
 - A. Award of all contracts and purchases made pursuant to the

procedures of this Section shall be made to the lowest responsible bidder meeting specifications, except as specifically otherwise authorized by this Chapter.

- B. Written specifications and plans, if appropriate, shall be prepared for all purchases proposed to be made and contracts proposed to be awarded under this Section. Such Specifications and plans, together with the deadline for and place to file sealed bids with the city, and other requirements, shall be circulated to publications appropriate to the subject of the call for bids, posted at City hall, and advertised in a legally adjudicated newspaper in geographic areas appropriate to reaching prospective bidders.
- C. Such notices and advertisements shall be designed to cause full public notification of all calls For sealed bids by providing at least ten days written notice to prospective bidders prior to the proposed deadline for the receipt of sealed bids.
- D. Sealed bids shall be accompanied by a bid bond or cashiers check in the amount set by the City Administrator and failure to include such bid bond or cashiers check with any bid shall be disqualifying.
- E. Sealed bids shall be received and opened by the City official designated by the bid call, at the place and time specified in said bid call.
- F. A written analysis shall be made of all sealed bids received under the procedures of this Section, and shall contain information relative to all bidders, including a written recommendation by the affected

department head and the City Administrator as to which bidder is recommended to be the lowest responsible bidder.

- G. All bid calls shall contain the statement that the City Council may reject any and all bids for any good or service and may cancel any call for bids at any time in the process."

- 9. The City made the assertion that refuse collection is a "specialized service" and as such would fall under City Ordinance No. 579, Section 3.36.110 relating to "Professional and Specialized Services". This section states that it applies to "The acquisition of copyrighted and patented items, specialized or professional services, and services for which there is no reasonable alternative which is of equal or better quality or nature, shall be made by following the procedures set forth in this Section.

- A. The purchase order or contract award for such professional or specialized services or materials shall have a copy of a statement attached thereto by both the vendor or contractor and the City Administrator stating the reasons and the specific copyright or patent circumstances which have given rise to the invoking of this exception to the competitive acquisition process set out in this Chapter.

The original of such statement shall be filed with the City Clerk."

The Grand Jury was unable to find any such statement.

- 10. The contract negotiated with Sunset Waste contains a provision for a

\$1.00 per month senior citizen discount, if requested. The City is not currently offering this discount to seniors.

- 11. The senior discount was contained in the prior contract with Waste Connection but the City had not offered the discount for approximately fifteen years.

CONCLUSIONS

The fact that the City considered items in the proposals that were not requested in the RFP indicates that not all of the companies that submitted proposals were playing on an equal playing field. One company was given preference for programs that were not required in the RFP and other companies were not allowed to adequately respond. If the City was interested in these programs, all companies that submitted a proposal should have been given the opportunity to respond, or the programs should have been identified in the RFP.

The City claims that since this was a proposal and not a bid, City Ordinance No. 579, Section 3.36.100 does not apply. Regardless of what the process is called, a contract was negotiated in violation of City Ordinance No. 579, Section 3.36.100.

The Grand Jury does not believe that refuse collection would fall under the "Professional and Specialized Services" section of the City Ordinance. Paragraph E of this section states "'Professional Services' means work performed by specially trained and experienced persons, firms or corporations rendering professional services and advise (sic) such as accounting, auditing, financial advisory, securities underwriting, legal, medical, engineering, architectural, environmental, economic, real estate, insurance, appraisal, lobbying, public relations,

ordinance codification and publication, or similar such highly specialized services.”

However, if refuse collection does fall under this exemption the City failed to follow it’s own procedures by failing to attach a statement stating the “...reasons and the specific copyright or patent circumstances which have given rise to the invoking of this exception to the competitive acquisition process set out in this Chapter.”

RECOMMENDATIONS

1. All contracts, whether obtained through a RFP or bid process, comply with City Ordinance No. 579, Section 3.36.100.

2. Offer the senior citizen discount specified in the contract.
3. If the City intends to use the RFP process, adopt an ordinance to specify the process.

REQUIRED RESPONSES

City of Exeter

CITY OF LINDSAY PUBLIC SAFETY MERGER

BACKGROUND

The City of Lindsay (City) was incorporated on February 28, 1910 and celebrated its centennial on Sunday, February 28, 2010. Julius Orton is credited with planting the first orange trees in the Lindsay district on his homestead, giving rise to the motto, "Central California's Citrus Center." The townsite was laid out by Captain Hutchinson and the community was named for his wife, Sadie Lindsay Patton Hutchinson.

In June 1995, the community of Lindsay was named the only unanimous choice as an All-America City. This extremely prestigious award is given annually to the ten cities in the United States which have provided outstanding examples of community problem solving. These cities are recognized not so much for their current status but for their innovation and hard work at identifying and addressing community problems.

In 1976, the Lindsay Police Department moved in with the Fire Department and the departments were combined into the Lindsay Department of Public Safety. The consolidated department ran from 1976 until 1985 when the Director of Public Safety separated the functions, but the cross training continued until the late 1990's. At that time, the Director of Public Safety ceased all cross training.

REASONS FOR INVESTIGATION

The 2009-2010 Tulare County Grand Jury received a complaint concerning, among other items, the City Firefighter's living quarters and salaries. As a result, an investigation was initiated.

M. Brown Act and scheduled a City Council meeting on September 30, 2009 in an attempt to rectify this violation.

3. The first training session to train Police Officers in fire fighting duties started in November of 2009.

PROCEDURES FOLLOWED

1. Relevant witnesses were interviewed.
2. Relevant documents were inspected.
3. Attended City Council Meetings.

4. On February 9, 2010, the City voted to consolidate the City fire and police functions.

5. The firefighter living quarters were approximately eight feet by sixteen feet and included two or three beds, lockers and a small kitchenette.

FINDINGS

1. On September 17, 2009, the City Council discussed the consolidation of the police and fire fighting functions at a City Council meeting in San Jose, California.
2. City officials later stated that the meeting in San Jose violated the Ralph

6. Prior to the consolidation, there were three full time firefighters and approximately 22 full time police officers.

7. In 2000, 63 % of the City's fire calls for service were for medical aid/assist.
8. The fire fighting training that the police officers are going through does not include Emergency Medical Technician (EMT) or Paramedic training.
9. The City stated that the cost to send the police officers to the fire academy, not including salaries, is \$350 per person for a total cost of \$5250. This would train 15 police officers, yet the City states that they have approximately 22 police officers.
10. The City stated that the cost to send the firefighters to the police academy, not including salaries, is \$1600 per person for a total cost of \$4800. This would train 4 firefighters.
11. The training costs provided by the City do not include the additional cost that will be required to cover the shifts of the employees in training during their absence.

CONCLUSIONS

Prior to the consolidation, the firefighters need for equipment and adequate living quarters were lacking. It appears as if the needs of the police were given priority over those of the firefighters.

While the City should be commended for cross training police and firefighters, the City should thoroughly investigate the history of the prior consolidation and subsequent separation of functions in an effort to avoid having history repeat itself.

RECOMMENDATIONS

1. Do more of an outreach to the citizens, including the business community and retail property owners, to make them aware of the changes that have occurred with the consolidation of police and firefighters.
2. Comply with Ralph M. Brown Act.
3. Explore providing EMT and/or Paramedic training to Public Safety Officers.
4. Provide a full public accounting of cost versus savings of the consolidation on a regular basis.

REQUIRED RESPONSES

City of Lindsay
City of Lindsay Director of Public

EXETER DISTRICT AMBULANCE BOARD ON THE MEND?

BACKGROUND

Exeter District Ambulance was formed as a special tax district in 1977. The District operated on County and State Grants until the tax money began to come in in late 1978.

Later that year, the District faced the financial obstacle of Proposition 13, which limited the ability to increase taxes on property until it was sold to another party. In the early 1980's the local hospital had a reduction in admittances which decreased the need for ambulance transfers.

In November 1985, the Exeter District Ambulance Board of Directors (Board) voted to close the service by the end of the year. This decision prompted an outpouring of support from local residents who raised enough signatures to convince the Board to rescind the closure. This grass-roots campaign raised money and began campaigning for a tax measure proposed by the Board to continue to fund the District. Enough signatures were obtained to place the measure on the ballot. In June 1986, the measure was overwhelmingly supported by 81.3 % of the District voters.

In the late 1990's a house was remodeled creating the current ambulance station and ambulance bays. In 1999, the District built the current administration building at 302 E. Palm Street. This building houses the billing office, operations office, Board of Directors meeting room and space for public education, first-aid and CPR training.

REASONS FOR INVESTIGATION

The Tulare County Grand Jury received numerous complaints concerning the operation of the Exeter Ambulance District Board. As a result, an investigation was initiated. The allegations centered around potential conflicts of interest of board members and alleged violations of the Brown Act.

The complaints were filed shortly after the Board decided to contract out the management of the ambulance services.

Several of the complaints alleged there was a conflict of interest since the Board was comprised of four City of Exeter employees and one Board member who has a contract for vehicle towing and storage services with the City.

PROCEDURES FOLLOWED

1. Relevant witnesses were interviewed
2. Relevant documents were inspected
3. Attended Board meetings.

FINDINGS

1. There was one special/emergency meeting held on May 7, 2009. The Board has been unable to provide an agenda for this meeting but evidence indicates that it was a closed session meeting. There was no opportunity for public comment, which is a Brown Act violation.¹

¹ California Government Code Section 54954.3 (a)
[See end of this report]

2. Recently one of the Board members resigned due to accepting a new position out of the area. The Board publicized the opening and made an appointment to fill the position from the two applicants who responded.²
3. The voting records show that no more than one eligible citizen has filed papers to run for the Board since 2000.
4. Board members failed to file a correctly completed Form 700 (California Fair Political Practices Commission Statement of Economic Interests) as required by State law. The District supplied the Grand Jury with Form 700s for all Board Members on December 17, 2009. The form for one of the Board Members was unsigned and undated. On January 5, 2010, the District supplied the Grand Jury with the form 700 for this Board Member signed and dated March 9, 2009.
5. All Board members are required to have ethics training every two years³ as required by AB 1234 which was signed into law on October 7, 2005. One Board member who has been a board member for more than ten years, has no record of ethics training until December 19, 2009.
6. A new Board Member was approved to serve the term of a Board Member who resigned November 16, 2009. There were two candidates that applied for this position. This action was taken at a Board Meeting on January 21, 2010. Since this was

more than 60 days since the vacancy was created, the Board appropriately contacted the Tulare County Board of Supervisors (BOS) to appoint this member. The BOS made the appointment in accordance with California Government Code Section 1780 on February 9, 2010.

7. Even though the Board was comprised of four City of Exeter employees and an individual who has a contract with the City, no conflict of interest was substantiated. However, there were occasions where the City employees were receiving pay from the City at the same time they were conducting Board business and also receiving pay for serving as a Board Member.
8. Board Members who attend Board meetings receive a stipend of fifty dollars per month.

RECOMMENDATIONS

1. Allow public comment at all public Board meetings.
2. All Board members file an accurate and complete Form 700 as required by State law.
3. All Board members complete ethics training as required by State Law.
4. Board Members attend training sessions on local government (Government 101) initiated by the Tulare County Board of Supervisors and provided by County Counsel and other local attorneys.

REQUIRED RESPONSES

Exeter District Ambulance Board

² California Government Code Section 1780 [See end of this report]

³ California Government Code Section 53235 (b) [See end of this report]

GOVERNMENT CODE SECTIONS

53235. (b) Each local agency official shall receive at least two hours of **training** in general **ethics** principles and **ethics** laws relevant to his or her public service every two years.

54954.3. (a) Every agenda for regular meetings shall provide an opportunity for members of the public to directly address the legislative body on any item of interest to the public, before or during the legislative body's consideration of the item, that is within the subject matter jurisdiction of the legislative body, provided that no action shall be taken on any item not appearing on the agenda unless the action is otherwise authorized by subdivision

(b) of Section 54954.2. However, the agenda need not provide an opportunity for members of the public to address the legislative body on any item that has already been considered by a committee, composed exclusively of members of the legislative body, at a public meeting wherein all interested members of the public were afforded the opportunity to address the committee on the item, before or during the committee's consideration of the item, unless the item has been substantially changed since the committee heard the item, as determined by the legislative body. Every notice for a special meeting shall provide an opportunity for members of the public to directly address the legislative body concerning any item that has been described in the notice for the meeting before or during consideration of that item.

1780. (a) Notwithstanding any other provision of law, a vacancy in any elective office on the governing board of a special district, other than those specified in Section 1781, shall be filled pursuant to this section.

(b) The district shall notify the county elections official of the vacancy no later than 15 days after either the date on which the district board is notified of the vacancy or the effective date of the vacancy, whichever is later.

(c) The remaining members of the district board may fill the vacancy either by appointment pursuant to subdivision (d) or by calling an election pursuant to subdivision (e).

(d) (1) The remaining members of the district board shall make the appointment pursuant to this subdivision within 60 days after either the date on which the district board is notified of the vacancy or the effective date of the vacancy, whichever is later. The district shall post a notice of the vacancy in three or more conspicuous places in the district at least 15 days before the district board makes the appointment. The district shall notify the county elections official of the appointment no later than 15 days after the appointment. (2) If the vacancy occurs in the first half of a term of office and at least 130 days prior to the next general district election, the person appointed to fill the vacancy shall hold office until the next general district election that is scheduled 130 or more days after the date the district board is notified of the vacancy, and thereafter until the person who is elected at that election to fill the vacancy has been qualified. The person elected to fill the vacancy shall hold office for the unexpired balance of the term of office. (3) If the vacancy occurs in the first half of a term of office, but less than 130 days prior to the next general district election, or if the vacancy occurs in the second half of a term of office, the person appointed to fill the vacancy shall fill the balance of the unexpired term of office

(e) (1) In lieu of making an appointment the remaining members of the board may within 60 days of the date the district board is notified of the vacancy or the

effective date of the vacancy, whichever is later, call an election to fill the vacancy. (2) The election called pursuant to this subdivision shall be held on the next established election date provided in Chapter 1 (commencing with Section 1000) of Division 1 of the Elections Code that is 130 or more days after the date the district board calls the election.

(f) (1) If the vacancy is not filled by the district board by appointment, or if the district board has not called for an election within 60 days of the date the district board is notified of the vacancy or the effective date of the vacancy, whichever is later, then the city council of the city in which the district is wholly located, or if the district is not wholly located within a city, the board of supervisors of the county representing the larger portion of the district area in which the election to fill the vacancy will be held, may appoint a person to fill the vacancy within 90 days of the date the district board is notified of the vacancy or the effective date of the vacancy, whichever is later, or the city council or board of supervisors may order the district to call an election to fill the vacancy. (2) The election called pursuant to this subdivision shall be held on the next established election date provided in Chapter 1 (commencing with Section 1000) of Division 1 of the Elections Code that is 130 or more days after the date the city council or board of supervisors calls the election.

(g) (1) If within 90 days of the date the district board is notified of the vacancy or the effective date of the vacancy, whichever is later, the remaining members of the district board or the appropriate board of supervisors or city council have not filled the vacancy and no election has been called for, then the district board shall call an election to fill the vacancy. (2) The election called pursuant to this subdivision shall be held on the next

established election date provided in Chapter 1 (commencing with Section 1000) of Division 1 of the Elections Code that is 130 or more days after the date the district board calls the election.

(h) (1) Notwithstanding any other provision of this section, if the number of remaining members of the district board falls below a quorum, then at the request of the district secretary or a remaining member of the district board, the appropriate board of supervisors or the city council shall promptly appoint a person to fill the vacancy, or may call an election to fill the vacancy. (2) The board of supervisors or the city council shall only fill enough vacancies by appointment or by election to provide the district board with a quorum. (3) If the vacancy occurs in the first half of a term of office and at least 130 days prior to the next general district election, the person appointed to fill the vacancy shall hold the office until the next general district election that is scheduled 130 or more days after the date the district board is notified of the vacancy, and thereafter until the person who is elected at that election to fill the vacancy has been qualified. The person elected to fill the

vacancy shall hold office for the unexpired balance of the term of office. (4) If the vacancy occurs in the first half of a term of office, but less than 130 days prior to the next general district election, or if the vacancy occurs in the second half of a term of office, the person appointed to fill the vacancy shall fill the balance of the unexpired term of office. (5) The election called pursuant to this subdivision shall be held on the next established election date provided in Chapter 1 (commencing with Section 1000) of Division 1 of the Elections Code that is held 130 or more days after the date the city council or board of supervisors calls the election.

THE LIBRARY WILL TAKE YOUR BOOKS

BACKGROUND

The Library is operated by Tulare County and has branch libraries in fifteen communities. The Tulare County Library is a member of the San Joaquin Valley Library System, a cooperative network of ten public library jurisdictions in seven counties of California's central valley. The Tulare County Library is also a member of the Heartland Regional Library Network of the Library of California.

Library Mission Statement

"The Tulare County Library strives to enrich the lives of all users by meeting the informational, recreational, self-educational and cultural needs of the community in a welcoming atmosphere. Through a trained, service-oriented staff, we provide organized collections of current-interest materials and access to additional resources through participation in cooperative library systems. We endeavor to fulfill our commitment to the future by providing stimulating materials and programs that encourage lifelong learning for all."

REASON FOR INVESTIGATION

The 2009-2010 Tulare County Grand Jury received a complaint alleging a branch of the Tulare County Library refused donated books based on the fact that they were not hard-bound and soft-bound books were too costly to catalog.

- d. Books are checked for content.
- e. All soft-bound books meeting gift book policy are accepted at all branches.

2. The Gift Book policy is as follows:
"Branch Managers may accept gifts of books, magazines, and audio and video materials in the name of the County Librarian. Once accepted, they become the property of the Tulare County Library. The Library will select from the materials those which are suitable for library purposes and discard or donate to charitable organizations the remainder of the items. No gift can be accepted under the condition that it be added to the collection or remain in any one branch forever. Books may be assigned or transferred to other branches as needed, or they may be discarded.

Gift items to be considered for adding to the collection must meet the following criteria:

PROCEDURES FOLLOWED

1. Relevant witnesses were interviewed.
2. Relevant documents were reviewed.
3. Follow up interviews with relevant witnesses were conducted.

FINDINGS

1. Initial Interviews indicated:
 - a. Staff is helpful and polite.
 - b. Staff is trained when hired but receive no refresher training.
 - c. The decision to accept donated books is delegated to the branch library staff.

- They must be in like-new condition.
 - They must not be missing the dust jacket.
 - They must be free of stains, torn or loose pages, highlighting or underlining, personal names or bookplates, yellowed or yellowing pages.
 - They cannot be book club editions.
 - Gifts from Friends groups and other organizations must be cleared in advance with the County Librarian.
 - All gift subscriptions must be cleared in advance with the County Librarian. The County Librarian may approve the inclusion of bookplates in significant donations, including memorial gifts or materials especially selected or purchased for the library.”
3. Follow-up interviews indicated:
- a. Staff seemed to be more familiar with the gift book policy.
 - b. One branch indicated that staff or Friends of the Library check for content and make decisions on which books to keep.

