

Grand Jury 2014-2015



From left to right back row: Dr. Juan Lopez, Ron White, Howard Stroman, David Serpa, Myron Rounsfull, Don Costa, Lindell Yoshimura, David Rusnock

From left to right front row: Gene Russ, Lino Moran, Marsha Clinton, Annette Jones, Annette Guadagnin, Lisa Ramos, Cheryl Blevins, Nancy Souza, Ellen Combs, Jack Mori

Kneeling: Chuck White (Foreman)



*John Hobbs
(Absent the day
of the picture)*

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LETTER FROM THE FOREMAN



TULARE COUNTY GRAND JURY

5963 South Mooney Boulevard

Visalia, CA 93277

Phone: (559) 624-7295; Fax (559) 733-6078

Honorable Judge Gary Paden
Presiding Judge of the Superior Court
State of California
County of Tulare

Honorable Judge Bret Hillman
Supervising Judge of the Grand Jury
State of California
County of Tulare

Dear Judge Paden and Judge Hillman,

As you realize, better than any of us, the Grand Jury is a very valuable accoutrement to the government of Tulare County. Pursuant to California Penal Code §933, the 2014-2015 Tulare County Grand Jury presents this Final Report of the Grand Jury to the Court and to the citizens of Tulare County. This report completes the work of the members who served on the Grand Jury for the past year.

These documents are the result of nineteen people from diverse backgrounds and geographical areas working together to achieve a common goal. On July 1, 2014 the jury was sworn in and immediately started working on complaints. They immediately accepted their responsibilities as Jurors and started their investigations.

Our experience as Grand Jurors has reinforced my belief in the grand jury system. It is imperative that the public is made aware and remains confident that its local government representatives are effectively serving the citizens and taxpayers. The members of the 2014-2015 Grand Jury are proud to have served on the Tulare County Grand Jury. This service required a great sacrifice with demanding effort and long hours, but this gave way to extreme satisfaction and gratification.

I would like to extend my personal thanks to Judge Paden and Judge Hillman who are assigned to us as advisors. I appreciate their professional dedication and also being a friend at times when needed. I also would like to thank the Superior Court Clerk's office staff, especially Ellen Kennedy, and County Counsel staff who give us great advice when we needed it. I would like to give Jean Rousseau and his staff a special thank you for getting us out of the Ice Age and into the 21st century; for without our new computers we would still be carrying all our paperwork in a

TULARE COUNTY GRAND JURY REPORT 2014-2015

big basket. Jean Rousseau has become a good friend of the Grand Jury and he is irreplaceable as far as the Grand Jury is concerned. Jean Rousseau has greatly contributed to the efficiency of our operation of the Grand Jury, thanks again Jean.

Now in this paragraph, intended for a single purpose, I wish to communicate, on behalf of all of the members of the Grand Jury and exponentially on my own behalf, our greatest gratitude to our Clerk, Mrs. Annette Jones, for her single-minded devotion to the welfare of the Grand Jury as an entity and to the welfare of the members of the jury as individuals. She has been, and continues to be, a treasure of good advice, knowledge of the best Grand Jury practices.

I would like to thank the Tulare Grand Jury that I worked with in 2014-2015. I have served on 7 previous grand juries and I have never worked with 19 people with different views get along as well as they did. This year's grand jury has worked as a team. They have been very respectful, courteous and professional to each other which I believe made for the best grand jury I have had the honor of serving on.

Respectfully,

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

Chuck White, Foreman
2014-2015 Tulare County Grand Jury

LETTER FROM THE JUDGES

Superior Court of the State of California

LaRayne Cleek
Court Executive Officer/
Jury Commissioner

Deanna A. Jasso
Court Administrative Manager

Sherry Pacillas
Court Operations Manager

COUNTY OF TULARE
ADMINISTRATION
221 S. Mooney Blvd., Room 303
Visalia, California 93291
Telephone: (559) 730-5000
Facsimile: (559) 737-4290



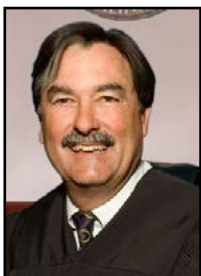
JUDGE'S COMMENTS

On behalf of the entire bench of the Tulare County Superior Court we want to sincerely thank the 2014-2015 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.