CONCLUSIONS

The County Library System is a well run organization and the staff is generally courteous, knowledgeable and helpful. The book donation policy is sound. However on one occasion, because of confusion, the policy was not applied correctly.

RECOMMENDATIONS

1. Continue to train new hires on Library policies.
2. Develop a plan for refresher training to include all policies and procedures within the Library system.
3. Train all volunteers in Library Policies.

REQUIRED RESPONSES

Tulare County Librarian

TAX REVENUES LOST? TRANSIENT OCCUPANCY TAX

BACKGROUND

Transient Occupancy Taxes (TOT) are levied for the privilege of occupying a room or rooms or other living space in a hotel, inn, tourist home or house, motel or other lodging for a period of 30 consecutive days or less. The authority to levy TOT in California is granted to all county Board of Supervisors and/or City Councils in the cities of California by the California Revenue and Taxation Code.¹ In Tulare County, the authority to collect TOT is granted to the County Tax Collector by the Tulare County Board of Supervisors (BOS) via the County TOT ordinance.²

REASONS FOR INVESTIGATION

In October 2009, it came to the attention of the 2009–2010 Tulare County Grand Jury that some problems exist with the current TOT ordinance creating the possibility of tax revenue loss in the County.

PROCEDURES FOLLOWED

1. Reviewed relevant documents.
2. Reviewed tapes of BOS meetings.
3. Interviewed relevant witnesses.

FINDINGS

1. Currently, there is an ordinance in place that authorizes the County to levy and collect TOT on hundreds of private homes, town homes, condominiums, cabins and rooms in private homes³, which are rented, to person(s) or groups⁴ for 30 consecutive days or less.

2. TOT is supposed to be collected from the renter by the Owner/Agent and then paid to the County.
3. For a number of years now the County has been unable to collect the TOT on numerous short-term rentals due to ambiguous language in the ordinance and/or communication (miscommunication) between Owner/Agents, the County Tax Collector and other agencies.
4. Other agencies within the county have given information to Owner/Agents, based on the ambiguous language, which has been misleading.
5. Some verbiage used in the Tulare County TOT ordinance is open for interpretation leaving the opportunity for Owner/Agents of accommodations for rent to evade collecting the TOT and paying it to the County.
6. The August 2008 revision of the TOT ordinance still has at least three areas of ambiguity.

¹ See the California Revenue and Taxation Code 7280 at the end of this report.

² See the Tulare County Transient Occupancy Tax (TOT) ordinance § 1-05-1345 through 1445 at the end of this report.

³ Tulare County TOT ordinance 1-05-1355 (b)

⁴ Tulare County TOT ordinance 1-05-1355 (a)

- a. The ordinance fails to define clearly, which types of rental accommodations are subject to being taxed under the ordinance.
 - b. The ordinance fails to define clearly, what constitutes a day.
 - c. The ordinance fails to address partial day rental.
7. Vagueness in the County's TOT ordinance has resulted in a lack of accountability of some Owner/Agents who rent lodgings for 30 days or less causing the County to incur a loss of tax revenue.
 8. Presently, the County Tax Collector utilizes a contracted investigator to locate Owner/Agents who do not comply with the current TOT ordinance. This investigator has brought about the recovery of \$34,622.66 in TOT plus fees and penalties from delinquent Owner/Agents.
 9. When it is discovered that lodgings for rent do not comply with the TOT ordinance, the County Tax Collector formulates the required TOT along with any fees and penalties, which the Owner/Agent is required to pay.
 10. If the Owner/Agent disagrees with the County Tax Collector, the Owner/Agent may appeal to the BOS.
 11. In the last few months, there have been at least two appeals to the BOS. The BOS upheld both of these appeals (one fully and one in part), resulting in the loss of tax revenue to the County of approximately \$9,000 due to the vagueness of the TOT ordinance.

12. On October 27, 2009, the County Tax Collector advised the BOS that a draft of a revised TOT ordinance would be before the BOS in January 2010.

CONCLUSIONS

It is the opinion of the Grand Jury that the ambiguity of the Tulare County TOT ordinance caused not only the loss stated in finding number eleven (11) but other TOT losses as well. The Grand Jury also believes that in at least one incident the Owner/Agent absolutely did owe the TOT applied by the County Tax Collector. If we are going to live by the "letter of the law" and not necessarily by its intent, the ordinance writers need to better align the verbiage of the law and the goal.

The County will continue to have difficulty enforcing the TOT until changes are made in the language of the ordinance. The County will also continue having difficulties until all staff in all concerned agencies are briefed on the ordinance and its language.

RECOMMENDATIONS

1. Rewrite the TOT ordinance to eliminate any possibility of ambiguity or confusion i.e. "*occasionally and incidentally*"⁵ on the part of the Owner/Agent (proprietor /taxpayer) before the end of the fiscal year 2009 -2010.
 - a. Impose the TOT on any rental that is less than 30 consecutive days to the same renter for the same property.
 - b. Clarify what constitutes a full day and what the obligation is for any partial day use.

⁵ Tulare County TOT § 1-05-1355 (b).

- c. Put in place fines and penalties in an amount that will discourage non-compliance with the ordinance.
 - d. Once the new ordinance is in place and enforceable, brief all staff in all concerned agencies on the new language and the reason it was changed. Follow up on staff briefings at a minimum of every three years and/or as changes are made to the ordinance.
 - e. Refer all questions regarding the TOT from any agency and/or the public to the County Tax Collector.
 - f. Inform as many Owner/Agents as possible on the TOT ordinance and the changes made to the ordinance.
 - g. Print a public notice in all available news sources regarding TOT changes.
2. Register and inspect all properties that are subject to the TOT ordinance.

REQUIRED RESPONSES

Tulare County Board of Supervisors
Tulare County Tax

CALIFORNIA CODES - REVENUE AND TAXATION CODE - SECTIONS 7280-7283.51

7280. (a) The legislative body of any city, county, or city and county may levy a tax on the privilege of occupying a room or rooms, or other living space, in a hotel, inn, tourist home or house, motel, or other lodging unless the occupancy is for a period of more than 30 days. The tax, when levied by the legislative body of a county, applies only to the unincorporated areas of the county. (b) For purposes of this section, the term "the privilege of occupying a room or rooms, or other living space, in a hotel, inn, tourist home or house, motel, or other lodging" does not include the right of an owner of a time-share estate in a room or rooms in a time-share project, or the owner of a membership camping contract in a camping site at a campground, or the guest of the owner, to occupy the room, rooms, camping site, or other real property in which the owner retains that interest. For purposes of this subdivision:

(1) "Time-share estate" means a time-share estate, as defined by paragraph (1) of subdivision (x) of Section 11212 of the Business and Professions Code.

(2) "Membership camping contract" means a right or license as defined by subdivision (b) of Section 1812.300 of the Civil Code. (3) "Guest of that owner" means a person who does either of the following:

(A) Occupies real property accompanied by the owner of either of the following:

(i) A time-share estate in that real property.

(ii) A camping site in a campground pursuant to a right or license under a membership camping contract. (B) Exercises that owner's right of occupancy without payment of any compensation to the owner. (C) "Guest of that owner" specifically includes a person occupying a time-share unit or a camping site in a

campground pursuant to any form of exchange program.

(c) For purposes of this section, "other lodging" includes, but is not limited to, a camping site or a space at a campground or recreational vehicle park, but does not include any of the following: (1) Any facilities operated by a local government entity.

(2) Any lodging excluded pursuant to subdivision (b).

(3) Any campsite excluded from taxation pursuant to Section 7282.

(d) Subdivision (b) does not affect or apply to the authority of any city, county, or city and county to collect a transient occupancy tax from time-share projects that were in existence as of May 1, 1985, and which time-share projects were then subject to a transient occupancy tax imposed by an ordinance duly enacted prior to May 1, 1985, pursuant to this section. Chapter 257 of the Statutes of 1985 may not be construed to affect any litigation pending on or prior to December 31, 1985.

(e) (1) (A) If the legislative body of a city, county, or city and county elects to exempt from a tax imposed pursuant to this section any of the following persons whose occupancy is for the official business of their employers, the legislative body shall create a standard form to claim this exemption and the officer or employee claiming the exemption shall sign the form under penalty of perjury:

(i) An employee or officer of a government outside the United States.

(ii) An employee or officer of the United States government.

(iii) An employee or officer of the state government or of the government of a political subdivision of the state.

(B) The standard form described in subparagraph (A) shall contain a requirement that the employee or officer claiming the exemption provide to the property owner one of the following, as determined by the legislative body of the city, county, or city and county imposing the tax, as conclusive evidence that his or her occupancy is for the official business of his or her employer:

- (i) Travel orders from his or her government employer.
- (ii) A government warrant issued by his or her employer to pay for the occupancy.
- (iii) A government credit card issued by his or her employer to pay for the occupancy.

(C) The standard form described in subparagraph (A) shall contain a requirement that the officer or employee provide photo identification, proof of his or her governmental employment as an employee or officer as described in clause (i), (ii), or (iii) of subparagraph (A), and proof, consistent with the provisions of subparagraph (B), that his or her occupancy is for the official business of his or her governmental employer.

(2) There shall be a reputable presumption that a property owner is not liable for the tax imposed pursuant to this section with respect to any government employee or officer described in clause (i), (ii), or (iii) of subparagraph (A) of paragraph (1) for whom the property owner retains a signed and dated copy of a standard form that complies with the provisions of subparagraphs (B) and (C) of paragraph (1). (f) The provisions of subdivision (e) are not intended to preclude a city, county, or city and county from electing to exempt any other class of persons from the tax imposed pursuant to this section.

7280.5. (a) The redevelopment agency of any city which has levied a transient occupancy tax pursuant to Section 7280

or 7281 may also, by ordinance, levy a transient occupancy tax in accordance with this part, if the city's ordinance entitles any person subject to a transient occupancy tax under the city's ordinance to credit the amount of transient occupancy taxes due to the redevelopment agency of that city pursuant to this section against the payment of taxes due under the city's ordinance.

(b) An ordinance of a redevelopment agency imposing a transient occupancy tax pursuant to this section shall contain an enacting clause which states as follows: "The redevelopment agency of the City of ____ does ordain as follows." The ordinance shall be signed by the chairperson of the agency and attested by the clerk or secretary of the agency, and shall take effect immediately upon its final passage, but shall become operative on the first day of the first calendar quarter commencing more than 180 days after adoption of the ordinance. In all other respects, the ordinance shall be introduced and passed, and notice given by publication, in the manner provided by law for general law cities. (c) Any redevelopment agency adopting an ordinance pursuant to this section shall not levy a transient occupancy tax in excess of the rate of transient occupancy tax levied by its city, and the tax shall be levied only on accommodations located in a redevelopment project area for which the taxes are pledged pursuant to subdivision (e) of Section 33641 of the Health and Safety Code. (d) Any pledge pursuant to Section 33641 of the Health and Safety Code made with respect to taxes imposed under this section for the payment of principal and interest on bonds of a redevelopment agency shall constitute the obligation of a contract between the development agency and the holder of the bonds and shall be protected

from impairment by the United States and California Constitutions. The provisions of this section which authorize the imposition of the taxes may not be repealed during the time that any of the bonds remain outstanding.

7281. The legislative body of any city or county may levy a tax on the privilege of renting a mobile home, as defined in Section 18008 of the Health and Safety Code, which is located outside a mobile home park for occupancy on a transient basis unless such occupancy is for any period of more than 30 days. Such tax when levied by the legislative body of a county shall apply only to the unincorporated areas of the county. This section does not authorize any city or county to levy a tax on the privilege of renting any mobile home when the tenant is an employee of the owner or operator of the mobile home.

7282. Notwithstanding any other provision of law, no city, county, or city and county may levy a tax on the privilege of occupying a campsite in a unit of the state park system.

7282.3. (a) Notwithstanding any other provision of law, no city, county, or city and county may levy a tax under Section 7280 on any amount subject to tax under the Sales and Use Tax Law (Part 1 (commencing with Section 6001)) with respect to the sale of food products. (b) This section shall also apply to charter cities. (c) For purposes of this section, "food products" means food and beverage products of every kind, regardless of how or where served, and shall specifically include, but not be limited to, alcoholic beverages and carbonated beverages of every kind.

7283. A board of supervisors may, by

ordinance or resolution, establish procedures for the collection of delinquent amounts of any tax levied pursuant to this chapter.

7283.5. (a) (1) A purchaser, transferee, or other person or entity attempting to obtain ownership of a property, the owner of which is required to collect the tax imposed pursuant to this chapter, may request the city, county, or city and county in which that property is located to issue a tax clearance certificate under this section. (2) A city, county, or city and county that issues a tax clearance certificate under this section may charge an administrative fee to cover its costs in issuing the certificate. (b) Within 90 days of receiving a request described in subdivision (a), a city, county, or city and county shall do either of the following:

(1) Issue the tax clearance certificate.

(2) (A) Request the current owner of the property to make available that owner's transient occupancy tax records for the purpose of conducting an audit regarding transient occupancy taxes that may be due and owing from the owner of the property. (B) (i) Complete the audit described in subparagraph (A) on or before 90 days after the date that the current or former owner's records are made available to the auditing jurisdiction and issue a tax clearance certificate within 30 days of completing the audit.

(ii) If, after completing the audit, the city, county, or city and county makes a determination that the current owner's records are insufficient to make a determination of whether transient occupancy taxes may be due and owing, the city, county, or city and county is not required to issue a tax clearance certificate as otherwise required by this subdivision. The city, county, or city and county shall, within 30 days of making that determination, notify the purchaser,

transferee, or other person or entity that made the request that it will not issue a tax clearance certificate due to the insufficiency of the prior owner's records. (c) If a city, county, or city and county does not comply with subdivision (b), the purchaser, transferee, or other person or entity that obtains ownership of the property shall not be liable for any transient occupancy tax obligations incurred prior to the purchase or transfer of the property. (d) For a tax clearance certificate issued under this section, all of the following apply: (1) The certificate shall state the amount of tax due and owing for the subject property, if any. (2) The certificate shall state the period of time for which it is valid. (3) The purchaser, transferee, or other person or entity who obtains ownership of the property may rely upon the tax clearance certificate as conclusive evidence of the tax liability associated with the property as of the date specified on the certificate. (e) Any purchaser, transferee, or other person or entity

described in subdivision (a) who does not obtain a tax clearance certificate under this section, or who obtains a tax clearance certificate that indicates that tax is due and fails to withhold, for the benefit of the city, county, or city and county, sufficient funds in the escrow account for the purchase of the property to satisfy the transient occupancy tax liability, shall be held liable for the amount of tax due and owing on the property. (f) This section may not be construed to relieve a property owner of transient occupancy tax obligations incurred when that owner owned the property.

7283.51. Notwithstanding any other provision of law, except in the case of fraud or the failure of a property owner to file a transient occupancy tax return, a city, county, or city and county may institute an action to collect unpaid transient occupancy taxes within four years of the date on which the transient occupancy taxes were required to be paid.

TULARE COUNTY TRANSIENT OCCUPANCY ORDINANCE SECTION 1-05-1345 through 1445

ARTICLE 11. TRANSIENT OCCUPANCY TAX

1-05-1345 TITLE:

This Article shall be known as the Transient Occupancy Tax Law of the County of Tulare.

1-05-1350 LEGISLATIVE AUTHORITY:

This Article is adopted pursuant to the authority set forth in sections 7280-7283.51 of the Revenue and Taxation Code of the State of California.
(Amended by Ord. No. 3368, effective 10-09-08)

1-05-1355 DEFINITIONS:

Except where the context otherwise requires, the following definitions shall govern the construction of this Article:

(a) "Person" means any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, or any other group or combination acting as a unit.

(b) "Hotel" means any structure, or any portion of any structure, which is occupied or intended or designed for occupancy by transients for dwelling, lodging or sleeping purposes, and includes any hotel, inn, tourist home or house, motel, studio hotel, bachelor hotel, lodging house, rooming house, apartment house, dormitory, public or private club, or other similar structure or portion thereof. "Hotel" also includes a

mobile home, as defined in section 18008 of the Health and Safety Code of the State of California, which is located outside a mobile home park when the tenant is not an employee of the owner or operator of the mobile home. "Hotel" does not include a hospital room, medical clinic, convalescent home or home for the aged. Also, "hotel" does not include a private home, vacation cabin or similar facility which is rented by a person who is not regularly engaged in the business of renting such facilities and does so only occasionally and incidentally to his or her own use thereof.

(c) "Occupancy" means the use or possession, or the right to the use or possession, of any room or rooms or portion thereof, in any hotel for dwelling, lodging or sleeping purposes.

(d) "Transient" means any person who exercises occupancy or is entitled to occupancy by reason of concession, permit, right of access, license or other agreement for a period of thirty (30) consecutive calendar days or less. For the purpose of counting consecutive days, each day for which full rent is charged by the operator shall be deemed a full day.

(e) "Rent" means the consideration charged, whether or not received, for the occupancy of space in a hotel valued in money, whether to be received in money, goods, labor or otherwise, including all receipts, cash, credits and property and services of any kind or nature, without any deduction there from.

(f) "Operator" means the person who is the proprietor of the hotel, whether in the capacity of owner, lessee, sub lessee, mortgagee in possession, licensee, or any other capacity. If the operator performs his or her functions through a managing agent of any type or character other than an employee, the managing agent shall also be deemed an operator for the purposes of this Article and shall have the

same duties and liabilities as his or her principal. Compliance with the provisions of this Article by either the principal or the managing agent shall, however, be considered to be compliance by both.

(g) "Tax Collector" means the Auditor-Controller/Treasurer- Tax Collector of the County of Tulare.

(Amended by Ord. No. 3368, effective 10-09-08)

1-05-1360 AMOUNT OF TAX: PAYMENT BY TRANSIENT:

For the privilege of occupancy in any hotel, each transient is subject to and shall pay a tax in the amount of ten percent (10%) of the rent charged by the operator. Said tax constitutes a debt owed by the transient to the County, which is extinguished only by payment to the operator, who is mandated to deliver such tax to the County as provided in this Article. The transient shall pay the tax to the operator of the hotel at the time the rent is paid. If the rent is paid in installments, a proportionate share of the tax shall be paid with each installment. The unpaid tax shall be due when the transient ceases to occupy space in the hotel.

(Amended by Ord. No. 3368, effective 10-09-08)

1-05-1365 EXEMPTIONS:

No tax shall be imposed upon the following persons and occupancies:

(a) Any person as to whom, or any occupancy as to which, it is beyond the power of the County to impose the tax herein provided.

(b) Any officer or employee of a foreign government who is exempt by reason of express provision of federal law or intern occupancy international treaty.

(c) Any occupancy, by one or more occupants, for which the total rent paid by the occupants is less than Two Dollars (\$2.00) a day.

(d) Any person in the performance of official duties as an officer or employee of a city, county, state or federal government.