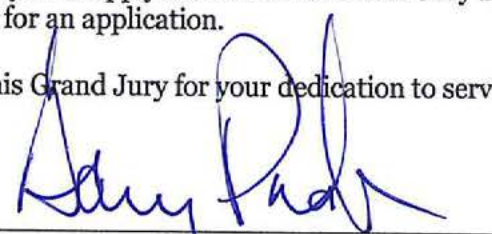
Grand Jurors always assume a great deal of responsibility whenever they agree to be a part of a year's panel. They willingly do this as volunteers without any purpose other than to insure that governmental agencies and individuals are properly performing their duties. The taxpayers of Tulare County were 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.



NO
PHOTO
AVAILABLE



Gary L. Paden
Presiding Judge



Bret D. Hillman
Assistant Presiding Judge

GRAND JURY RESPONSE REPORT 2013-2014 COMPLIANCE REVIEW

BACKGROUND

The Tulare County Jury (Grand Jury) is impaneled annually to act as the public's watchdog by investigating and reporting on the affairs of County and local governments. They look into complaints brought by citizens who are concerned about perceived government irregularities. As a fact finding body, the Grand Jury has the potential to make recommendations for constructive changes and possible 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 and local governments' various entities to determine if more efficient and economical programs may be employed. The Grand Jury is authorized to and in some cases must do the following:

- 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 funds
- Inquire into the conditions and management of jails and detention facilities
- Inquire into any charges of willful misconduct in office by County and/or local officials or employees

The Grand Jury does not investigate private entities, nonprofits not connected to the government, states or federal agencies, courts, school curriculum, or other matters not connect with local governments.

The Grand Jury annually issues a final report which contains several reports addressing one or more issues. California Penal Code §933.05 requires responses from governing agencies, including the Board of Supervisors, city and County governments, schools, Special Districts and certain non-profit corporations. This ensures that their functions are performed in a lawful, economical and efficient manner. Each report contains information such as the background regarding the subject matter, reasons for the investigation, the procedures followed in obtaining information, findings, conclusions, and recommendations. All required responders must reply, in writing, to each finding and recommendation in the specific report within a given time period.

PROCEDURES FOLLOWED

1. Received and reviewed returned responses to the 2013-2014 Grand Jury Final Reports
2. Reviewed relevant California Government and Penal Codes
3. Compiled statistics regarding the responses

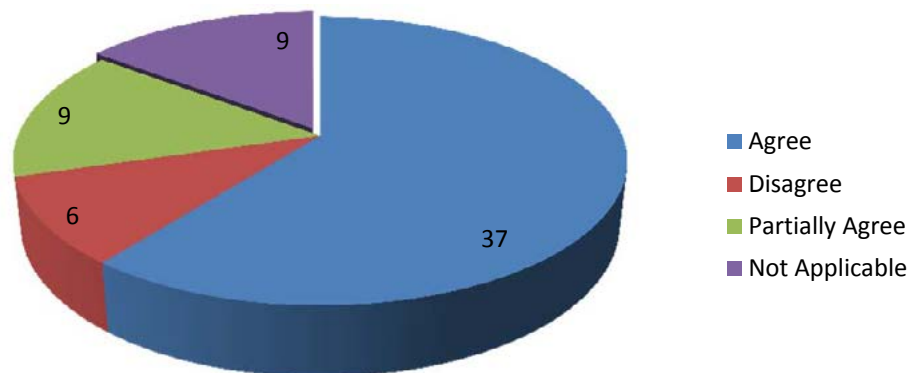
FACTS

1. There were 11 Grand Jury reports published in the 2013-2014 Final Report.

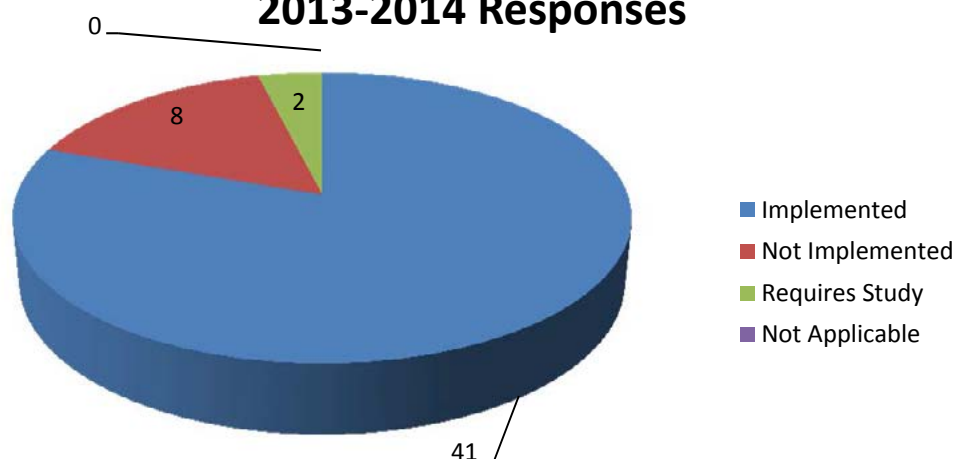
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2. There were 61 findings and 51 recommendations to the 2013-2014 Final Report.
3. The following diagrams indicate the numbers of concurrence with or disagreement to the findings, and implementations' or non-implementation of recommendations made to the responding entities.
4. Attached to this report are copies of the responses received as a result of the 2013-2014 Final Report.

2013-2014 Findings



2013-2014 Responses



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FINDINGS

Instructions are provided to all entities from which responses are required. Not all entities responded by the response date, however with subsequent requests to do so all but one entity responded. All entities responding to a report must do so in accordance with California Penal Code §933.05.

RESPONSES

2013 - 2014 Responses and 2013 – 2014 Final Report can be found on the Tulare County Grand Jury Website:

<http://tularecounty.ca.gov/grandjury>

2014 – 2015 Response and 2014 – 2015 Final Report can be found on the Tulare County Grand Jury Website:

<http://tularecounty.ca.gov/grandjury>

Click on reports heading

ADMIN

BOARD OF SUPERVISORS' SALARIES

BACKGROUND:

The 2008-2009 Tulare County Grand Jury prepared a report in response to a citizen's complaint, prompted by an article published in the Visalia Times-Delta. The article pertained to an increase in the Tulare County Board of Supervisors' (BOS) Salaries. Due to an apparent lack of transparency in this process, the BOS has since implemented procedures relative to the way the BOS enacts their raises.

Many counties within California have enacted pay raise procedures as opposed to the BOS directly voting on salary increases. These procedures aide in transparency and lessen negative reactions by the public. The BOS salaries are governed by Tulare County Code Part 1, Article 3, Chapter 7, Section 1-07-1060. (See Attachment).

REASON FOR INVESTIGATION:

The 2014-2015 Tulare County Grand Jury received a citizen's complaint concerning the procedures by which the BOS and personnel salaries are determined.

METHOD OF INVESTIGATION:

The Grand Jury interviewed the complainant and a Tulare County Official. The Grand Jury reviewed past reports, Tulare County Ordinances, various surrounding official county government websites, news websites, and other documents.

FACTS:

1. The Ordinance Code specifies the process for determining the BOS salaries. This Ordinance Code Section was adopted on September 22, 1998, at a regularly scheduled BOS meeting in public session. This ordinance was amended twice: October 22, 1998, and February 16, 2013.
2. Fresno, Merced and Madera Counties BOS salaries are linked to their Superior Court Judges' salaries.
3. Kern and San Joaquin Counties BOS salaries are linked to a formula of employee groups' negotiations.
4. Stanislaus County BOS salary is linked to a percentage of an average of Fresno, Kern, Kings, Madera, Merced, San Joaquin and Tulare Counties BOS salaries.
5. Tulare County BOS salary is linked to four County elected officials: Sheriff/Coroner, District Attorney, Assessor/Recorder, and Auditor/Controller.
6. The majority of Tulare County Rank and File employees receive raises through the collective bargaining process.