No exemption shall be granted under subsections (a) or (b) of this section unless a claim of exemption on the form prescribed by the Tax Collector is executed by the transient under penalty of perjury and filed with the operator at the time rent is collected.

(Amended by Ord. No. 3368, effective 10-09-08)

1-05-1370 REFUNDS: WAIVER:

If a person exercises occupancy or is entitled to occupancy for a period longer than thirty (30) consecutive days, thus removing such person from the definition of transient, then the operator shall refund to such person immediately the total amount of the tax previously collected by the operator from such person during the initial thirty (30) consecutive days of occupancy under section [1-05-1375](#) of this Article.

1-05-1375 DUTIES OF OPERATOR:

Each operator shall collect the tax imposed by this Article to the same extent, and at the same time, as the rent is collected from every transient. Failure of the operator to impose or collect the tax shall not relieve the operator from the obligation to remit to the Tax Collector the tax due under this Article. The operator shall provide to each transient a receipt for payment of the tax and the amount of tax shall be separately stated from the amount of the rent charged. It shall be unlawful for any person to advertise or state in any manner, whether directly or indirectly, that the tax or any part thereof will be assumed or absorbed by the operator, or that it will not be added to the rent, or that, if added, any part will be refunded, except in the manner provided in this Article.

(Amended by Ord. No. 3368, effective 10-09-08)

1-05-1380 REGISTRATION OF OPERATORS:

Every person engaging or about to engage in business as an operator of a hotel in the unincorporated area of Tulare County, shall register with the Tax Collector on a form provided by him or her. Persons engaged in such business must so register not later than January 1, 1965, or within thirty (30) days after commencing business, whichever is later, but such privilege of registration after the date of imposition of such tax shall not relieve any person from the obligation of collection and remittance of tax on and after the date of imposition thereof, regardless of registration. Such registration form shall set forth the name under which such person transacts or intends to transact business, the location of his or her place or places of business and such other information to facilitate the collection of the tax as the Tax Collector may require. The registration form shall be signed by the owner if a natural person, by a member or partner in case of an association or partnership, and by an executive officer or some person specifically authorized by the corporation to sign the registration form in the case of a corporation. The Tax Collector shall, within ten (10) days after receiving such registration form, issue without charge a certificate of authority to each registrant to collect the tax from transients, together with a duplicate thereof for each additional place of business of such registrant. Such certificates shall be non assignable and nontransferable and shall be surrendered immediately to the Tax Collector upon the cessation of business at the location named or upon sale or transfer of the hotel. Each certificate shall be prominently displayed in the hotel so as to be seen and come to the notice

readily of all occupants and persons seeking occupancy. Said certificate shall contain the following information:

- (a) The name of the operator.
- (b) The address of the hotel.
- (c) The date upon which the certificate was issued.
- (d) The following statement:

This Transient Occupancy Registration Certificate signifies that the person named on the face hereof has fulfilled the requirements of the Transient Occupancy Tax Law of the County of Tulare by registering with the Tax Collector for the purpose of collecting from transients the Transient Occupancy Tax and remitting said tax to the Tax Collector. This certificate does not authorize any person to conduct any unlawful business or to conduct any lawful business in an unlawful manner, nor to operate a hotel without strictly complying with all locally applicable laws, including but not limited to those requiring a permit from any board, commission, department or office of this County. This certificate does not constitute a permit.

- (e) Such additional information as may be required by the Tax Collector.
- (Amended by Ord. No. 3368, effective 10-09-08)

1-05-1385 REPORTING AND REMITTING:

Each operator shall, on or before the last day of the calendar month following the close of each calendar quarter, or at the close of any shorter reporting period which may be established by the Tax Collector, file a return with the Tax Collector, on forms provided by the Tax Collector. The operator's return shall be complete when it is filed and it shall state the total rents charged and received and the amount of tax collected from transient occupancies. At the time the return is filed, the full amount of the tax collected

shall be remitted to the Tax Collector. The Tax Collector may establish shorter reporting periods for any operator if he or she deems it necessary in order to ensure collection of the tax and he or she may require additional information in the return. Returns and payments are due immediately upon cessation of business for any reason. All taxes collected by operators pursuant to this Article shall be held in trust for the account of the County until payment thereof is made to the Tax Collector.

(Amended by Ord. No. 3368, effective 10-09-08)

1-05-1390 REMITTANCE BY MAIL:

If a remittance to cover a payment required by this Article to be made to the Tax Collector on or before a specified date is sent through the United States mail, properly addressed with postage prepaid, it shall be deemed to have been received by the Tax Collector on the date shown by the post office cancellation mark stamped upon the envelope containing the remittance or on the date it was mailed if proof satisfactory to the Tax Collector establishes that the mailing occurred on an earlier date. Nothing in this section shall be construed as constituting payment of any remittance required, unless such remittance is actually received by the Tax Collector.

1-05-1395 PENALTIES AND INTEREST: ORIGINAL DELINQUENCY:

Any operator who fails to remit any tax imposed by this Article within the time required by section [1-05-1385](#) of this Article shall pay a penalty of ten per cent (10%) of the total amount of the tax in addition to the amount of the tax.

1-05-1400 SAME: CONTINUED DELINQUENCY:

Any operator who fails to remit any delinquent remittance on or before the last day of the second calendar month

following the close of each calendar quarter shall pay a second delinquency penalty of ten per cent (10%) of the amount of the tax in addition to the amount of the tax and the ten per cent (10%) penalty first imposed.

1-05-1405 SAME: FRAUD:

If the Tax Collector determines that the nonpayment of any remittance due under this Article is due to fraud, a penalty of twenty five per cent (25%) of the amount of the tax shall be added thereto in addition to the penalties stated in sections [1-05-1395](#) and [1-05-1400](#) of this Article.

1-05-1410 SAME: INTEREST:

In addition to the penalties imposed, any operator who fails to remit any tax imposed by this Article shall pay interest at the rate of one-half of one per cent (0.5%) per month or any fraction thereof on the amount of the tax, exclusive of penalties, from the date on which the remittance first became delinquent until paid.

(Amended by Ord. No. 3368, effective 10-09-08)

1-05-1415 SAME: PENALTIES AND INTEREST MERGE WITH TAX:

Every penalty imposed and such interest as accrues under the provisions of sections [1-05-1395](#) through [1-05-1410](#) of this Article shall become a part of the tax herein required to be paid.

1-05-1420 FAILURE TO COLLECT AND REPORT TAX:

(a) If any operator shall fail or refuse to collect or remit the tax or any portion thereof required by this Article or to file, within the time provided in this Article, any report or return of said tax, the Tax Collector shall proceed in such manner as he or she may reasonably deem best to obtain facts and information on which to base his or her estimate of the tax due. As soon as the Tax Collector secures such

facts and information as he or she is able to obtain upon which to base the assessment of any tax imposed by this Article, he or she shall proceed to determine and assess against such operator the tax, interest and penalties provided for by this Article. When such determination has been made, the Tax Collector shall give a notice of the amount so assessed by serving it personally or by depositing it in the United States mail, postage prepaid, addressed to the operator so assessed at his or her last known address.

(b) Such operator may, within ten (10) days after the serving or mailing of such notice, make application in writing to the Tax Collector for a hearing on the amount assessed. If application by the operator for a hearing is not made within said ten (10) day period, the tax, interest and penalties determined by the Tax Collector shall become final and conclusive and immediately due and payable. If such application is made, the Tax Collector shall give not less than five (5) days' written notice to the operator, in the manner prescribed above, to show cause at a time and place fixed in said notice why said amount specified therein should not be fixed for such tax, interest and penalties.

(c) At such hearing, the operator may appear and offer evidence why such specified tax, interest and penalties should not be so fixed.

(d) After such hearing the Tax Collector shall determine the proper tax to be remitted and shall thereafter give written notice to the operator in the manner prescribed above of such determination and the amount of such tax, interest and penalties. The amount determined to be due shall be payable fifteen (15) days after the serving or mailing of such notice unless an appeal is taken as provided in section [1-05-1435](#) of this Article.

(Amended by Ord. No. 3368, effective 10-09-08)

1-05-1425 DEFICIENCY DETERMINATIONS:

(a) If the Tax Collector is not satisfied with a return filed by an operator or the amount of the operator's alleged tax liability, the Tax Collector shall proceed in such manner as he or she may deem best to obtain facts and information on which to base his or her estimate of the tax due. As soon as the Tax Collector shall procure such facts and information as he or she is able to obtain upon which to base the assessment of any tax imposed by this Article, the Tax Collector shall proceed to determine and assess against such operator the tax, interest and penalties provided for by this Article. In any case where determination is made, the Tax Collector shall give a notice of the amount so assessed by serving it personally or by depositing it in the United States mail, postage prepaid, addressed to the operator at his or her last known address.

(b) The operator may, within ten (10) days after service or mailing of such notice, apply in writing to the Tax Collector for a hearing on the amount assessed. If an application by the operator for a hearing is not received within the time prescribed, the tax, interest and penalties, if any, determined by the Tax Collector shall become final and conclusive and immediately due and payable. If such application is timely made, the Tax Collector shall give not less than five (5) days of written notice in the manner prescribed herein to the operator to show cause, at a time and place fixed in such notice, why the assessed amount should not be fixed for such tax, interest and penalties.

(c) At such hearing, the operator may appear and offer evidence why the assessed amount, including interest and penalties, should not be so fixed.

(d) After such hearing the Tax Collector shall determine the proper tax to be remitted and shall thereafter give written notice to the operator in the manner prescribed herein of such determination and the amount of such tax, interest and penalties. The Tax Collector's determination shall be presumed to be correct. In connection with all appeals, the operator has the burden of proving that the Tax Collector's determination is incorrect, and the burden of producing sufficient evidence to establish the correct tax liability. The amount determined to be due shall be payable after fifteen (15) days unless an appeal is taken as provided in Section [1-05-1435](#).

(Amended by Ord. No. 3368, effective 10-09-08)

1-05-1430 REFUNDS:

Whenever the amount of any tax, penalty, or interest has been paid more than once or has been erroneously or illegally collected or received by the Tax Collector under this Article, it may be refunded, provided a verified claim in writing therefor, stating the specific ground upon which the claim is founded, is filed with the Tax Collector within three (3) years from the date of payment. The claim shall be made on forms provided by the Tax Collector. If the claim is approved by the Tax Collector the excess amount collected or paid may be refunded or may be credited on any amounts then due and payable from the person from whom it was collected or by whom paid and the balance may be refunded to such person, or his or her administrators or executors.

(Amended by Ord. No. 3368, effective 10-09-08)

1-05-1435 APPEALS:

Any operator aggrieved by any decision of the Tax Collector may appeal to the Board of Supervisors by filing a notice of

appeal with the Clerk of the Board of Supervisors within fifteen (15) days after the serving or mailing of the notice of the decision. The Board of Supervisors shall fix a time and place for hearing such appeal and the Clerk of the Board of Supervisors shall give notice in writing to such operator at his or her last known address. The decision of the Board of Supervisors shall be final and conclusive and shall be served upon the appellant by serving it personally or by depositing it in the United States mail, postage prepaid, addressed to the operator at his or her last known address. Any amount found to be due shall be immediately due and payable upon the service of said notice.

(Amended by Ord. No. 3368, effective 10-09-08)

1-05-1440 RECORDS:

(a) It shall be the duty of every operator liable for the collection and remittance to the county of any tax imposed by this Article to keep and preserve, for a period of five (5) years, all records that may be necessary to determine the amount of such tax as he or she may have been liable for collecting and remitting to the County under this Article. At a minimum, the records deemed necessary for this determination shall be:

- (1) A general ledger indicating all revenue collected by the operator;
- (2) A chronological revenue journal listing the tax and room revenues separately, or other means acceptable to the Tax Collector summarizing the operator's monthly and quarterly revenue;
- (3) Room registrations, which shall include the name, address, telephone number and the automobile license plate number of the transient;
- (4) A calendar or journal listing all advance registrations and the date on which the advance registration was entered on the listing;

(5) Copies of any forms used to claim exemption from the tax; and

(6) Consecutively numbered payment receipts showing the amount paid for occupancy and which list the room rate separately from the amount of tax paid. Such receipts must, with reasonable effort, be identifiable using the revenue journal of subdivision (a)(2).

(b) At all reasonable times, the records required by this section shall be available for inspection by the Tax Collector or authorized deputies. Performance of an audit does not waive the County's right to any tax or the five (5) year requirement of preserving records.

(c) When an operator neglects, refuses or fails to produce for inspection any record required by this section, the Tax Collector may obtain a subpoena for such record(s) from the chairperson of the Board of Supervisors who may issue a subpoena and undertake the actions the chairperson is authorized to undertake pursuant to Article 9, of Chapter 1 of Part 2 of Division 2 of Title 3 of the Government Code (commencing with Government Code section 25170). Pursuant to Government Code section 25170, the subpoena shall command the operator to appear before the Board of Supervisors, at a time and place therein specified, to be examined as a witness. The subpoena may require the operator to produce all books, papers, and documents in his or her possession or under his or her control, required under this section.

(d) In the event that any records required by this section are unavailable, the Tax Collector shall proceed in such manner as he or she may reasonably deem best to obtain facts and information on which to base his or her estimate of the tax due under this Article.

(Amended by Ord. No. 3368, effective 10-09-08)

1-05-1445 CERTIFICATE OF DELINQUENCY AND TRANSIENT OCCUPANCY TAX LIEN:

(a) The TaxCollector is authorized to record a Certificate of Delinquency and Transient Occupancy Tax Lien in the official records of the County Recorder against any operator who fails to remit taxes, penalties, or interest due under this Article within the time herein required. The Certificate of Delinquency and Transient Occupancy Tax Lien may be recorded by the Tax Collector after:

(1) The tenth (10th) day following service or mailing of the notice required by subdivision (a) of either section [1-05-1420](#) or section [1-05-1425](#), if the operator does not timely file a hearing application as permitted under subdivision (b) of either section [1-05-1420](#) or section [1-05-1425](#), whichever is applicable.

(2) The fifteenth (15th) day after the Tax Collector's determination of the amount of tax to be remitted pursuant to subdivision (d) of either section [1-05-1420](#) or section [1-05-1425](#), unless the operator files a timely appeal pursuant to section [1-05-1435](#).

(3) If the operator files a timely appeal pursuant to section [1-05-1435](#), the fifteenth (15th) day after service of the Board of Supervisor's findings pursuant to section [1-05-1435](#).

The Certificate of Delinquency and Transient Occupancy Tax Lien may be recorded within three (3) years after the tax becomes due. The Certificate of Delinquency and Transient Occupancy Tax Lien shall be dated and specify the amount of tax and penalties due as of that date, the name and last known address of the operator liable for the same, and a statement that the Tax Collector has complied with all provisions of this Article with respect to the computation and levy of the tax owed by the operator. From the time of recordation of the Certificate of Delinquency and Transient Occupancy Tax

Lien, the amount required to be paid, together with penalties and continually accruing interest, shall constitute a lien upon all real property within Tulare County owned by the operator or thereafter acquired prior to expiration of the lien. Except as otherwise provided in this Article, the lien shall have the force, effect, and priority of a judgment lien and shall continue for ten (10) years from the filing of the Certificate of Delinquency and Transient Occupancy Tax Lien, unless sooner released or otherwise discharged. Within ten (10) years of the date of the recording of the Certificate of Delinquency and Transient Occupancy Tax Lien (or within ten (10) years of the date the last extension of the lien), the Tax Collector may extend the lien by recording either a new or the original certificate in the official records of the County Recorder, and from the time of such recording, the original lien shall be extended for an additional ten (10) years unless sooner released or otherwise discharged. The lien shall not be released or discharged until the delinquent taxes, penalties for delinquency, and costs of collection are fully paid.

(b) At any time within three (3) years after the recordation of a Certificate of Delinquency and Transient Occupancy Tax Lien under subsection (a) above, the Tax Collector may issue a warrant directed to the Sheriff for the enforcement of the lien and the collection of any tax and penalties required to be paid to the County under this Article. The warrant shall have the same effect as a writ of execution, and be executed in the same manner and with the same effect as a levy and sale pursuant to a writ of execution. The Tax Collector may pay or advance to the Sheriff such fees, commission, and expenses for services as are provided by law for similar services pursuant to a writ of execution.

(c) In lieu of issuing a warrant under subdivision (b), at any time within the three years after a Certificate of Delinquency and Transient Occupancy Tax Lien is recorded, the Tax Collector may collect the delinquent amount by seizing, or causing to be seized, any property, real or personal, of the operator and sell any non-cash or non-negotiable property, or a sufficient part of it, at public auction to pay the amount of tax due, together with any penalties, interest, and any costs incurred on account of the seizure and sale. Any seizure made to collect taxes due shall only be of property of the operator not exempt from execution under the provisions of the Code of Civil Procedure.

(Amended by Ord. No. 3368, effective 10-09-08)

1-05-1450 VIOLATIONS:

(a) Any operator violating any of the provisions of this Article shall be guilty of a misdemeanor and shall be punishable therefor as provided by section 125 of this Ordinance Code.

(b) Any operator or other person who fails or refuses to register as required in this Article, or to file any return required to be filed, or who fails or refuses to file a supplemental return or furnish any other data required by the Tax Collector, or who files a false or fraudulent return or claim under this Article, is guilty of a misdemeanor and shall be punishable therefor as provided by section 125 of this Ordinance Code.

(c) Any person required to make, render, sign or verify any report, return or claim who makes any false or fraudulent report, return or claim with intent to defeat or evade the determination of any amount due required by this Article to be made, is guilty of a misdemeanor and shall be punishable therefor as provided by section 125 of this Ordinance Code.

In addition, the Tax Collector may pursue on behalf of the County, any civil or administrative remedy otherwise available for failure to comply with the requirements of this Article. If the County prevails, the County shall be entitled to recover any costs, including attorneys' fees, personnel costs or other expenses incurred because of failure to comply with the requirements of this Article. Failure to pay such costs upon demand shall be grounds for revocation of an operator's certificate of registration issued under section [1-05-1380](#).

(Amended by Ord. No. 3368, effective 10-09-08)

EDUCATION

SCHOOL DISTRICT ACTIONS QUESTIONED BY COMMUNITY

BACKGROUND

In 1889, the Dinuba School District was established and all grades from one to eight were taught. Ten years later Dinuba Union High School was established and classes were held in the two-story elementary schoolhouse. In 1917, the Dinuba Unified School District was formed. Over the last 93 years the Dinuba School District has grown into a district of five elementary schools serving kindergarten through fifth grade, one sixth grade academy, one high school, one alternative high school, an adult school and an adult independent study program. The approximate number of students in the district is 5,700 with a demographic makeup that reflects that of the community and translates to 81% Hispanic, 16% Caucasian and 3% other.

Many parents actively participate in district committees, parent-teacher organizations, fund raising activities and volunteer programs.