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7. The Current Tulare County BOS salaries ranked fourth out of the nine Southern San Joaquin Valley counties researched, based on BOS salaries.

Table 1, Comparison of Relevant Data from the Nine County Region

<i>Southern San Joaquin Valley Data</i>				
<u>County</u> <u>Name</u>	<u>County</u> <u>Population*</u>	<u>Median</u> <u>Income (\$)*</u>	<u>Budget</u> <u>(\$Millions)</u>	<u>Base BOS</u> <u>Salary (\$)</u>
Fresno	955,272	45,761	2,040	110,766
Kern	864,124	47,727	2,210	105,107
Merced	263,228	43,565	468	98,261
<i>Tulare</i>	<i>454,143</i>	<i>43,803</i>	<i>1,009</i>	<i>95,678</i>
San Joaquin	685,306	53,764	1,349	95,439
Stanislaus	525,491	49,866	945	74,776
Madera	152,389	47,937	215	71,515
Kings	150,960	48,761	269	55,932
<i>Median Data</i>	<i>489,817</i>	<i>47,832</i>	<i>977</i>	<i>95,559</i>

*County Population and Median Income table based on 2010 Census Data
County Budget shown current 2013-2014 budget or proposed 2014-15 budget available at time of research.

Base Board of Supervisor Pay current information available and does not reflect benefits packages or any additional pay.

ATTACHMENTS

Attachment 1

Tulare County Code, Part 1, Article 3, Chapter 7

1-07-1060 COMPENSATION OF SUPERVISORS:

- (a) As of October 21, 2012, each member of the Board of Supervisors shall receive three thousand four hundred seventy six dollars and nineteen cents (\$3476.19) per pay period as payment for all services. This amount is intended to be and is the full salary for the member's service as a member of the Board of Supervisors, and as a member of the board of any other entity for which the Board of Supervisors sits as the governing body.
- (b) In addition to the salary set forth in subdivision (a) of this section, the Chairman of the Board of Supervisors shall receive an additional amount of eight per cent of base salary for all services performed as Chairman.

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- (c) In addition to the salary set forth in subdivision (a) of this section, the Vice-Chairman of the Board of Supervisors shall receive an additional amount of four percent of base salary for all services performed as Vice Chairman.
- (d) The Board of Supervisors and County elected officers may receive salary increases, if any, only one time yearly, at the adoption of the annual budget. These increases will be done via Action items on the Board of Supervisors agenda, not on the consent portion. Any increase to the salary of the Board of Supervisors will be effective sixty (60) days after the adoption of the annual budget. Any increase to the salary of all other elected officials will be effective at the adoption of the annual budget.
- (e) If the other County elected officers receive cost of living salary adjustments, or any salary adjustment other than an adjustment based upon merit or performance, during any calendar year, then the members of the Board of Supervisors shall receive the average adjustment of these other elected officers effective sixty (60) days after the date of the elected officers' adjustment.

(Amended by Ord No. 3211, effective October 22, 1998; amended by Ord. No. 3444, effective 2-16-13)

CONCLUSION:

1. Tulare County BOS salaries are comparable to the other nine Southern San Joaquin Valley counties.

Disclaimer

Grand Jury reports are based on documentary evidence and the testimony of sworn or admonished witnesses, not on conjecture or opinion. However, the Grand Jury is precluded by law from disclosing such evidence except upon specific approval of the Presiding Judge of the Superior Court, or another judge appointed by the Presiding Judge (Penal Code Section 911, 924.1 (a) and 929). Similarly, the Grand Jury is precluded by law from disclosing the identity of witnesses except upon an order of the court for narrowly defined purposes (Penal Code Section 924.2 and 929).

CITY COUNCILS IN TULARE COUNTY

BACKGROUND:

The mission of a City Council is to provide policy direction for each incorporated municipality in Tulare County. As the elected legislative body of each city, the Council has the overall responsibility for fostering the health, safety and welfare of the City. The Council works to represent the interests of residents while ensuring the delivery of municipal services. By statute, the Council is responsible for the control of the City's property, finances, and the appropriation of money. It also serves as the link between the citizens and the local government.

REASON FOR INVESTIGATION:

The 2014-2015 Tulare County Grand Jury expressed its interest in the functions and operations of the various City Councils within Tulare County.

METHOD OF INVESTIGATION:

Members of the Grand Jury attended two City Council meetings at each of the eight cities in Tulare County. The meetings were observed and a questionnaire for each city was completed. The cities were:

- a. Dinuba
- b. Exeter
- c. Farmersville
- d. Lindsay
- e. Porterville
- f. Tulare
- g. Visalia
- h. Woodlake

FACTS:

1. There are two kinds of cities in Tulare County, charter and general law. In charter cities, the charter acts as the "constitution" for the city and is approved by the electorate. Amendments, revisions, and repeals of a charter are subject to the vote of the people. In general law cities, the State Constitution provides the framework for their governance.
2. "At large" elected City Councils means that members of the Council are elected by all voters of the city. A "District" elected City Councils means that the city is divided into districts and voters can only vote for the individual running for office in that particular district. Each council member represents a constituency of voters within a city, either in their district or at-large depending on whether the city is chartered or general law.

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3. City councils meet at appointed times and places to conduct the business of each city according to a previously prepared agenda. Examples may include: appointments to committees; setting the budget; applications for grants; opening of bids from vendors of city services; pay increases for city employees, etc.
4. Generally, each city must conduct these public sessions in accordance with the Brown Act.
5. Members of the public cannot be compelled to sign in to either attend or to voice an opinion on the topic being discussed. These rights are further not limited to able-bodied persons as “reasonable accommodations” must be made by the city for the participation of the disabled.
6. The City Council allows public participation in open meetings and offers opportunities for the public to comment on matters considered by the Council. City Councils are mandated to comply with the Brown Act when providing notice of forthcoming meetings.
7. City Council Meetings provide a forum for people to address grievances that are within the scope of the council.
8. The Brown Act calls for agendas and notices of regular meetings to be posted on websites and in various places within the city, not less than 72 hours prior to the meeting. The order of items on the agenda may be rearranged at a meeting by a vote of the Council.
9. Council Packets are generally available not less than 72 hours prior to a regular meeting. The packet usually contains the agenda, copies of legislation and background material which have been distributed to the council. These packets are available for public inspection at the council offices.
10. The various City Councils meet each month as follows:

Incorporated City & Location	Meeting Schedule
Dinuba – 405 East El Monte Way	2 nd and 4 th Tuesday @ 6:00 pm
Exeter – 137 North F Street	2 nd and 4 th Tuesday @ 7:00 pm
Farmersville – 909 West Visalia Road	2 nd and 4 th Monday @ 7:00 pm
Lindsay – 251 Honolulu Street	2 nd and 4 th Tuesday @ 6:00 pm
Porterville – 291 Main Street	1 st and 3 rd Tuesday @ 6:30 pm
Tulare – 491 North M Street in City Library	1 st and 3 rd Tuesday @ 7:00 pm
Visalia – 707 West Acequia Avenue	1 st and 3 rd Monday @ 7:00 pm
Woodlake – 350 North Valencia Blvd	2 nd and 4 th Monday @ 6:30 pm