The Dinuba Unified School District Board of Trustees (School Board) is elected by the community to provide leadership and citizen over-sight of the district's schools. The School Board works with the Superintendent to fulfill its major roles, one of which is ensuring accountability to the local community. This includes personnel, programmatic and fiscal accountability and serving as a judicial and appeals body as needed. Besides creating a complaint procedure that ensures due process and facilitates the progress of amenable resolution of issues, the School Board may convene to serve as a judicial and appeals body in accordance with law, School Board policies and negotiated agreements. The School Board may delegate fact-finding or hearing responsibilities in appropriate cases but remains the final decision-maker in these proceedings. Only the School Board has the legal authority for contracting with employees. They are guided by many rules, laws, school and government codes as well as the Brown Act when conferring about all things including student problems and employee negotiations.

REASONS FOR INVESTIGATION

The 2009-2010 Tulare County Grand Jury began an investigation into possible Brown Act violations by the Dinuba Unified School District Board of Trustees and their failure to answer questions from the community regarding the dismissal of an employee from Wilson Elementary School upon receipt of a Citizen's Complaint.

PROCEDURES FOLLOWED

1. Interviewed relevant witnesses

2. Reviewed relevant records and documents

FINDINGS

1. There was demonstrated community support for the Wilson Elementary School Principal in question.
2. The Wilson Elementary School Principal in question was not terminated, but reassigned.

3. The School Board answered all written and oral questions that were presented by the community.
4. The Grand Jury found no instances of Brown Act violations or improprieties by the School Board.
5. The contact person on the complaint had no knowledge that a complaint had been sent to the Grand Jury. The identity of the complainant remains unknown.
6. The return address on the complaint was Wilson Elementary School.

CONCLUSIONS

The Dinuba Unified School District Board of Trustees completed the Wilson Elementary School Principal selection process in a transparent and professional manner with ample opportunity for public comment.

RECOMMENDATIONS

None

RESPONSES REQUIRED

None

HIGH SCHOOL BULLIES

BACKGROUND

On January 1, 2008 Assembly Bill 394 (AB 394) and Senate Bill 777 (SB 777) were passed and became law. SB 777 simplifies and clarifies existing civil rights protections for California students by providing an explicit and clear list of all the prohibited bases of discrimination in publicly funded kindergarten through grade twelve schools. AB 394 provided California school districts with required resources to update their anti-discrimination materials and training process.

The 2008-2009 Tulare County Grand Jury sent questionnaires to 18 high schools in Tulare County to determine if they were in compliance with the Law. The Grand Jury concluded that not all high schools in our County had harassment programs and in their final report, Status of Harassment Policies in Tulare County High Schools, made several recommendations that would put them in compliance.

REASONS FOR INVESTIGATION

The 2009-2010 Tulare County Grand Jury after reading the above mentioned report and the responses for the required responders determined that a subject of this importance and magnitude deserved follow-up to insure compliance.

PROCEDURES FOLLOWED

1. Reviewed responses to the 2008-2009 final report, Status of Harassment Policies in Tulare County High Schools.
2. On October 22, 2009, a letter was sent requesting additional information regarding Bullying and Harassment Policies. This letter requested documentation of, but not limited to, brochures, handouts, student handbooks, employee education/briefings, policy manuals, required parent signatures, etc. from the following High Schools:

Alpaugh High School
Dinuba High School
El Diamante High School

Exeter High School
Farmersville High School
Golden West High School
Granite Hills High School
Lindsay High School
Mission Oaks High School
Monache High School
Mt Whitney High School
Orosi High School
Porterville High School
Redwood High School
Strathmore High School
Tulare Joint Union High School
Tulare Western High School
Woodlake High School

3. Follow-up letters were sent and site visits were made.
4. Replies to the October 22, 2009 letter were reviewed.
5. Relevant witnesses were interviewed.

FINDINGS

1. Some of the schools required to respond to the 2008-2009 Final Report Status of Harassment Policies in Tulare County High Schools did not respond

and/or the response was inadequate.

2. Granite Hills and Strathmore High Schools did not provide the information requested in the October 22, 2009 letter.
3. None of High Schools named in the above "Procedures Followed" (number two) provided satisfactory verification of student, parent and/or staff training required by SB 777 and AB 394.
4. The Tulare County Office of Education's current statistical survey on how safe students and teachers feel at school indicates there are many students, teachers and staff who feel unsafe to some degree.
5. The data on harassment and bullying behavior incidents for all schools within Tulare County is available at the Tulare County Office of Education. Schools can access this information to update and improve existing harassment and bullying programs.
6. The Tulare County Office of Education offers certified instructors to facilitate free "train the trainer" instruction to any school within Tulare County. The only costs to the school are for training materials.

CONCLUSIONS

There is a need to reduce the number of harassment and bullying incidents to improve the quality of the learning environment and eliminate existing fear levels of students, staff and teachers.

RECOMMENDATIONS

1. Granite Hills and Strathmore High Schools provide the information

requested in the letter sent October 22, 2009.

2. All schools clearly document the training of students, parents and staff required by SB 777 and AB 394.
3. All schools contact the Tulare County Office of Education to schedule the offered "train the trainer" instruction on harassment and bullying.
4. All School Boards review the current harassment and bullying policies, procedures and training strategies for teachers, students and parents to ensure compliance with SB 777 and AB 394.
5. All School Boards budget to cover the initial and recurring costs for trainers, teacher, staff and student/parent training notebooks and exams.

REQUIRED RESPONSES

Tulare County Office of Education
 Alpaugh High School
 Dinuba High School
 El Diamante High School
 Exeter High School
 Farmersville High School
 Golden West High School
 Granite Hills High School
 Lindsay High School
 Mission Oaks High School
 Monache High School
 Mt Whitney High School
 Orosi High School
 Porterville High School
 Redwood High School
 Strathmore High School
 Tulare Joint Union High School
 Tulare Western High School
 Woodlake High School

SCHOOL DISTRICT BOARD MEETINGS

BACKGROUND

There are 43 Elementary School districts and 10 High School districts within Tulare County. Seven of these districts are unified creating 46 Elementary and High School districts with a total of 176 schools. Besides these 46 districts, there are other schools in Tulare County. These are as follows: one Vocational Education program, two Community Colleges, six Court and Community Schools, four Charter Schools, four Special Education Schools, one University Preparatory High School located at the College of Sequoias and 22 private schools with six or more students. This totals 214 schools in the County. Besides Tulare County School Districts, Fresno, Kern and Kings County have High School districts, which serve some of Tulare County's elementary schools bordering those respective counties.

Each School District has a Board of Directors/Trustees (School Board) which customarily adopts the annual budget and approves all expenditures; establishes district policy; authorizes employment of personnel; approves curriculum textbooks and courses of study; and makes decisions on all contracts. School Boards meet at least once a month and all meetings are public meetings as required by law. School Boards must follow all regulations required by the Ralph M. Brown Act as well as those established by themselves.

REASON FOR INVESTIGATION

While attending some School Board meetings the 2009 - 2010 Tulare County Grand Jury observed some irregularities and inconsistencies in the conduct of these public meetings.

PROCEDURES FOLLOWED

1. Attended 48 different School Board meetings
2. Used an evaluation checklist, which included agendas; timeliness; Board Member preparedness, demeanor and knowledge; and the meeting room amenities
3. Reviewed relevant information

FINDINGS

1. Of the 48 District meetings visited:
 - a. Thirty-seven started on time.
 - b. The public was unable to hear at six meetings for some of the following reasons:
 - i. Public Address (PA) system was not used.
 - ii. Board Members spoke too softly.
 - iii. Translators speaking over the speaker.
 - c. Forty-three sites posted the agenda in accordance with the Ralph M. Brown Act.
 - d. Two districts did not have agenda's available for the public at meeting time.
 - e. Six Boards did not follow their posted/distributed agenda.
 - f. Public comment time was not on the agenda nor asked for at three meetings.
 - g. Demeanor of Board Members was not always professional.
 - h. Not all Board Members were prepared for their meeting.

- i. Thirty-one districts provide benefits for their Board Members and fourteen pay their Board Members.
 - j. The length of meetings varied between ten minutes and four hours.
 - k. In five districts Board Members were late to the meeting.
 - l. Meeting rooms were a problem for five districts, they did not have a room for the meeting or the room was too small.
 - m. Two districts moved the meeting to another room without notification or leaving a notice at the original site where the meeting had relocated.
 - n. On at least two occasions, Board Members appeared to fall asleep.
2. Eight of the 48 districts have complied with Senate Bill 343 Chapter 298 (Government Code section 54957.5). This Senate Bill, which is an amendment to the Ralph M. Brown Act, became effective July 1, 2008 and requires that Board meeting agendas include a notice, that any agenda packet provided to Board Members is available for public inspection at the district office and/or the district's web site.

CONCLUSIONS

The majority of Tulare County School Board meetings are well run by organized, knowledgeable and supportive people. However, there are issues that need addressing in the preparation and execution of the School Board meetings.

RECOMMENDATIONS

- 1. All School Board Members in all Districts attend Government 101. (A training initiated by the Tulare County Board of Supervisors facilitated by County

Counsel and other local attorneys for all governing board members.)

- 2. School Districts:
 - a. Add to the agenda Senate Bill 343 Chapter 298 language and a place for public comment.
 - b. Post meeting agendas 72 hours before the Board meeting in a location where it is available for the public to review per the Ralph M. Brown Act.
 - c. When the agenda is full of business save extra presentations for another meeting.
- 3. School Board Members:
 - a. Read agenda packets before meetings.
 - b. Be on time.
 - c. Be professional and business-like, do not veer off the agenda or fall asleep.
 - d. Keep meetings under 2 hours in order to increase meeting participation.
 - e. Ensure all speakers can be heard by each and every person in attendance.
- 4. If a large group of parents, teachers, and visitors are expected to attend a meeting, find a room large enough to accommodate them before the meeting time.
- 5. If the scheduled meeting room is moved to another site, post a notice of the new location at the original site.

RESPONSES REQUIRED

Allensworth Elementary School District
 Alpaugh Unified School District
 Alta Vista Elementary School District
 Buena Vista Elementary School District
 Burton Elementary School District

Citrus South Tule Elementary School District
Columbine Elementary School District
College of the Sequoias
Cutler-Orosi Unified School District
Dinuba Unified School District
Ducor Elementary School District
Earlimart Elementary School District
Exeter Elementary School District
Exeter Union High School
Farmersville Unified School District
Hope Elementary School District
Hot Springs Elementary School District
Kings River Union Elementary School District
Liberty Elementary School District
Lindsay Unified School District
Monson-Sutlana Joint Union Elementary School District
Oak Valley Union Elementary School District
Outside Creek Elementary School District
Palo Verde Union Elementary School District
Pixley Elementary School District
Pleasant View Elementary School District
Porterville Unified School District
Richgrove Elementary School District
Rockford Elementary School District
Saucelito Elementary School District
Sequoia Union Elementary School District
Springville Union Elementary School District
Stone Corral Elementary School District
Strathmore Union Elementary School District
Sundale Union Elementary School District
Sunnyside Union Elementary School District
Terra Bella Union Elementary School District
Three Rivers Union Elementary School District
Tipton Elementary School District
Traver Joint Elementary School District
Tulare City School District
Tulare Joint Union High School District
Visalia Unified School District
Waukena Joint Union Elementary School District
Woodlake Union High School
Woodlake Union Elementary School District
Woodville Union Elementary School District
Tulare County Organization for Vocational Education (TCOVE)
Tulare County Office of Education (TCOE)

THE SKY IS FALLING ALPAUGH SCHOOL DISTRICT

BACKGROUND

When Alpaugh Elementary School first opened in 1906, classes were held in a tent. This all changed in 1908 when a two-room framed structure was opened and housed 30 elementary students. This structure was replaced by a two-story building which in 1930 was destroyed by fire and quickly rebuilt. The current building was built in the late 1950's and housed both elementary and high school students as it does to this day.

REASONS FOR INVESTIGATION

Members of the 2009-2010 Tulare County Grand Jury visited the Alpaugh School District in December of 2009. The Superintendent conducted a tour of the school grounds, which revealed the existence of deplorable conditions.

PROCEDURES FOLLOWED

1. Interviewed relevant witnesses.
2. Reviewed relevant documents.
3. Attended Alpaugh School District Board meetings.
4. Visited Alpaugh Elementary/High School.

FINDINGS

1. Funds allocated for repairs of the Alpaugh School Buildings (School) are not being adequately utilized.
2. The following conditions were observed on the December 2009 visit:
 - a. School corridor ceilings falling down, with the worse areas being fenced off.
 - b. Standing water, green with algae in several places.
 - c. Newly painted outside walls cracking and peeling.
 - d. Restrooms with cracks in the cement floors.

3. The Williams Settlement Compliance Findings¹ (for school facilities) report of 2009 gave the Alpaugh School an over all rating of POOR (59.38%) for the following reasons:

"Exterior of building, cracked and peeling paint; Walkways are cracking with holes and raised edges that pose an immediate danger to students...walkway covers show dry rot, boards bowed and hanging down; 2. There is evidence that alkali intrusion from the ground and cement is effecting the site's building foundations, walls and floors. This intrusion has caused cracking, peeling paint and probable structural deficiencies in the buildings. Although a foundation stress test was not included in the Williams inspection, there is evidence to conclude that the structural integrity of the site's buildings has been compromised due the alkali intrusion.; The septic system is antiquated. In rainy weather, the system flows back, creating puddles of sewage on the playground causing an immediate health danger to students."

4. The Alpaugh School Administration placed on their website (hosted by the Tulare County Office of Education) the following:
"Our school is in good repair, according

¹ The Williams Settlement Compliance Findings are generated by the Office of Public School Construction.

to the criteria established by the Office of Public School Construction. Our deficiencies are minor ones resulting from common wear and tear, and there are few of them. We scored between 90 and 99 percent on the 15 categories of our evaluation.”

5. The Uniform Complaint Form was not posted in all classrooms and public areas as required by California Education Code Section 35186.

CONCLUSIONS

The appalling conditions at the Alpaugh School are detrimental to the learning environment of students and the working environment of staff. The hazardous conditions at the School did not occur overnight. The withholding of designated maintenance funds, by the Administrative staff, to correct known unsafe and unhealthy conditions has exposed students and staff needlessly.

RECOMMENDATIONS

1. Use funds delegated for school building repairs to repair the school buildings.
2. Hire a licensed contractor to repair corridors, cracked walls, restrooms and any other areas that need repair or replacement.
3. Keep up with building repairs as they appear and do not let them go for years when it is almost impossible to repair.
4. Contact a California Occupational Safety and Health Administration (Cal/OSHA) Consultant Branch for assistance in correcting identified unsafe and unhealthful conditions.

5. Provide the public with accurate information relative to the existing conditions of school buildings, playgrounds, classrooms and overall facilities ratings.
6. Post Uniform Complaint Procedures in every classroom and areas accessible to the public as required by law.

REQUIRED RESPONSES

Alpaugh Unified School District
Tulare County Board of Education

WOODVILLE SCHOOL DISTRICT

BACKGROUND

Woodville Union Elementary School is one of the 46 School Districts within the umbrella of the Tulare County Board of Education. This School District is located west of Porterville and is a single school district. The school serves 605 students in grades K through 8 and has an average daily attendance of 594 students. The largest ethnic group of students (95.3%) is Hispanic with 14 % of the student body being children of migrant workers. The Woodville School Board (Board) of Trustees consists of five Board Members who receive compensation.

REASONS FOR INVESTIGATION

The 2009-2010 Tulare County Grand Jury received several complaints regarding but not limited to;

- Abuse of students
- Abuse of teachers
- Abuse of parents
- Possible altering of STAR (Standardized Testing And Reporting) test scores
- Misuse of School District funds by the school administration.

PROCEDURES FOLLOWED

1. Interviewed relevant witnesses.
2. Reviewed relevant documents.
3. Attended Board meetings.

FINDINGS

1. A teacher, after accusations of verbal and physical abuse of students, was placed on paid administrative leave which lasted over two years.
2. The Board decided that placing the teacher on paid administrative leave was less costly than the anticipated legal action if the teacher was dismissed.

3. Some Board Members understood that the teacher had agreed to retire after the 2009-2010 school year.
4. The teacher was given a letter dated February 16, 2010, with instructions to return to school August 3, 2010 for assignment to a classroom for the 2010-2011 school year.
5. Board Members had no knowledge of the February 16, 2010 letter that was authored by the District Superintendent/Principal. Board Members never voted to return the teacher to the classroom.
6. The Board's By-Laws state, "Any person is eligible to be a Board of Trustee member, without further qualifications, if he/she is 18 years of age or older, a citizen of the state, a resident of the school District, a registered voter and not legally disqualified from holding civil office. (Education Code 35107)"
7. One Board Member has lived outside the District since 2007 and has continued to serve on the Board.
8. The above Board Member's vote was the deciding vote necessary to hire

the current Superintendent on February 16, 2010 for the 2010-2011 school year.

9. Board Members, employees and consultants who participate in the government decision-making process are prohibited from making a contract in which they are financially interested, pursuant to Government Code Section 1090.
10. Several Board Members had not read the contracts between the School District and Superintendent/Principal before or after approving them. None of the Board Members were aware of the terms and conditions of these contracts including salary, leave and retirement benefits.
11. The Woodville Union School District Parent Handbook contains a Parent Complaint Form with completion instructions to be found on a particular page. These instructions are not found on the page number indicated in the Parent/Student Handbook; however they are on a different page.
12. In 2004, a Superintendent was hired and his wife was hired as Principal.
13. In 2008, the Superintendent retired and recommended to the Board that his wife assume his Superintendent duties as well as her duties as Principal in 2009. The Board complied with the recommendation and hired her without posting a job opening.
14. On April 9, 2010, the Superintendent/Principal submitted her resignation papers, requesting

paid leave for the remainder of the school year.

15. A petition was submitted to the Board on April 13, 2010 containing 253 signatures requesting the removal of the Superintendent/Principal for harassing, bullying and threatening members of the community and teachers who are afraid to come forward for fear of reprisal.
16. This petition was delivered to the Board on April 13, 2010 and was not read by any Board Member.
17. On February 16, 2010 the Superintendent recommended the Vice-Principal be hired as the new Superintendent/Principal for the 2010-2011 school year. The Board took immediate action that evening on this recommendation and voted to hire the Vice-Principal without any knowledge of the terms and conditions of the employment agreement.
18. Some Board Members have never attended school board training. Others have not attended training for over 20 years.
19. Evidence of STAR test scores being altered was not found.
20. California Education Code Sections 52852, 52852.5 and 62002.5 require schools to have an elected School Site Council. There is no data to support the existence of a School Site Council.

CONCLUSIONS

Although the School Board of Trustees are elected by the registered voters within

Woodville School District and given the responsibility for ensuring accountability to the local community, the evidence shows otherwise. The Board Members have not fulfilled their required responsibilities. They appear to be a rubber stamp used by the two prior school Superintendents.

An apparent typographical error in the Parent/Student Handbook would not seem to be important, except when 200 or more parents want to file a complaint. This could lead to complaint forms not being completed and serious problems not being reported.