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11. Special Meetings – In order to comply with the Open Door law, the Clerk notifies the Council and the press of Special Meetings by mail, phone, or by personal delivery at least 24 hours before the meeting. However, if the meeting is held because of an emergency, notice to the media must be given at the same time and in the same manner as it is given to the Council. The agenda will state “Special Session” rather than “Regular Session” and the minutes are kept in the same manner as those for Regular Sessions.
12. Executive Meetings – Executive Sessions are an exception to the general rule that all meetings are open to the public. The Open Door statute allows these closed meetings in a few specific instances where privacy serves the public interest - i.e. to discuss pending litigation, selecting a site for a project, personnel matters, etc. The requirements for notification of Executive Sessions are generally the same as for Special Sessions, except that the notice must cite the statutory basis for holding the closed meeting. The Council must also keep a record of the meeting and at the next Regular Session certify the record and verify that no matters other than those enumerated in the notice were discussed.
13. City councils have broad powers to write ordinances in any area that does not impinge upon county ordinances, state or federal laws and regulations.
14. Ordinance – An ordinance is a municipal law that continues in effect until repealed. Two readings are required prior to an ordinance being approved. The first reading occurs when an ordinance is introduced by staff, with background and reason for recommendation. The staff brings the ordinance back to council for adoption at a second meeting. The ordinance takes effect after 30 days once adopted.
15. Resolution – A resolution differs from an ordinance. It is non-legislative action, less formal, and deals with special or temporary matters, usually relating to a statement of policy regarding the administrative business of the city.
16. Meetings are generally conducted in the following order (if applicable, order of closed sessions may vary):
 - a. Call to Order
 - b. Public Comment
 - c. Consent Calendar
 - d. Regular Session
 - e. Adjournment
17. A critical duty for the city council is to select and hire the top administrators for the city, such as the city manager, chief of police, etc.
18. City staff assist City Council members in identifying and qualifying candidates for employment, preparing for meetings, drafting resolutions, ordinances, and regulations.

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19. The following chart is a summary by the Grand Jury of their visits to each of the seven incorporated City Council meetings:

Location	Dinuba	Dinuba	Dinuba	Exeter	Exeter	Farmersville	Farmersville	Lindsay	Lindsay
Meeting Date	08/26/14	09/23/14	10/28/14	02/24/15	08/25/14	02/23/15	08/24/14	02/24/15	
Required No of Board Members	5	5	5	5	5	5	5	5	5
No of Board Members in Attendance	3	3	4	5	5	4	5	5	5
Did meeting start on time	No	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Agenda available to all attendees	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Was there Public Comment Time	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Demeanor of Board Members	Relaxed	Professional	Friendly	Relaxed	Relaxed	Professional & Business-like	Very Good	Mostly Good	
Was Board knowledgeable	Yes	Yes	Yes	Yes	Yes	Yes	Mostly	Yes	
Was Board courteous to everyone	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	
Did Board use microphones	No	Yes	No	Yes	Yes	No	Yes	Not at All	
Did Board stick to the Agenda	No	Yes	Yes	Yes	No	Yes	Yes	Yes	
Did Board introduce items not on the Agenda	No	No	No	No	Yes	No	No	Yes	

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Location	Porterville	Porterville	Visalia	Visalia	Visalia	Woodlake	Woodlake
Meeting Date	09/02/14	09/16/14	08/08/14	11/03/14	08/11/14	08/25/14	
Required No of Board Members	5	5	5	5	5	5	
No of Board Members in Attendance	3	3	5	5	3	4	
Did meeting start on time	Yes	No	Yes	Yes	Yes	Yes	
Agenda available to all attendees	Yes	Yes	Yes	Yes	Yes	Yes	
Was there Public Comment Time	Yes	Yes	Yes	Yes	Yes	Yes	
Demeanor of Board Members	Professional	Professional	Good	Good	Business-like	Relaxed	
Was Board knowledgeable	Generally	Generally	Yes	Yes	Yes	Yes	
Was Board courteous to everyone	Mostly	Mostly	Yes	Yes	Yes	Yes	
Did Board use microphones	Yes	Yes	Yes	Yes	Yes	Yes	
Did Board stick to the Agenda	Yes	Yes	Yes	Yes	Yes	Yes	
Did Board introduce items not on the Agenda	Yes	Yes	No	No	No	No	

Disclaimer

Grand Jury reports are based on documentary evidence and the testimony of sworn or admonished witnesses, not on conjecture or opinion. However, the Grand Jury is precluded by law from disclosing such evidence except upon specific approval of the Presiding Judge of the Superior Court, or another judge appointed by the Presiding Judge (Penal Code Section 911, 924.1 (a) and 929). Similarly, the Grand Jury is precluded by law from disclosing the identity of witnesses except upon an order of the court for narrowly defined purposes (Penal Code Section 924.2 and 929).

COUNTY EMPLOYEE OVERPAYMENT: THE GIFT OF GIVING

BACKGROUND:

A gift is defined as something voluntarily transferred by an individual or entity to another individual or entity without compensation; whereas compensation is payment that constitutes an equivalent or recompense as for a service rendered or damage incurred.

Attachment B of California Constitution, Article 16, Public Finance, and Section 6 stipulates:

The legislature shall have no power to give or to lend, or to authorize the giving or lending, of the credit of the State, or of any county, city and county, city, township or other political corporation or subdivision of the State now existing, or that may be hereafter established, in aid of or to any person, association, or corporation, whether municipal or otherwise, or to pledge the credit thereof, in any manner whatever, for the payment of the liabilities of any individual, association, municipal or other corporation whatever; ***nor shall it have power to make any gift or authorize the making of any gift, of any public money or thing of value to any individual, municipal or other corporation...***

REASON FOR INVESTIGATION:

A citizen's complaint of unfair treatment by a Tulare County Governmental Agency (County) was received by the Tulare County Grand Jury (Grand Jury) for investigation and resolution, pursuant to California Penal Code §925 and §925a.

The specifics of the complaint alleged unfair treatment due to a County demand for repayment of monies that were incorrectly overpaid to the complainant. Sixty nine pay periods had elapsed before the complainant, and approximately 110 additional employees, were notified of either overpayments or underpayments. Due to the significant length of time that had transpired before the complainant's notification of demand for repayment totaling over \$3,000.00, the complainant claimed to have been wronged because there was no initial notification that the "benefit amount was going to change." The complainant also said that if there had been proper communication regarding a benefit change "I could have asked questions or disputed it at that time." The complainant believes the County should have had more proactive oversight that would have precluded the need for a substantial payback. As a result, the complainant had asked for relief, citing the County's lack of accountability and transparency in the matter.

County administrative personnel explained during an interview with the Grand Jury that previous budget cuts had negatively impacted the quality of accounting standards and controls. According to County personnel these problems have been resolved.

TULARE COUNTY GRAND JURY REPORT 2014-2015

METHOD OF INVESTIGATION:

The Grand Jury began its inquiry by scheduling interviews with the complainant, an administrator, and several accountant/auditors, in addition to obtaining pertinent data for review.

In addition to interviews with County administrative and accounting personnel, the Grand Jury reviewed applicable California Government Codes. Upon request, the County submitted pertinent documents to the Grand Jury for further review.

FACTS:

1. The complainant's receipt of overpayments from County funds, totaling \$3,504.07, is not in dispute and the overpayment was not disbursed as payment for services rendered by complainant.
2. The County did not notify the complainant of the accounting change at the time of its implementation with pay period dated 4/5/2011. The complainant received a memo regarding the infraction that included Repayment Agreement instructions dated 5/19/2014, over three years later. There was no acknowledgement of the overpayment discrepancy by either the County or the complainant during the interim period between 4/5/2011 and 5/19/2014.
3. A Memorandum Of Understanding (MOU), a policy that was in place and enforceable during the time of the overpayment infractions, regarding employee Payroll Policy, Article 41 Payroll, letter C, OVERPAYMENTS states: 'Overpayment errors shall be corrected in the immediate next pay period. If the amount in the judgment of the Auditor's Office would constitute an unreasonable burden on the employee, overpayment errors may be corrected in subsequent pay periods pursuant to an agreement of court order. As a nonbinding guideline, repayments should be within the same number of pay periods in which the error occurred.'
4. There are multiple different benefit calculations possible for benefitted county employees. These calculations are based on bargaining unit negotiations, benefit choice selections, and MOUs in place at the time of employee hire.
5. Tulare County payroll is not centralized. Individual departments are responsible for accounting and auditing of payroll. County employee benefits are overseen by the Human Resources & Development Department.
6. A repayment agreement used by Auditor/Controller for collection of overpayments authorizes the complainant a conciliation waiver of \$300.00, subtracted from the total of monies to be repaid. This agreement, once signed by its recipient, offer additional repayment options including a hardship exception request.