RECOMMENDATIONS

1. Board Members comply with California Education Code Section 35107 and Government Code Section 1770, related to Board Member's residency within the Woodville School District boundaries.
2. At least 72 hours before all regular meetings, the Board of Trustees, or its designee, post and distribute agenda packets as required by Government Code Sections 54954.1 and 54954.2.
3. Board Members read and adhere to the Board By-Laws and operating procedures.
4. Establish a School Site Council as required by California Education Code.
5. Board Members read all agenda packets prior to the start of Board meetings.
6. Board independently review and evaluate all legitimate complaints submitted to the Board.
7. Update Parent/Student Handbook to comply with all procedures required by law.
8. Board Members and School Administrators, comply with Government Code Section 1090 regarding conflict of interest.
9. Board Members attend training available for School Board Members as soon as possible after election and every two years thereafter.
10. Tulare County District Attorney perform a further investigation to determine whether a violation of Government Code Section 1090 occurred.

RESPONSES

Tulare County Board of Education
 Tulare County District Attorney
 Woodville Union Elementary School District Board of Trustees
 Woodville Union Elementary School District Board Member, Nick Serafin
 Woodville Union Elementary School District Board Member, Felipe Guerrero Jr.
 Woodville Union Elementary School District Board Member, Juan Valencia
 Woodville Union Elementary School District Board Member, Javier Serna
 Woodville Union Elementary School District Board Member, Andrew Castaneda
 Interim Superintendent, Andrea M. Perez

HEALTH & WELFARE

WHO IS PROTECTING THE CHILDREN IN TULARE COUNTY?

BACKGROUND

California's foster care system has thousands of children of all ages who are in need of temporary and/or permanent out-of-home care due to exploitation, parental neglect and/or abuse of some nature. Children can stay in a foster care home for weeks or years depending on the situation and need. Foster parents are expected to provide stable and supportive living conditions; to arrange for medical and dental care, education and encourage positive relationships for these children who, for whatever reason, cannot live with their birth parents. Some children will need these temporary homes to turn into permanent ones if they cannot reunite with their birth parents.

In Tulare County, foster parents receive financial assistance from Health and Human Services Agency (HHSA) to help provide the basics, which include food, clothing and other material needs of the child placed in their care. Medical and dental care is arranged by the foster parent and paid for by Medi-Cal. The foster care program is administered by Child Welfare Services (CWS) a branch of the HHSA.

REASONS FOR INVESTIGATION

A review of past Grand Jury reports indicate that there has been no oversight or investigation conducted by the Grand Jury of the foster care program in Tulare County. With this knowledge and recent reports in south valley newspapers identifying the following existing problems in the County's foster care program:

- Children being placed in abusive or unsafe homes,
- Children receiving inadequate medical or mental health care,
- Children with poor school attendance records,
- Children unprepared for emancipation at age eighteen,

the 2009-2010 Tulare County Grand Jury chose to investigate this program.

PROCEDURES FOLLOWED

1. Interviewed foster care parents.

2. Interviewed CWS personnel.
3. Interviewed recently emancipated youths.
4. Interviewed Court Appointed Special Advocate (CASA) volunteers.
5. Interviewed group home providers.
6. Interviewed court personnel.
7. Reviewed relevant documents.
8. Visited relevant sites.

FINDINGS

1. A request was made to review random foster care case files, which was denied per Welfare and Institutions Code Sections 827 and 10850.
2. A request was made to ride along with CWS Social Worker to observe living conditions and caseworker interaction with foster parents and foster children which was denied per Welfare and Institutions Code Section 827 and 10850.

3. A request was made to attend juvenile court hearings dealing with custody issues, which was denied per Welfare and Institutions Code Section 827 and 10850.
4. CWS guidelines require monthly visits by caseworkers. This requirement was not met in all cases. Some cases went up to six months or longer without a visit by a Social Worker.
5. Mental health evaluations are not routinely performed prior to placing a child in a foster care home.
6. Visits to birth parents are often traumatic to the foster children resulting in disruptive behavior by the children.
7. There is little or no instruction given to emancipated youth, by Social Workers, on how to access medical services, social security, or monies for education.
8. On some occasions children are allowed to interview and help select their own foster parents.
9. CASA provides effective advocacy for foster care children.
10. Cuts to the State budget have resulted in the Independent Living Program (ILP) being eliminated.
11. The ILP provided instruction to foster children to prepare them for self-sufficiency. It included instruction in:
 - a. furthering their education,
 - b. daily living skills,
 - c. seeking employment and
 - d. financial literacy (including budgeting and maintaining bank accounts).

12. The ILP was very beneficial to the success of foster children becoming productive members of society.

CONCLUSIONS

The youth in Tulare County are a valuable and vulnerable asset, and every effort must be made to care for them to the best of the County's ability.

The way the regulations are written, the emphasis of foster care is in reunification, however the needs of the foster child should be paramount and should be the main focus in case management.

It is difficult to obtain the truth of how the foster care system operates and if there are any shortcomings in the system. The law prevents the Grand Jury from any contact with families or files, and those who know if the system is dysfunctional will not talk to the Grand Jury.

RECOMMENDATIONS

1. Perform mental health evaluations for all foster care children prior to placement.
2. Conduct foster care home visits monthly.
3. Conduct unannounced visits to foster care homes on a regular basis.
4. Prepare foster children for emancipation with more detailed information on the skills needed to succeed in life. Something more than just a brochure.
5. Utilize CASA services whenever a need is indicated.
6. Provide the Grand Jury with access to foster care records to monitor the performance of Social Workers and

ensure the health and safety of the children in foster care.

RESPONSES REQUIRED

Tulare County Board of Supervisors
Health and Human Services Agency, Agency
Director, John Davis
Health and Human Services Agency, Deputy
Director, Child Welfare Services,
Renee Smylie

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JUSTICE

INMATE CLOTHING

BACKGROUND

The Tulare County Sheriff's Department Detentions Division (Division) has facilities to house approximately 1700 inmates. This Division is likened to running a small city. Food, clothing, shelter, protection, security, garbage/trash removal, sanitation, medical, and medication all have to be provided for the inmates. This Division is committed to housing all inmates in a cost effective and efficient manner. The Tulare County Sheriff's Department employs a trained professional staff to maximize the safety, security and health of all inmates, staff and visitors under their control.

REASONS FOR INVESTIGATION

The 2009-2010 Tulare County Grand Jury received a complaint alleging that clothing provided did not always fit. Another complaint alleged that jackets available for use at the Main Jail rooftop exercise area were dirty and could contain contamination from previous users.

PROCEDURES FOLLOWED

1. Interviewed relevant witnesses.
2. Visited the Main Jail and the Bob Wiley Detention Facility (BWDF).
3. Reviewed relevant documents.

FINDINGS

1. Title 15 of the California Code of Regulations covers inmate clothing and bedding requirements. The Division's Policy and Procedure Manual (Manual) supplements this regulation and outlines requirements for issue and exchange of inmate clothing and bedding.
2. Some Correctional Officers involved in the clothing exchange are not familiar with the policy.
3. Clothing and bedding for inmates at all facilities are laundered at the BWDF and returned.
4. Clothing of various sizes, towels and bedding are loaded onto carts at the Main Jail with supervision from Correctional Officers for distribution to inmates.
5. Approximately 40% of soiled clothing sent to the BWDF for laundering was not returned. Occasionally a "Shake Down" would be necessary at the Main Jail and BWDF where inmate cells would be searched for unauthorized clothing.
6. Occasionally a few days would pass before the correct size could be found for an inmate at the Main Jail.
7. In dormitory type facilities, the inmates give their clothing to be exchanged to the trustees and request the size of clothing they want. The trustees take the clothing from the linen cart where it is stacked by size and issue it to the inmates. The inmates have sufficient time to inform the trustees if the size is not correct. A Correctional Officer is always in the immediate area and watching the exchange process.

8. In locations where the inmates are in close confinement, the inmates push their soiled clothing out from under their door and request the size of clothing they want. The trustee picks up the soiled clothing and pushes the clean clothing back under the door to the inmate.
9. There is a transition to all white clothing except for high risk inmates, who are clothed in stripes for easy identification. White clothing has no gang affiliation and is easier to spot blood. This transition will take some time because they only replace worn out clothing.
10. A supply of jackets is available for issue at the roof top exercise area of the Main Jail. The Correctional Officer on duty stated they are laundered regularly.
11. Over the last several months the laundry and clothing exchange process has improved.

CONCLUSIONS

Because jackets for use at the Main Jail roof top exercise area are shared, it is possible to transfer disease and/or infestation.

RECOMMENDATIONS

1. Comply with Title 15 of the California Code of Regulations and the Division's Manual.
2. Ensure all Correctional Officers involved with clothing (issue and exchange) are familiar with the Division's Manual.
3. Health and Human Services Agency review the policy of sharing jackets at the Main Jail.

RESPONSES REQUIRED

Tulare County Board of Supervisors
Tulare County Sheriff's Department
Tulare County Health and Human Services
Agency

LACK OF COMMON SENSE OR NEGLIGENCE?

BACKGROUND

On May 8, 2009, the Visalia Times-Delta, a local newspaper serving Tulare County since 1959, published an article titled, Officials: Zapalac impeded probe. Some of the excerpts within the article, state the following; “Woodlake’s police chief and some of his officers hampered an investigation into whether a stray bullet that struck a man east of Exeter was fired by Woodlake police at a shooting range, according to Tulare County Sheriff’s Department and District Attorney’s Office records. At times the officers refused to speak with sheriff’s detectives investigating the case, claiming they were directed to do so by superiors, according to reports on the Jan. 16 shooting of Leland Perryman. Police Chief John Zapalac refused to release range-training records, the reports say”....Tomas Alvarado, who said he had been in the plum orchard repairing an irrigation valve less than three hours before Perryman was shot, told sheriff’s Detective Robert Fernandez that he’d heard gunfire from the shooting range southeast of the orchard. ‘Tomas stated he had returned to his pickup truck to retrieve a wrench, and while walking back into the orchard he heard a bullet pass by in front of him.’ Fearing for his safety, he left the orchard, the report states. Although the District Attorney’s Office believes Perryman was wounded by one of the Woodlake officers, ‘we are unable to show which officer fired the bullet that struck the victim,’ states a report by Assistant Attorney, Don Gallian. Prosecutors did conclude that none of the officers’ actions constituted a crime. They had no reasonable expectation that firing at a shooting range might endanger anyone, Gallian’s report states.”

REASONS FOR INVESTIGATION

The 2009 - 2010 Tulare County Grand Jury received a citizen’s complaint relative to some of the issues published by the Times-Delta, and other serious matters that warranted an investigation.

PROCEDURES FOLLOWED

1. Examined relevant documents.
2. Interviewed relevant witnesses.
3. Visited Exeter Gun Range and surrounding area.

FINDINGS

1. On January 16, 2009, ten sworn police officers from the Woodlake Police Department were scheduled for quarterly qualifications at the Exeter gun range (Range). The training was scheduled to commence at 11:30 AM and end at 5:00 PM.
2. On the date of training the officers were required to bring all of their department issued firearms and equipment to the range.
3. The shooting scenarios were set up by the Woodlake Police Department’s Range Master on January 16, 2009, at approximately 9:30 AM for the training.
4. The shooting scenarios were teams of two officers shooting at the same time, one from a kneeling or squatting position using their handgun and the other officer from a standing position using a rifle.
5. There were more officers shooting at the Range than those scheduled for training that day.

6. Some of the duties of a Range Master include the following:
 - a. Plan, schedule and conduct firearms training activities.
 - b. Firearms instructor training.
 - c. Qualifications and weapons maintenance.
 - d. Train officers in gun use and safety.
 - e. Provide firearms qualification testing.
7. The Range sits at a higher elevation than nearby orchards. Adjacent to the west-side of the Range is the Friant-Kern Canal with residential homes on the opposite side, within half a mile of the Range.
8. The Range was built with a cement pad that is 50 feet wide by 150 feet in length, which contains several shooting lanes with markings to identify the distance of the lanes.
9. The lanes run from southwest to northeast, with a dirt berm directly northeast of the shooting lanes that is used as a buffer to keep the bullets from exiting the Range. There are two lower wing berms that taper down from the main berm on each side.
10. Law enforcement firearm safety rules include the following:
 - a. Always keep your firearm pointed in a safe direction,
 - b. Always be certain that your target and the surrounding area are safe before firing.
11. There were no safety rules posted at the Range.
12. Evidence revealed that some of the targets were set up in such a manner

that shooting at them from a kneeling position may have caused the bullets to go over the lower dirt berm in the direction of the nearby populated areas.

13. It was reported in local newspaper that aside from the victim who was shot on that day, another individual heard bullets passing near them during the time frame the Range was being used by the Woodlake Police Department.
14. The Woodlake Police Chief refused to provide documents requested by the Tulare County Sheriff's investigation team regarding the January 16, 2009 shooting at the Range.
15. Penal Code section 246.3 entitled, Discharge of Firearm or BB Device in Grossly Negligent Manner That Could Result in Injury or Death of Person reads in part as follows:
 “ (a) Except as otherwise authorized by law, any person who willfully discharges a firearm in a grossly negligent manner which could result in injury or death to a person is guilty of a public offense and shall be punished by imprisonment in a county jail not exceeding one year, or by imprisonment in the state prison.”

CONCLUSIONS

Safety rules were not followed by the Woodlake Police Officers at the Range on January 16, 2009, in violation of Penal Code section 246.3.

RECOMMENDATIONS

1. Tulare County District Attorney re-open and re-examine the accidental shooting of January 16, 2009 at the Range.

2. City of Exeter make the following improvements to the Range:
 - a. Raise height of wing berms to match that of the main impact berm.
 - b. Permanently post Range Rules at the Range.
 - c. Include in Range Rules the direction of shooting.
 - d. Install a Hot Range Flag to be used during target practice.
3. All law enforcement agencies cooperate and work together.
4. All Range users follow all Range rules.

REQUIRED RESPONSES

City of Exeter
City of Woodlake
Woodlake Chief of Police, John Zapalac
Exeter Chief of Police, Clifton Bush
Tulare County District Attorney

MEDICAL AND MEDICATION PROBLEMS IN THE JAILS

BACKGROUND

California Correctional Institutions must comply with Constitutional requirements and statutes¹, including Title 15 of the California Code of Regulations (Title 15). Title 15 governs the minimum standards of care that are to be provided to California inmates. The Tulare County Sheriff's Department Detentions Division Policy & Procedure Manual (Sheriff's Detention Policy Manual) addresses a multitude of Title 15 standards and identifies Sheriff's Policies and Procedures including medication.

Tulare County Health and Human Services Agency (HHSA) along with the Tulare County Sheriff's Department developed and co-signed the Tulare County Health and Human Services Agency, Primary Care Branch, Criminal Justice Manual (Health Care Manual). The Health Care Manual addresses the medical care policies and procedures that are to be administered by the Detention Divisions within the County. The Health Care Manual was developed in reference to "...the California Code of Regulations (C.C.R.), Title 15, Crime Prevention and Corrections, Division 1, Board of Corrections, Chapter 1 Board of Corrections, Subchapter 4. Minimum Standards for Local Detention Facilities May 1998."

REASONS FOR INVESTIGATION

The 2009-2010 Tulare County Grand Jury received 15 medical/medication related complaints from inmates at the Bob Wiley Detention Facility (BWDF).

2. Not all inmates who submit sick call slips are seen the same day. Some inmates are not seen for weeks after their sick call slip is submitted.

3. Some symptoms, identified as medical emergencies in the Health Care Manual 90-05 (V) (B) Correctional Facility Staff, are not treated as medical emergencies.

PROCEDURES FOLLOWED

1. Interviewed relevant witnesses.
2. Reviewed relevant documents.
3. Inspected relevant facilities.

4. The Physician Assistant's (PAs) refer the inmate to a Doctor (MD) at Visalia Health Care Clinic (VHCC) and then the MD makes the referral to the Specialists if deemed necessary.

FINDINGS

MEDICAL:

1. The nursing staff reviews the sick call slips and prioritizes them into a triage list of inmates to be seen that day.

5. The Specialists that care for the inmates are located at Tulare Regional Medical Hospital Clinic and VHCC as required by

¹ The Tulare County Sheriff's Department Detentions Division Policy & Procedure Manual, # A-140

Health Care Manual 90-06 (V) (A) (2) (A-M).

6. At the Pre-Trial Facility there is a Dentist, to treat inmates from all of the jails, employed by HHSA.
7. The three PAs at the jails work four 10 hour shifts per week to cover medical needs of the inmates. Mondays and Fridays are their busiest days, but the schedule calls for only two PAs on those days.
8. HHSA implemented a *Grievance Tracking Log*. The intent of the log is to allow tracking of medical grievances from submission to resolution. Review of seven months of the *Grievance Tracking Log* show the log did not adequately represent the issues identified by aggrieved inmates.
9. Inmate concerns on the grievance form are reduced to a one line item on the tracking log, while the medical practitioner responses are lengthy and detailed.
10. Grievances forwarded to the medical staff, with medical and non-medical issues, are not always redirected to the responsible authority.

MEDICATION:

11. Not all medication is being refilled in a timely manner as prescribed.
12. The Hillman Pharmacy² had an automatic prescription refill system. This system would occasionally fill prescriptions even though inmates had been released. This system is no longer in place.

² Also known as HHSA Pharmacy

13. Review of the HHSA grievance logs for September, October, November and December 2009, revealed there were 120 medical/medication grievances from inmates.
14. A Medical Technician (Med Tech) normally distributes medications to inmates and documents when an inmate is almost or completely out of medication.
15. When short staffed, a Licensed Vocational Nurse and/or PA help distribute medication, preventing them from seeing patients.
16. The inmate is supposed to sign a medical distribution log , per the Health Care Manual Policy # 90-05(V)(D), however only the Med Tech signs when he/she gives the inmates their medication.
17. The Sheriff's Detention Policy Manual # F-625, Medical/Pill Call Services states, "Anyone who brings medications (prescription and over-the-counter) into the facility are to turn them into the Intake Officer. All such medications will be checked by medical staff to validate authenticity. This medication will then be dispensed through pill call in the normal manner."
18. During the current booking process, all drugs, including prescribed medications, are confiscated. Prescription medications are held for inmates until they are released in violation of Sheriff's Detention Policy Manual.
19. One pregnant inmate's prenatal vitamins were not provided for a month.
20. Seizure medication was confiscated from an inmate and was not provided

until after two weeks and three emergency visits to Kaweah Delta District Hospital.

21. One inmate was on chemotherapy when incarcerated. The Judge ordered the continuation of chemotherapy. However, two sessions were missed, and the inmate had to file a complaint before the chemotherapy was administered.
22. A Med Tech threatened to have an inmate's need for medication reviewed because of disrespectful behavior.
23. The Health Care Manual Policy 95-01(V)(F) (1, 2 and 3) states, "Unused medication should be returned to the HHS Pharmacy in unit dose containers for disposal. Containers shall not be taken apart and the medications shall not be removed prior to returning to the pharmacy. Any unit dose container no longer in use (i.e., inmate released, medication discontinued or therapy completed) must be returned to pharmacy as soon as possible. It is preferable to return unit dose containers on a daily basis. Out of date medications are to be returned to the HHS Pharmacy on a monthly basis."
24. In October 2009, a large box of 'salvaged' medication disappeared from BWDF. The contents of the box were unknown, due to the lack of a chain of custody.
25. The Sheriff's Detention Policy Manual # B300 H(3) states, "The Shift Supervisor will...prior to release...retrieve all inmate medications and give the inmate, not to exceed a two-week supply".
26. Medication does not always go with the inmate upon their release.

27. Inmates' medication is dispensed twice a day, including those that are prescribed to be taken three or four times a day. Dosages are increased to allow for frequency.
28. The majority of prescriptions are antibiotics and pain medications.
29. There is no communication or briefing between medical staff during shift change.
30. There are multiple conflicts within and between Title 15, the Sheriff's Detention Policy Manual and the Health Care Manual (e.g. Sheriff's Detention Policy #F-625 and #F-408).

CONCLUSIONS

It appears as though the term "adequate" as referred to in Title 15 regarding health care has been defined in Tulare County as "barely sufficient or satisfactory" instead of "sufficient for a specific requirement"

Inmates being offered outside medical services in a limited manner and sick call slips not being processed timely could lead to long term illnesses and additional financial burden to the County.

Not providing a secure accounting of unused medication leads to theft or lost of medication and is not a fiscally sound practice.

Threatening to review the need for medication to control inmates is not part of the policy.

Jail policies and procedures not being followed are causing significant medical and medication problems within the jail system.

RECOMMENDATIONS

1. Review Title 15, Sheriff's Detention Policy Manual and Health Care Manual. Make necessary corrections and resolve conflicting policies.
2. All categories of specialists need to be contracted per Health Care Manual. The following are missing:
 - a. Cardiology
 - b. Gastroenterology
 - c. Neurology
 - d. Pulmonary Disease
 - e. Rheumatology
 - f. Urology
3. Make Medical and Specialist referrals and appointments as soon as possible in accordance with the Health Care Manual 90-05 (V) (B) Correctional Facility Staff.
4. Review the triage system to ensure those with a serious illness are seen immediately.
5. Comply with Sheriff's Detention Policy Manual, including but not limited to, emergency treatment, and medication upon booking/release.
6. Adjust the PA staff schedule for maximum coverage on Mondays and Fridays.
7. Develop a Medical Grievance Form in addition to the general Grievance Form.
8. Require inmates to sign for the medications they receive in accordance with policy.
9. Do not use an inmate's need for medication as a disciplinary tool.

10. Medication no longer needed in the jails should be tracked and sent back to Hillman Pharmacy as soon as possible in accordance with the Health Care Manual.
11. Amend Health Care Manual and Sheriff's Detention Policy Manual to include a mandatory shift briefing prior to assuming duties by incoming medical staff.
12. Distribute medications as prescribed.

RESPONSES REQUIRED

Tulare County Board of Supervisors
 Tulare County Sheriff Department
 Tulare County Health and Human Services
 Agency

“PRO PER” INMATES — *PROPRIA PERSONA*

BACKGROUND

In the California Court System, as in most other States, a person may represent themselves. This is commonly referred to as “Pro Per”, a short form of the Latin phrase *in propria persona* which is translated to “in one's own proper person”. Occasionally the term “Pro Se” is used which is taken from the Latin phrase “on one's own behalf”. The Supreme Court noted in the case *Faretta v. California*, 422 U.S. 806, 813 (1975) that “[i]n the federal courts, the right of self-representation has been protected by statute since the beginnings of our Nation. Section 35 of the Judiciary Act of 1789, 1 Stat. 73, 92, enacted by the First Congress and signed by President Washington one day before the Sixth Amendment was proposed, provided that ‘in all the courts of the United States, the parties may plead and manage their own causes personally or by the assistance of counsel’ ”.

Since accused are sometimes incarcerated waiting for, or during trial, they need special procedures to allow them to discover evidence, review the prosecution’s witness list, evidence, and other case related material. Pro Per inmates have special privileges, granted by the Court to allow them access to a computer, phone privileges, visits from attorneys and legal runners. They are also allowed to keep law books and other case related material in their cell as long as they conform to certain guidelines.

REASON FOR INVESTIGATION

The 2009-2010 Tulare County Grand Jury received a complaint from a Pro Per inmate alleging that his legal mail was tampered with, other mail was not received, he was not allowed to keep law books, colored pencils and compact discs (CDs) containing evidence in his cell. He also stated that he has no place to make confidential calls and he cannot make copies of legal documents.

PROCEDURES FOLLOWED

1. Interviewed relevant witnesses.
2. Inspected the law libraries at Main Jail and Bob Wiley Detention Facility.
3. Inspected inmate cells at Main Jail and Bob Wiley Detention Facility.
4. Inspected relevant documents.

FINDINGS

1. On one occasion the inmate's legal mail was opened in error.
2. The Bob Wiley Detention Facility and the Main Jail have law libraries with a phone equipped for non-recorded calls for Pro Per inmates.
3. The Superior Court Judge who oversees the Pro Per inmates, determine how much money is placed on the inmate's pre-paid phone card during any seven day period (Monday-Sunday).
4. The law library at the Bob Wiley Detention Facility is enclosed and conversations cannot be overheard.

5. It is possible for other inmates or a Correctional Officer to hear a conversation from within the Main Jail law library.
6. The Tulare County Sheriff's Department has a Pro Per Policy and Procedures Manual (Manual).
7. The Manual outlines rules for telephone privileges. The Manual also states, "Violations of these rules related to the use of the telephone shall result in discipline and possible loss of Pro-Per privileges, including, but not limited to, the loss of the privilege to make telephone calls." One inmate's Personal Identification Number was used by other inmates and his telephone privileges were suspended.
8. The Manual states, "A committee, consisting of a Judge of the Superior Court, an Attorney of the Public Defender's Office, an Attorney of the County Counsel's Office, and a member of the Sheriff's Department will meet, no less than once annually to review this policy and procedures. The committee may make recommendations to the Sheriff on suggested changes to this policy and procedures". No such meeting has been documented since the last revision to the policy in September of 2003.
9. The Manual allows inmates who intend to "attack" their sentences or challenge the conditions of their confinement access to the law library. Pro Per inmates have priority over other inmates for access time.
10. The Manual allows inmates to check out audio and video equipment to use during their law library session. No outside equipment is allowed in the Jail.
11. The Manual allows inmates use of a computer to research law and other case related material. It also states, "The Sheriff will not be responsible for providing any computer instruction".
12. The Manual states, "Pro Per inmates will be given 10 hours of law library access in 3-5 sessions over a seven day period (Monday-Sunday)." Pro Per inmates are allowed law library access in accordance with the policy.
13. During a visit to the Main Jail the Grand Jury observed a computer in the law library. A Correctional Officer was asked to demonstrate the log-on procedure. The officer tried for approximately 30 minutes to access the legal website unsuccessfully. There were no instructions to access the legal website.
14. A subsequent visit to the Mail Jail law library revealed the same computer with type-written instructions taped to a cabinet. This computer was used by a member of the Grand Jury to access the legal website successfully using the new instructions provided. Reference cards were available to help search legal websites.
15. During a visit to the Bob Wiley Detention Facility, the Grand Jury observed the computer in the law library. Juror attempts to access the legal website were unsuccessful.
16. A subsequent visit to the Bob Wiley Detention Facility law library revealed that new instructions had been

posted and a Juror accessed the legal website without difficulty.

17. Legal Materials including softbound law books can be kept in one paperboard box, commonly referred to as a “banker’s box” in the inmate’s cell.
18. Anything that can be used as a weapon or modified into a weapon (CDs, video equipment, pencils, etc.) cannot be kept in the cell. Special short pencils can be purchased by the inmate.

CONCLUSIONS

It is apparent to the Grand Jury that positive change has taken place in the application of the Pro Per Policy. However, since the policy has not been reviewed as required, the law library’s computer access process was allowed to deteriorate to the point where they were not useful

and the Main Jail law library has no privacy it is still possible that a Pro Per Inmate’s legal defense could be compromised.

RECOMMENDATIONS

1. Review the Pro Per Policy and Procedures Manual annually as required in the document.
2. Inspect the law libraries semi-annually to insure they meet the requirements of the Pro Per Policy.
3. Provide privacy in the Main Jail law library.

RESPONSES REQUIRED

Tulare County Board of Supervisors
Tulare County Sheriff’s Department
Tulare County Council
Tulare County Public Defender

LAND USE

COUNTY MISSING OPPORTUNITY TO COLLECT REVENUE

BACKGROUND

The Resource Management Agency (RMA) was created in 1996 by combining the Planning and Development Department, the Public Works Departments, Community Development/Redevelopment and Capital Projects Divisions. General Services were added in 1997. The mission of RMA is to coordinate these dissimilar activities to provide the appropriate balance of economic development, consistent with the need for a timely and predictable permitting process that also preserves private property rights. The Permit Center is the main hub for the public seeking information about building and land use permits, zoning and code compliance and abandoned vehicle abatement.

Building and Zoning Inspectors are responsible for enforcing the Tulare County Ordinance Code for all County land. RMA's Code Compliance takes in complaints and performs inspections/investigations involving violations of the Tulare County Ordinance Codes.

REASONS FOR INVESTIGATION

The 2009-2010 Tulare County Grand Jury received a complaint stating RMA Code Compliance failed to enforce zoning ordinances, code requirements and collect assessed fines and fees.

PROCEDURES FOLLOWED

1. Interviewed relevant witnesses.
2. Reviewed relevant documents.
3. Visited site of alleged violation.

FINDINGS

1. The AE-10 Zone, 10 acre minimum, is an exclusive zone for intensive agricultural uses and for those uses which are a necessary and integral part of intensive agricultural operations.
2. On October 10, 2008, a non-compliance notice was sent to a property owner stating, in part, the following:
"A field inspection by a Code Compliance Officer on October 9, 2008, confirmed that your property is in

violation of Tulare County Ordinance Code and Tulare County Zoning Ordinance Code 352, as amended and described below:

1. Installation of a seatrain without a building permit or inspection as required by law.
2. Operating a trucking business in the AE-10 Zone without approval of a Special Use Permit.

Violation of the Tulare County Ordinance Code is a misdemeanor punishable by a fine of \$1,000.00 or imprisonment for 6 months in the County jail. Violation of the Tulare County Zoning Ordinance is an infraction with fines of \$100 per day, for each day the violation is allowed to continue. If the violation is corrected within 15 days of this First Notice, there will be no fees or fines assessed. If however, this violation is not corrected within 15 days or if you have not contacted this office to arrange an alternative compliance date within 5 days of this First Notice, you will be sent a 30 Day Notice to Abate and you will incur an Administrative Fee of \$270." (See fee schedule at end of report.)

3. On November 3, 2008, Code Enforcement sent an e-mail to a concerned adjacent property owner regarding the non-compliant property owner. It states, "...he will need to appear before an Administrative Hearing Officer to prove he is in compliance. If he is not in compliance, the fines and fees stick to the property. However, we usually will grant a contract for the time to remove the violation, but the fees of \$1050 stay with the property. If this case receives a Hearing Notice, the cost of any Use Permit will double in fees."
4. November 19, 2008, a 30 Day Notice to Abate Ordinance Code Violations was issued by RMA Code Enforcement. The notice makes reference to the October 10, 2008 non-compliance notice and cites the specific section of the ordinance and zoning code violations that informs the property owner of what they need to do within 30 days of the abatement notice. This notice stated:
"Violation 1 - Obtain a building permit and complete all inspections required by law or obtain a demolition permit, remove the seatrain and call for a final inspection.
Violation 2 - Submit a complete use permit application and full filing fees for a trucking business in the AE-10 Zone."
The notice also states that the property owner had already incurred a recovery cost of \$270 for failure to comply with the First Notice dated October 10, 2008. It goes on to state that if the property is not brought into compliance within 30 days of the date of this abatement notice, the matter would be placed on the Administrative Hearing Agenda and cost recovery fees in the amount of \$765 would be assessed along with a daily fine of \$100 per day, for each violation, from the date the notice was mailed.
5. On December 18, 2008, a Special Use Permit was submitted to RMA planning that was incomplete and not accepted. The Special Use Permit Application specifically states, "The application must be completed in every respect with all questions answered and all requested information provided before the County can officially accept the application for filing." As of May 19, 2010, the Special Use Permit Application has not been completed and/or approved.
6. On December 19, 2008, a Notice of Violation and Order to Show Cause and Notice of Assessment of Civil Fines and Penalties was mailed to the property owner by regular and certified mail. The notice states the following:
"YOU ARE HEREBY NOTIFIED that if the public nuisance is not abated and the violations corrected on or before such time, you shall be subject to such fines and penalties as permitted by law. These include Administrative Fees set forth in the attached fee schedule, and fines and penalties in the amount of \$100/day from the date of this Notice for each day the violation continues to exist during the 30-day correction period to a total of \$7,050. Should you fail to timely pay these fines, penalties, and fees, the County may also place a lien on your property and, with regard to the Administrative Fees, place these fees as a tax against your property. Interest may accrue until such time as the fines, penalties and fees are paid."
7. On December 29, 2008, a Notice of Incomplete Application was mailed by RMA planning to the property owner informing him of the additional information needed to process his application. It states in part: "Revise site plan" and supply "An operation statement".
8. An Administrative Hearing was held on January 21, 2009. The Administrative

Hearing Notes indicated that the "...property was in compliance prior to the hearing." This is inconsistent with the investigative notes compiled by a Code Enforcement Officer on January 21, 2009, and put on record at the hearing, which stated, "I inspected the property for the Administrative Hearing and noted the violations still exist."

9. The hearing officer noted on the Administrative Hearing Notes of January 21, 2009, that RMA can not issue a permit without the approval of the Special Use Permit for the seatrain.
10. The result of the January 21, 2009 hearing was a fine of \$270 disregarding all other fines, fees, and penalties.
11. On February 21, 2009, a letter was sent from an adjacent property owner to a County Supervisor inquiring as to the disposition of the trucking operation and the problems associated with the code violations.
12. On February 25, 2009, a memo was sent to the Director of RMA from the Code Enforcement Division concerning an inquiry made by a County Supervisor about this code violation. The memo states that the fees of \$1050 were rolled back to \$270 and all fines owed the county were dropped because the property owner made an attempt to comply. The memo also makes reference to having another hearing on March 18, 2009 before the same hearing officer. This violation was not reviewed at the March 18, 2009 Administrative Hearing.
13. On March 9, 2009, an RMA memo from Code Compliance was sent to the Project Planner, stating the following, "The parcel that contains your project is also the location of a violation. This violation No. [XXX] consists of trucking

without a Use Permit." The property owner "...states in his application that he wishes to perform light maintenance. This is only allowed inside of an enclosed structure. The following items should be considered as additions to the Conditions of Approval: (1) No maintenance of the trucks is allowed unless the maintenance is conducted inside of an enclosed shop building. (2) Screening shall be installed to shield this trucking operation from view (such as plants). (3) No inoperative or wrecked vehicles or trucks shall be stored on this site. (4) Employee's vehicles shall be parked behind the screening."

14. On March 10, 2009, a memo was sent to the RMA project planner from County Fire concerning this Special Use Permit application, with the following recommendations, some of which were:
 - "1. Provide all-weather access roads to the building or buildings affected by the Special Use Permit.
 2. The fire department shall be notified of proposed start date of any processing, storage, or special use granted and mitigated from the start, and not after building operations begin."
 - "4. Violations of any of these conditions will cause the fire department approval of the Special Use Permit to be rescinded."
15. Nothing further has been done regarding this particular code violation
16. Currently, there are over 400 code enforcement cases not being worked.
17. As of November 16, 2009, approximately \$2,000,000 in fines, penalties, fees, interest and liens is owed to the County.

18. The Board of Supervisors approved RMA's recommendation to consolidate Code Enforcement with Building Inspection April 2, 2009. This has eliminated Code Enforcement personnel.
19. The last Administrative Hearing took place in December 2009.
20. Nothing further has been done regarding this particular code violation.

CONCLUSIONS

Due to the elimination of Code Enforcement personnel, RMA is overwhelmed. In the past, Code Compliance Division generated revenue. At present, with the significant staff reduction, revenues have decreased and known code violations are not being tracked and corrected.

Research confirms that collection of fines, penalties, interest and fees described in this case are indicative of how the RMA operates. This demonstrates why revenue is not generated.

The County is 158 years old and will continue as a County in the future. While liens may take years to collect, most are in fact collected at some point in time generating revenue for the County. Tulare County cannot afford to be non-compliant and expose its citizens to unnecessary health and safety code risks. Failure to enforce established ordinances during this economic downturn is not fiscally responsible.

RECOMMENDATIONS

1. Enforce all established code and zoning ordinances.
2. Take every action needed to track until completion all currently identified code and zoning violations.
3. Enforce collections of all fines, fees, interest and penalties, as shown on the RMA Code Compliance Division Schedule of Fees.
4. Evaluate recent staff reductions of RMA Inspection and Code Enforcement Divisions to determine effects on revenue collection and code compliance.
5. Start required Administrative Hearings immediately.

REQUIRED RESPONSES

Tulare County Board of Supervisors
Tulare County Resource Management Agency
Director
Tulare County Chief Administrative

Administrative Fees

SCHEDULE OF FEES

- | | |
|---|--|
| 1. 30-Day Notice to Abate Violation Fee
(Compliance after 2nd Notice) | \$270.00/ cost recovery fee |
| 2. Notice of Violation and Order to Correct
(Compliance after 3rd notice, but before
Administrative Hearings occurs) | \$765.00/ cost recovery fee |
| 3. Administrative Hearing Fee
(Compliance after hearing,
but before abatement occurs) | \$1,050.00/ cost recovery fee |
| 4. Violation Abatement Fee
(Compliance through abatement by
the County) | 1,050.00/ fee plus
\$45.00/ hour for actual staff time
to abate violation plus contractor costs. |
| 5. Daily fine assessed for every day the
Property is in violation. (Started on
Date that the Notice of Violation and
Order to Correct is mailed) | \$100 per day, per violation. |

Administrative charges for the Resource Management Agency Code Compliance Division were approved by the County of Tulare Board of Supervisors on June 28, 2005 (Resolution 2005-0396), effective August 1, 2005.

In addition to the fees listed above, if building construction or land use changes are initiated prior to obtaining appropriate permits, required fees will be doubled.

FAILURE TO PLAN

BACKGROUND

The Tulare County Planning Commission (Commission) was established by the Board of Supervisors (BOS) in 1949. The Commission is an important advisory agency to assist local government officials in one of their most important functions. As the economic and social landscape of Tulare County becomes more complex, the need for sound, well-considered land-use decision-making becomes ever more critical. Even though not all communities take advantage of their latent planning powers and land-use planning, the process affects the lives of most citizens. A strong and well-trained Commission is invaluable to communities in the orderly development of their land and the achievement of their public and private development goals.

REASONS FOR INVESTIGATION

The 2009 – 2010 Tulare County Grand Jury chose to investigate the Commission due to the concerns of cancelled meetings, lack of quorum and citizens complaints of items not being processed in a timely manner.

would also allow the alternate to fill a vacant position.

PROCEDURES FOLLOWED

1. Attended Planning Commission meetings.
2. Reviewed relevant documents.
3. Interviewed relevant witnesses.

4. Data received from the Commission indicates that in 2008 and 2009 there were no meetings canceled due to lack of a quorum.
5. The following is the result of an analysis of the Commission's minutes from July 11, 2008 until July 22, 2009 regarding attendance and punctuality:
 - a. The District One Commissioner attended 25 of 28 meetings.
 - b. The District Two Commissioner attended 21 of 28 meetings and was late twice.
 - c. The District Three Commissioner attended 26 of 28 meetings and was late 14 times from 3 to 57 minutes.
 - d. The District Four Commissioner attended 26 of 28 meetings.
 - e. The District Five Commissioner attended 26 of 28 meetings and was late twice.
 - f. One At-Large Commissioner attended 24 of 28 meetings.
 - g. One At-Large Commissioner attended 13 of 28 meetings and eventually resigned.

FINDINGS

1. Attendance and punctuality at Commission meetings by some Planning Commissioners has been an ongoing problem and described in the 2002-2003, 2006-2007 and 2007-2008 Grand Jury Final Reports.
2. On August 11, 2009 the BOS appointed an alternate Planning Commissioner.
3. The BOS decided that an alternate Planning Commissioner (an 8th person) would not only assist in solving the problem of not having a quorum but it

6. On several occasions a Commissioner was observed operating a cellular phone during the meeting while business was being conducted.
7. The BOS followed the minimum standards of the Maddy Local Appointive List Act ¹ (Act).
8. In Section 54970 of the Act, the Legislature declared that many opportunities exist for the public to be appointed to local regulatory and advisory boards, commissions and committees. Additionally, the Act declared that the public has traditionally been denied access to information regarding vacancies on these boards, commissions and committees. This denies citizens and interest groups the opportunity to nominate persons to contribute to the efficient and representative policy development and administration in local government.
9. Section 54972 of the Act states that by December 31 of each year the BOS shall prepare a "...list of all regular and ongoing boards, commissions, and committees which are appointed by..." the BOS. This section of the Act also states, "This list shall be known as The Local Appointments List."
10. Section 54972 (a) of the Act states that this list shall contain appointive terms which will expire during the next calendar year, "...with the name of the incumbent appointee, the date of appointment, the date the term expires, and the necessary qualifications for the position."
11. Section 54972 (b) of the Act states the list shall also contain "...all boards, commissions, and committees whose members serve at the pleasure of the legislative body, and the necessary qualifications for each position."
12. The BOS has what is called the *List of Appointive Offices on Regulatory and Advisory Boards, Commissions and Committees*.
13. Section 54973 of the Act states, "The Local Appointments List shall be made available to members of the public for a reasonable fee which shall not exceed actual cost." It continues by instructing the BOS to appoint the largest public library within its jurisdiction to "...receive a copy of the list".
14. Section 54974 of the Act provides that in situations other than an emergency, the BOS shall post unscheduled vacancies not earlier than 20 days before or not later than 20 days after the vacancy occurs.
15. Section 54974 of the Act also states that unscheduled vacancy notices "...shall be posted in the office of the clerk of the local agency, the library designated pursuant to section 54973, and in other places..."

CONCLUSIONS

The findings revealed no meetings were cancelled due to a lack of a quorum in 2008 and 2009. At a cost of at least \$2,400 a year (which does not include mileage, travel for training and other expenses) the appointment of an alternate Commissioner was unnecessary and fiscally irresponsible.

It appears that not having a sufficient number of people to fill a vacant Commission position may be due to a lack of advertising. The Grand Jury believes there are members of the public, both professional and non-

¹ California Government Code 54970-54974

professional, who if notified of a vacancy, would be interested to apply and be appointed as a Planning Commissioner. In addition to the minimum requirements of the Maddy Act, advertising in local media would assist in recruiting people to fill these positions.

The use of a cell phone during meetings appears to be the norm rather than the exception and has been observed to be an accepted practice. In the case of one commissioner that arrives late, there is never a reason or apology given for being late. This overall attitude, coupled with a clear disinterest in the business at hand, is unprofessional.

Whenever a meeting is cancelled or delayed, citizens are deprived of the opportunity for input on decisions before the Commission. When Commissioners are late, the public who attend have to adjust their schedules which could include a lost day of work or cause other financial expenditures such as paying for consultants, attorneys or other professionals.

RECOMMENDATIONS

1. Adopt and implement a policy of attendance review that provides consequences. Example: after a Commissioner has been late and/or missed a given number of meetings replace that Commissioner.
2. Prohibit the use of cellular phones, pagers or any other communication device during meetings, by the commissioners.
3. Adhere to the meeting schedule and agenda.
4. Consider adopting term limits.
5. Advertise for qualified applicants to fill vacant positions in the local media.
6. Place a direct link to the "Local Appointments List" on the BOS web page.
7. If the BOS cannot fill a vacancy after a minimum of 20 days, place/publish a vacancy notice in the following:
 - a. local newspapers,
 - b. Tulare County website,
 - c. city halls and council chambers,
 - d. libraries,
 - e. Post Offices in rural areas,
 - f. other designated places throughout the County.

REQUIRED RESPONSES

Tulare County Planning Commissioner
Chairman, Nancy Pitigliano

Tulare County Board of Supervisor
District One, Allen Ishida

Tulare County Board of Supervisor
District Two, Pete Vander Poel

Tulare County Board of Supervisor
District Three, Phillip Cox

Tulare County Board of Supervisor
District Four, J. Steven Worthley

Tulare County Board of Supervisor
District Five, Mike Ennis

SPEED TRAPS IN TULARE COUNTY

BACKGROUND

Speed zones in Tulare County are established in Part III, Chapter 1, Article 1, of the Tulare County Ordinance.¹ The California Vehicle Code (CVC) requires an Engineering and Traffic Survey to be conducted at least every five years to ensure that speed zones are in compliance with the policies adopted by the California Department of Transportation. A “Speed Trap” is defined under California Vehicle Code ² which states in part; “a particular section of highway with a *prima facie* speed limit established under CVC Sections, 22357, 22358, or 22358.3. [and] If that *prima facie* speed limit is not justified by Engineering and Traffic Survey conducted within five years prior to the date of the alleged violation and enforcement of the speed limit involves the use of radar or any other electronic device that measures the speed of moving objects.”

REASONS FOR INVESTIGATION

The 2009-2010 Tulare County Grand Jury received a complaint about “speed traps” within 15 Tulare County communities. The complaint alleged that the Traffic Division of the Resource Management Agency (RMA) failed to comply with the provisions of the law.

PROCEDURES FOLLOWED

1. Interviewed relevant witnesses.
2. Researched relevant documents, surveys and reports.
3. Visited Engineering and Traffic Survey sites.
4. Developed a comparative 2008 and 2009 survey chart³.

FINDINGS

1. The California Vehicle Code⁴ governs speed limits in California. Tulare County Board of Supervisors (BOS) agenda of July 7, 2009 states, “The CVC also

provides the means for speed limits to be established by local authorities on the basis of an engineering and traffic study. Consistent with this CVC provision, Tulare County, by Board action, has established speed limits on designated streets and highway segments. If the results of a new engineering and traffic study do not support an existing speed limit, a speed limit adjustment that is consistent with the study is recommended. CVC Section 627 of the CVC requires the consideration of all the following for the posting of speed limit: 1) prevailing speeds as determined by traffic engineering measurements; 2) accident reports; and 3) highway, traffic and roadside conditions not readily apparent to the driver. In addition to these factors, local authorities may consider residential density, pedestrian and bicycle safety as well.”

2. The California Vehicle Code provides the means for speed limits to be established by local authorities on the basis of engineering and traffic surveys.

¹See end of this report for County Ordinance Code Part III, Chapter 1, Article 1

²California Vehicle Code section 40802(a)(2), in the Tulare County Library or the California web site <http://www.dmv.ca.gov/pubs/vctop/vc/vc.htm>

³See chart at end of this report.

⁴California Vehicle Code sections 22348 through 22413, in the Tulare County Library or the California web site <http://www.dmv.ca.gov/pubs/vctop/vc/vc.htm>

3. In 2008, engineering and traffic surveys were completed in 18 communities and 30 locations which supported 25 changes in speed limits. The RMA failed to submit a resolution, based on these surveys, to the BOS therefore no action was or could be taken.
4. In 2009, engineering and traffic surveys were conducted covering the same traffic areas as those conducted in 2008, this time identifying two changes in the 30 locations.
5. The 2009 survey in the Plainview area was conducted from May 5, 2009 through June 5, 2009 and supported a speed limit change which was approved on July 21, 2009. From survey to ordinance adoption, the speed limit change took less than two months. This was the only change made based on either the 2008 or 2009 engineering and traffic surveys.
6. Numerous requests in the form of letters, visits and phone calls by the Grand Jury for the “most recent” engineering and traffic surveys were not honored by the Traffic Division of the RMA. Only outdated information was provided initially.

CONCLUSIONS

This investigation was hindered by the lack of cooperation on the part of the Traffic Division of the RMA. The comparative chart completed by the Grand Jury revealed that the 2008 engineering and traffic surveys reflected a need for a change in speed limits that were never submitted for an ordinance amendment to the BOS. RMA’s failure to submit resolution amendments to the BOS, based on engineering and traffic surveys completed in 2008, have created “speed traps” through out the County.

There is an appearance of preferential treatment concerning the Plainview speed limit change. It was the only change made of the two recommended changes in the 2009 survey and the only one of 25 recommended changes in the 2008 survey.

RECOMMENDATIONS

1. RMA, submit ordinance amendments to the BOS ***immediately upon completion*** of engineering and traffic surveys that support changes in speed limits.
2. BOS update speed zone ordinances as required by law.
3. When information is requested, RMA reply with ***accurate*** information in a timely manner with the ***requested*** information.
4. Do not grant preferential treatment; adopt all pending speed limit resolution amendments at the same time. Ensure all needed speed limit changes are given equal priority with no “special interests”.
5. Conduct an independent audit of the engineering and traffic surveys completed in 2008 and 2009 to determine why the surveys were repeated in consecutive years with different results.

REQUIRED RESPONSES

Tulare County Resource Management
Agency, Traffic Division Manager
Tulare County Resource Management Agency
Director
Tulare County Board of Supervisors
Tulare County Administrative Officer

Engineering & Traffic Surveys completed in 2008
requiring a change in speed limits but not implemented
2009 information is the same except for recommendations

Community	Street/location of survey	Date of survey	Original Ordinance Speed Limit	Recommended Change	Recommended Change
				2008	2009
Alpaugh	Knox-McKeely	10/1/2008	35	*40	
		11/3/2009	35		35
Exeter	Firebaugh-Ave.280	10/1/2008	45	*50	
		12/1/2009	45		45
Delano	Diagonal-Road 152	10/1/2008	40	*45	
		no date	40		40
Earlimart	Wilson-Sutter Ave.	10/1/2008	35	*40	
		2009			No new survey
Earlimart	Chapparral-Wilson	10/1/2008	45	*40	
		2009			No new survey
Earlimart	Sutter-Sierra	10/1/2008	45	*40	
		2009			No new survey
Goshen	Diagonal-Camp Dr	12/10/2008	35	*40	
		7/27/2009	35		35
Ivanhoe	Road 156-Road 160	12/10/2008	40	*45	
		12/15/2009	40		40
Lindsay	Foothill-Strathmoore	10/1/2008	50	*55	
		12/16/2009	50		50
Pixley	Park Dr.(Howard/Orrland)	10/1/2008	40	*45	
		11/30/2009	40		40
Pixley	Terra Bella(Ash/Elm)	10/1/2008	40	40	
		2009			No new survey
Pixley	Main(Terra B/Court)	10/1/2008	35	*40	
		9/14/2009	35		35
Pixley	Ave95(Elm/School)	10/1/2008	50	50	
		2009			No new survey
Pixley	Ave95(Airport/Ash)	10/1/2008	50	*45	
		7/27/2009	50		50
Plainview	Rd.196(Ave192/196)	10/1/2008	50	50	Ordinance Changed 35
		6/5/2009	50		
Porterville	Springville-Doyle St.	10/1/2008	45	*40	
		2009			No new survey
Porterville	Roby(Ruth/Olive)	10/1/2008	45	45	
		2009			No new survey
Porterville	Springville(Date/Spg)	10/1/2008	45	*40	No Ordinance Change 40
		10/19/2009	45		
Porterville	Success(Leg-Spg)	10/1/2008	45	*40	
		2009			No new survey
Richgrove	Richgrove Dr.(Ames/Gr)	10/1/2008	40	*45	
		9/22/2009	40		40
Strathmore	Road-228/Meredith	10/1/2008	35	35	
		2009			No new survey
Strathmore	Orange Belt	10/1/2008	40	*45	
		12/9/2009	40		40
Sultana	Ave.416, Rd92-104	12/10/2008	55	*60	
		12/14/2009	55		55
Sultana	Ave.(Rd106-Rd124)	12/10/2008	55	*60	
		12/14/2009	55		55
Terra Bella	Road 236	10/1/2008	35	*45	
		9/22/2009	35		35
Tipton	Burnett Rd	10/1/2008	40	*45	
		2009			No new survey
Three Rivers	N.Fork Dr.	6/25/2008	40	*45	
		1/15/2010	40		40
Traver	Diagonal 39	12/10/2008	45	*40	
		2009			No new survey
Traver	Merritt Dr.	12/10/2008	35	*40	
		1/23/2010	35		35
Visalia	Ave-296	12/10/2008	50	*45	
		2009			No new survey

* INFORMATION GIVEN HERE WAS NEVER PLACED IN THE COUNTY ORDINANCE.

TRANSFER OF FUNDS....DID TULARE CITY COUNCIL KNOW?

BACKGROUND

The City of Tulare (Tulare) was founded in 1872 by the Southern Pacific Railroad to serve as its San Joaquin Valley headquarters. Tulare was incorporated April 5, 1888 with a population of approximately 3,250. Tulare is a charter city, first approved September 5, 1922 and filed with the Secretary of State February 3, 1923. It is governed by a City Council elected by the citizens. The City Council hires a City Manager for day to day city administration. Tulare functions under a City Council where the Mayor is selected by the other Council Members. On January 1, 2010 the population was 58,506.

On November 20, 2006, Tulare entered into a Memorandum of Understanding (MOU) with the Tulare Motor Sports Complex, L.P., with the real property development being named Tulare Motor Sports Complex (TMSC). TMSC is a multi-million dollar project that will include a multi-sport complex which will consist of a motor sports race track stadium, drag strip, hotel and retail facilities on approximately a 400 acre site. This MOU was the initial agreement between the parties' pertaining to the TSMC development.

REASONS FOR INVESTIGATION

The 2009-2010 Tulare County Grand Jury, on its own initiative, chose to investigate possible Ralph M. Brown Act violations by the Tulare City Council.

PROCEDURES FOLLOWED

1. Interviewed relevant witnesses.
2. Reviewed relevant documents and audio recordings.

FINDINGS

1. The MOU states in Section F (2), "Modifications within the scope of the instrument shall be made by mutual consent of the parties, by the issuance of a written modification, signed and dated by all parties, prior to any changes being performed."
2. TMSC established an "escrow account" with a local Tulare bank. The account was established to reimburse the costs paid by the City of Tulare for the TMSC

Environmental Impact Report (EIR).

3. The monies in this account were encumbered by the following agreed upon conditions:
 - "1) Funds on deposit may not be withdrawn by TMSC from the account prior to certification of the TMSC Environmental Impact Report;
 - 2) The City of Tulare is authorized to withdraw funds from account # XXXX, based upon;
 - a. the withdraw or cancellation of the TMSC applications for entitlements for the development of the TMSC racetrack project and the failure of TMSC to pay City's demand for costs to process the TMSC project; or
 - b. a material breach by TMSC of the terms of the Agreement with the City of Tulare regarding the costs for the Environmental Report for the TMSC project.

The foregoing instructions may only be amended in writing by TMSC and the approval by the City of Tulare.”

4. The “escrow account” instructions were amended as follows on December 29, 2008:
“TMSC shall not withdraw the funds on deposit without the prior written consent of the City of Tulare or upon agreement for payment of the EIR fees and costs with the City of Tulare.”
5. On Friday, February 6, 2009, late in the afternoon, a TMSC representative brought funds transfer documents to the Fresno airport, where they were signed by a City Councilman. The documents authorized the transfer of funds from the local Tulare bank to a bank in Fresno.
6. A fax was sent to the local Tulare bank with an electronic signature from the City Manager for the release of the funds to the bank in Fresno.
7. The “escrow account” instructions did not follow the funds transfer; therefore the funds moved from the bank in Tulare to the bank in Fresno are no longer protected. The City lost control of these funds.
8. The City of Tulare does not have a copy of the signed February 6, 2009 document.
9. The entire City Council was not fully informed or aware of the funds transfer to the Fresno bank prior to June 2009.
10. The City Council did not vote to approve the transfer of funds from the local Tulare bank to the bank in Fresno.
11. Tulare does not have an ordinance

which addresses the movement of large sums of money without full City Council approval.

CONCLUSIONS

The decision to authorize the transfer of funds, which occurred at the Fresno airport late Friday afternoon, February 6, 2009, appears to be a violation of the Ralph M. Brown Act. It would have been prudent to wait until the next scheduled City Council meeting, February 17, 2009, to allow the entire City Council an opportunity to discuss and vote on the issue before making such a large ill-advised financial decision.

RECOMMENDATIONS

1. Take steps to be transparent in order to avoid Brown Act violations or the appearance thereof.
2. Adopt rules or ordinances that cover the movement of large sums of money similar to Government Code sections 36935 (rulings for payment) and 36936 (requirement of vote).
3. Thoroughly evaluate all potential risks, terms and conditions prior to entering into any project of this magnitude and follow Government Code section 66000.

RESPONSES REQUIRED

Tulare City Councilman David Macedo
Tulare City Councilman Richard Ortega
Tulare City Councilman Wayne Ross
Tulare City Councilman Philip Vandegrift
Tulare City Councilman Craig Vejvoda
Tulare City Manager Darrel Pyle

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SPECIAL DISTRICTS

ALPAUGH—TOO MANY DISTRICTS

BACKGROUND

The community of Alpaugh is an unincorporated “Census Designated Place” located in Tulare County. The town was founded in 1905 and named for one of the founders, John Alpaugh. In 2007 the population was listed as 865. This community is served by three Special Districts and a Joint Powers Authority, which are connected by location, function and services they supply.

The Tulare County Waterworks District No. 1 (Waterworks District) supplied water to the community of Alpaugh until the formation of the Alpaugh Joint Powers Authority. Now their only business is collecting and administering the money collected from Measure R.

The Alpaugh Irrigation District (Irrigation District) supplies agricultural irrigation water to farmland surrounding, but not including, the community of Alpaugh.

The South Tulare County Memorial District (Memorial District) owns several buildings in South Tulare County. A portion of the building located in the community of Alpaugh is rented to the Alpaugh Joint Powers Authority for business use.

The Alpaugh Joint Powers Authority (Alpaugh JPA) was formed in 2003 by the Tulare County Water Works District No. 1 and the Alpaugh Irrigation District. The Alpaugh JPA supplies domestic water to the community of Alpaugh. This formation is documented and governed by a Joint Exercise of Powers Agreement.

REASONS FOR INVESTIGATION

The 2009-2010 Tulare County Grand Jury received citizen complaints alleging employee harassment, sexual harassment, Brown Act violations and improper procedures by members of the Alpaugh JPA Board of Directors and the Memorial District Board of Directors.

PROCEDURES FOLLOWED

1. Interviewed relevant witnesses.
2. Inspected the business office, well site and the community serviced by the Alpaugh JPA.
3. Reviewed relevant documents.
4. Attended Alpaugh JPA Board meetings.

FINDINGS

Alpaugh JPA

1. Members of the Alpaugh JPA Board of Directors are appointed by the “Parent” Districts (Three from the Waterworks District and three from the Irrigation District.)
2. The Alpaugh JPA By-Laws state when a resignation is submitted to the Secretary, “no further action is required”. No provisions are made to reverse the decision. Members are appointed to the board by one of the “Parent” Districts. However, one Board Member resigned on May 15, 2009 and continued to serve on the Board without reappointment.

3. A member of the Board designated himself as "Chairman" without election. This is a violation of the Alpaugh JPA By-Laws Article V Section 1 and the Joint Exercise of Powers Agreement Article III Section 3.01.
4. The Alpaugh JPA Board of Directors do not communicate well with each other, nor do they agree on how the Alpaugh JPA should be run.
5. No violations of the Ralph M. Brown Act were found.
6. At least 6 meetings were observed to be out of control with members of the public talking at will, speaking directly to each other or Board Members and Board Members speaking at will to each other or responding to the public.
7. The Alpaugh JPA By-Laws Article IV, Section 7 states, "The Secretary of the Authority shall cause minutes of all meetings of the Board to be noted and shall, as soon as possible after each meeting, cause a copy of the minutes to be forwarded to each member of the Board and to each Member Agency." Article V, Section 6 states, "The Secretary shall provide a copy of the minutes to each Director and each member agency as soon as possible after the meeting, but no later than seven (7) days prior to the next regular meeting." Minutes were not prepared as required above.
8. The Alpaugh JPA By-Laws and the Joint Exercise of Powers Agreement state that the Executive Director, "...shall be responsible for the hiring, firing, promoting, and disciplining of the Authority employees, except the Secretary, Treasurer, Legal Counsel, and other professional staff and consultants." During the July 8, 2009 Alpaugh JPA Board meeting a resolution was passed to "...leave all hiring and disciplinary action to the Board." The Alpaugh JPA can amend their By-Laws, but the Joint Exercise of Powers Agreement can only be amended by the Irrigation District and the Waterworks District.
9. Prior to July 8, 2009, without Board approval, a Board Member other than the Executive Director, and in the absence of the office manager, frequented the office and was overly vigilant of staff. This person yelled at the employees and insisted they track (in writing), breaks, bathroom visits and sign a new employment agreement.
10. A special meeting was called in April of 2009 for the purpose of an employee's evaluation. The employee's personnel file was examined in September 2009 with the written permission of the employee. No employee evaluations were found in this file although the employee had worked directly under the Alpaugh JPA Board's supervision since December 2007.
11. California Government Code Section 6505 requires JPAs to submit an audit to the State of California every year. As of February 23, 2010, audits have not been received by the State from the Alpaugh JPA since formation.
12. California Government Code Section 6505 requires JPAs to file an audit with their County every year. An audit has not been received by Tulare County from the Alpaugh JPA since 2006.
13. Some Board Members have not received ethics training. California law AB1234 requires public officials to

complete an ethics training course within six months of assuming office and every two years thereafter.

14. The Alpaugh JPA Employee Handbook defines sexual harassment and describes complaint procedures. It states, "...a thorough investigation will be conducted and appropriate action taken."
15. One alleged incident of sexual harassment was reported to the Manager by an employee. The Manager did not report it to the Board at the employee's request. However, a second and separate alleged incident of sexual harassment was reported by the Manager to the Board. The Board did not investigate. One Board Member stated the reason for not investigating was the accused resigned from the Board and relocated.
16. There have been three managers in the last four years at the Alpaugh JPA. The first left due to relocation, the second was hired as a temporary and a third was hired in September of 2009 and resigned in April of 2010.
17. The first and second Manager approved extended contracts (extended payments) on some water bills allowing customers to accumulate large unpaid balances.
18. The first and second Manager allowed some customers with delinquent accounts to open a new account at a different address.
19. The practice of allowing unpaid bills to be deferred or customers with delinquent accounts to open a new

account at a different address was corrected by the third Manager.

20. Personnel files were kept in an unsecured location.

South Tulare County Memorial District

22. In October 2008, the Memorial District increased the Alpaugh JPA's rent from \$250 per month to \$500 per month. An increase in the electric bill was the reason given for the rent increase. A review of the electric bills revealed an average increase of approximately \$41 per month.
23. On May 11, 2009, at the regular meeting of the Memorial District, it was suggested to the Director in charge of the Alpaugh Memorial Building that to avoid possible conflict or other problems, notice be given pursuant to the rental agreement of October 1, 2008 terminating the agreement with the Alpaugh JPA. The minutes of this meeting reflected no action taken on this suggestion.
24. On May 18, 2009, a letter dated May 15, 2009 was submitted to the Alpaugh JPA giving notice to vacate the building within 30 days.
25. On June 22, 2009, at a special meeting of the Alpaugh JPA, a representative from the Memorial District outlined problems leading to the eviction letter submitted on May 18, 2009. He stated that he was there to "offer an extension". The Alpaugh JPA Board of Directors appointed a Board Member to negotiate with the Memorial District to cancel the eviction. The eviction notice was withdrawn shortly thereafter.
26. The Memorial District Director in charge of the Alpaugh Memorial Building is

related to both an Alpaugh JPA Board Member and an employee of the Memorial District.

CONCLUSIONS

This impoverished community has three Districts and a Joint Powers Authority that must fill their Boards with citizens from within the service area. A community this small is unlikely to have enough people with the time, interest and experience to function as qualified board members. It appears that the needs of the community would be better served by a consolidation to a Public Utilities District or a Community Service District as permitted by law.

Because Board meetings are not controlled, business cannot be conducted in an orderly and expeditious manner. This condition is aggravated by the polarization of the Board.

The Alpaugh JPA Board of Directors appear to have no knowledge of the Joint Exercise of Powers Agreement, the By-Laws or any California Government Codes that relate to the administration of Special Districts.

The over vigilance of staff and yelling at employees created a stressful and hostile workplace.

RECOMMENDATIONS

1. Read and adhere to the By-Laws of the Alpaugh JPA and the Joint Exercise of Powers Agreement and resolve any conflicts in these documents.
2. Alpaugh JPA conduct all meetings within the guidelines of Robert's Rules of Order.
3. Allow a designated public comment time as required by the Ralph M. Brown Act.

4. Allow comments from the public outside of public comment time only when asked for and recognized by the Chairman.
5. Board Members address the public only when recognized by the Chairman.
6. Use a job selection process that ensures a qualified person is placed in all positions. Promote office staff to management only when definite knowledge, skills and abilities to fill that position are demonstrated.
7. No one other than the Executive Director involve themselves in the day to day operations or management of the Alpaugh JPA.
8. Amend the By-Laws of the Alpaugh JPA and the Joint Exercise of Powers Agreement to appoint an Executive Director only in the absence of a Manager.
9. Keep personnel files up to date in a secure location and provide a written performance evaluation at least every two years.
10. Comply with Senate Bill 343, which became law on July 1, 2008, by posting the following notice on the agenda:
"Written materials relating to an item on this Agenda that are distributed to the Alpaugh Joint Powers Authority within 72 hours before it is to consider the item at its regularly scheduled meeting will be made available for public inspection at 5516 Tule Rd. Alpaugh, Ca. during normal business hours."
11. All Board Members attend the County Government 101 course. (A training initiated by the Tulare County Board of Supervisors facilitated by County

Counsel and other local attorneys for all governing board members).

12. The Alpaugh JPA Board and management strictly adhere to the Employee Handbook and all State and Federal guidelines covering sexual harassment.
13. Rewrite the Employee Handbook and amend the Alpaugh JPA By-Laws to include procedures requiring all employees, managers and Board Members to immediately report any incident of sexual harassment. This requirement would then trigger a mandatory investigation by the Manager and/or the Board of Directors and the results of this investigation be documented and kept on file.

RESPONSES REQUIRED

Alpaugh Joint Powers Authority
Tulare County Water Works No. 1
Alpaugh Irrigation District
South Tulare County Memorial District

TEVISTON CITIZENS DESERVE BETTER

BACKGROUND

Teviston Community Service District (CSD) was established in November 1956. Teviston is a small unincorporated community of approximately 365 residents. It is principally surrounded by agricultural production on the north, west and south. The east side of Teviston consists of scattered rural residential areas, along with some agricultural areas and vacant land. The Teviston CSD is responsible for providing domestic water service to the residents within the district boundaries. Presently there are approximately 132 total residential and commercial connections.

The Teviston CSD is governed by elected Board Members.

REASONS FOR INVESTIGATION

The 2009-2010 Tulare County Grand Jury received citizen complaints alleging intimidation, sexual harassment, misrepresentation, an illegal well, Brown Act violations, voter fraud, ignorance of CSD ordinances and/or California Government Code by Board Members.

of the Ralph M. Brown Act. (California Government Code 54953)

4. Government codes listed on agendas identifying items to be discussed during closed sessions were incorrect.
5. The Board has adopted "Rules of Decorum" which are not followed.

PROCEDURES FOLLOWED

1. Interviewed relevant witnesses.
2. Reviewed relevant documents.
3. Attended Teviston CSD Board meetings.

6. Some Board Members appear to be unfamiliar with California Government Codes Sections 1779, 54950-54963 and 58000-61226.5 covering Special Districts.

FINDINGS

1. Board meetings were not held as required by California Government Code Section 61044, at least one per quarter.
2. Minutes of some 2008 through 2010 Board meetings were not recorded, others could not be found by the CSD.
3. Several Board meetings were entirely closed to the public and did not allow for public comment which is a violation

7. Three of the five Board Members did not attend the County Government 101 class offered in November 2009.
8. Two vacancies on the Board were not filled as required by California Government Code Section 1779.
9. Audits were not performed as required by California Government Code Section 26909.
10. One Board Member solicited donations from corporations in the name of the CSD without authorization from the

Board. These solicitations included the statement that the CSD was a 501 (c) (3) tax exempt corporation which is incorrect.

11. A Board Member took action to stop construction on a well that was not within the CSD. The CSD was then billed several thousand dollars for stop and start-up fees when the contractor resumed work. There were no minutes to substantiate a Board decision to take action to stop construction.
12. Hundreds of dollars were spent on attorney fees for advice on agenda items, meeting notices, and other items that are common to a Special Districts operation.
13. An action approved by Board Members was not documented in Board minutes. There is a dated document signed by two Board Members to move forward on this action and a second identical document signed by a third Board Member with a different date.
14. The CSD failed to provide requested By-Laws and Board Members disagreed on whether CDS By-Laws exist.
15. The District has no General Manager as required by California Government Code Section 61050.
16. Water meters are not read on a regular schedule.
17. The CSD Ordinance 83-01 outlines the requirements for drilling a well within its boundaries.
18. Ordinance 83-01, Article 3, Section 3-02 requires that a County permit be obtained prior to drilling a private well.

19. A well was drilled within the CSD boundaries. The property owner's contractor obtained a permit from the County and the CSD was aware of the drilling.
20. Since the well owner complied with the CSD Ordinance and County regulations, allegations of an illegal well could not be substantiated.
21. Allegations of voter Fraud and sexual harassment could not be substantiated.

CONCLUSIONS

Board Members limited knowledge of how to conduct a meeting has caused business to be delayed or not completed.

Board Members limited knowledge of relevant Government Code including, but not limited to, the Ralph M. Brown Act has caused numerous violations. It is fiscally irresponsible to spend hundreds of dollars on attorney fees for information that is available on online or in the California Government Code.

RECOMMENDATIONS

1. All Board Members attend the Tulare County Government 101 training at least every two years.
2. Adopt and use Robert's Rules of Order.
3. Develop templates and checklists with agenda, notices, resolutions and government code references to avoid having to call an attorney about matters that are common to the CSD's routine business.
4. Nearing elections encourage community involvement to broaden participation.

5. Develop appropriate and workable By-Laws.
6. Hire or appoint a General Manager as required by California Government Code Section 61050.
7. Teviston CSD or Tulare County Board of Supervisors fill vacancies as required by California Government Code Section 1779.
8. Read water meters on a regular basis.

RESPONSES

Teviston Community Service District
Tulare County Board of Supervisors

CITIZEN COMPLAINTS TO THE GRAND JURY

Any citizen of Tulare County may submit complaints to the Grand Jury concerning a variety of grievances. The complaint must be in writing and legible and all complaints will be reviewed. The Tulare County Grand Jury may refuse to act on a complaint, particularly if the matter is under judicial review, appears to be more appropriate for action by another agency, or is out of the Jury's jurisdiction.

CITIZEN COMPLAINT FORM

The following information is essential to resolving your complaint

1. YOUR INFORMATION:

Name: _____ Home Phone: _____ Cell _____
 Address: _____ City: _____ State: _____ Zip: _____
 Business Location: _____ Phone: _____

2. NATURE OF COMPLAINT:

Brief summary of problem. Include Name or Agency name and person in charge, phone and location. Use additional sheets if necessary. _____

3. OTHERS INVOLVED: Identify all persons or agencies you have contacted about this problem and those you believe the Grand Jury should contact:

Name	Address	Phone
_____	_____	_____
_____	_____	_____
_____	_____	_____

3. LOCATION: If needed, identify the location of the occurrence that precipitated your complaint.

4. SUPPORT: Be specific in reporting your reasons for this claim and avoid making broad statements. Submit copies of correspondence and/or documents supporting your allegation.

5. SIGN AND DATE YOUR COMPLAINT.

Signature: _____ Date: _____

COMPLAINT'S IDENTITY IS RIGOROUSLY GUARDED, AND THE GRAND JURY IS FORBIDDEN BY LAW TO RELEASE ANY INFORMATION ABOUT ANY INVESTIGATION.

*Acknowledgment of this complaint will be mailed
 to you at the address given on this form.*

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TULARE COUNTY GRAND JURY NOMINATION FORM

Name: _____

Last	First	Middle
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Mailing Address: _____

City: _____ State _____ Zip _____

Telephone Number: _____

Birthplace: _____ Birthdate: _____

U.S. Citizen: _____ Yes _____ No Tulare County Resident: _____ Yes _____ No
(at least 1 year)

Age Range: _____ 18 – 25 _____ 26 – 34 _____ 35 – 44

_____ 45 – 54 _____ 55 – 64 _____ 65 – 74

_____ 75 and over

Gender: _____ Female _____ Male

Race/Ethnicity - Candidates may select more than one category:

_____ American Indian or Alaska Native _____ Asian

_____ Black or African American _____ Hispanic/Latino

_____ Native Hawaiian or other Pacific Islander _____ White

_____ Other race or ethnicity – please specify: _____

 Decline to Answer

A. Employment Information

Occupation: _____ Employed Now? _____ Yes _____ No

Name & Location of Employer: _____

City: _____ State: _____ Zip: _____

Telephone number: _____

Self-employed? ☐ Yes ☐ No If yes, name of business: _____

Address: _____ - _____ City: _____

State: _____ Zip: _____ Telephone number: _____

Retired, unemployed or recently changed jobs – please give former occupation: _____

If employed, does your employer understand the extent of the duties of a Grand Juror; and will you be permitted to participate fully for the entire year? _____ Yes _____ No

TULARE COUNTY GRAND JURY REPORT 2009-2010

B. Spouse Information

_____ Married _____ Single _____ Separated/Divorced _____ Widow/Widower

Name of Spouse: _____ Employed? _____ Yes _____ No

Occupation/Employer of Spouse: _____

If spouse is retired, unemployed, or deceased, what was former occupation? _____

C. Miscellaneous Information

Are you in good physical and mental health, and able to serve as a juror if selected? _____ Yes _____ No

Indicate any limiting condition: _____

Vision satisfactory? _____ Yes _____ No Hearing satisfactory? _____ Yes _____ No

Can you read, write and understand the English language? _____ Yes _____ No

Schooling background (please circle the highest grade completed)

Grammar: 1 2 3 4 5 6 7 8 High School: 1 2 3 4 College: 1 2 3 4 5 6 7

Are you contemplating any absence from Tulare County during the fiscal year of July 1st through June 30th, which might interfere with your performance as a Grand Juror?

_____ Yes _____ No If yes, explain (use separate sheet of paper)

Are you presently involved in any law suit pending in an Court, in any County or Judicial District in the State?

_____ Yes _____ No If yes, explain. Please describe the nature of the litigation (use separate sheet of paper)

THE FOLLOWING QUESTIONS MUST BE ASKED, AND ANSWERED, PURSUANT TO SECTION 893 OF THE PENAL CODE OF THE STATE OF CALIFORNIA:

1. Have you ever been convicted of a crime? _____ Yes _____ No

If you answered yes, please state for what charge, the date and what Court (use separate sheet of paper)

2. Have you ever been convicted of malfeasance in office? _____ Yes _____ No

If you answered yes, please state the date, place and circumstance (use separate sheet of paper)

3. Have you served as a Grand Juror in any Court of this state? _____ Yes _____ No

If you answered yes, please state what County and the date you were discharged as a Grand Juror (use separate sheet of paper)

4. Are you presently serving as a trial juror in any court of this state? _____ Yes _____ No

If you answered yes, please state name and location of the Court in which you are serving:

5. Are you presently serving as an elected official? _____ Yes _____ No If you answered yes, please specify what office:

6. Are you presently a candidate for any Elective Public Office? _____ Yes _____ No

Are you planning to run for any Elective Public Office during the next calendar year?

_____ Yes _____ No If you answered yes to either question, please state what office:

7. In your own words, please state why you wish to serve as a Tulare County Grand Juror (if necessary use separate sheet of paper):

Signature: _____ Date: _____

Tulare County Grand Jury
Government Plaza
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Visalia, California 93277
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