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FINDINGS:

- F1. The County may have prevented the occurrence of a significant overpayment discrepancy provided the appropriate quality controls were in place at the time. However, there is no evidence to support intentional impropriety. The complainant had equal opportunity to register concerns regarding the additional monies received. As such, attachment B of California Constitution, Article 16, Public Finance, and Section 6, previously referenced in this report, stands as the deciding factor in determining the complainant's obligation to reimburse the County.
- F2. The County has since required its employees, specifically in departments where the overpayments and underpayments occurred, to acknowledge by signature verification per Tulare County Section 125 Participation Form. This form outlines the terms and expectations for both County officials and employees pertaining to the deduction of premiums and/or fees from employee paychecks.

CONCLUSION:

The complainant is required to repay the county.

RECOMMENDATIONS:

- R1. Tulare County continue to implement and monitor financial safety measures for eligible employee benefit calculations.
- R2. The Tulare County Auditor undertake procedures to ensure that periodic comprehensive payroll audits of each county department are monitored.

REQUIRED RESPONSES:

1. Tulare County Auditor/Controller
2. Administrator, Human Resources & Development Department

Disclaimer

Grand Jury reports are based on documentary evidence and the testimony of sworn or admonished witnesses, not on conjecture or opinion. However, the Grand Jury is precluded by law from disclosing such evidence except upon specific approval of the Presiding Judge of the Superior Court, or another judge appointed by the Presiding Judge (Penal Code Section 911, 924.1 (a) and 929). Similarly, the Grand Jury is precluded by law from disclosing the identity of witnesses except upon an order of the court for narrowly defined purposes (Penal Code Section 924.2 and 929).

FIRST 5 FIGHTING FOR OUR CHILDREN

BACKGROUND:

In November 1998, California voters passed Proposition 10, the “Children and Families Act of 1998” initiative. The act levies a tax on cigarettes and other tobacco products to provide funding for early childhood development programs. Revenues generated from the tobacco tax must be used to enhance the early growth experiences of children, enabling them to be more successful in school and ultimately to give them an equal opportunity to succeed in life. Revenues must be used for the following specific purposes:

- To create a comprehensive and integrated delivery system of information and services to promote early childhood development;
- Support parenting education, child health and wellness, early child care and education, and family support services; and
- Educate Californians on the importance of early childhood development and smoking cessation.

Tobacco tax revenues are collected at the state level. Eighty percent of these funds are then allocated to the 58 counties according to annual birth rates. The remaining twenty percent of the money is allocated to First 5 California to support statewide programs, research, and media campaigns.

Participating First 5 counties in California are required to establish a County Commission composed of seven voting members and two ex officio members. The duties of each county commission include evaluating the current and projected needs of young children and their families, developing a strategic plan that promotes a comprehensive and integrated system of early childhood development services that addresses community needs, determining how to expend local monies available from the state Children and Families Trust Fund, and evaluating the effectiveness of programs and activities funded in accordance with the strategic plan.

In addition, on or before October 15 of each year the state commission and each county commission shall conduct an audit of, and issue a written report on the implementation and performance of their perspective functions during the preceding fiscal year. This includes, at a minimum, the manner in which funds are expended, the program toward, and the achievement of, program goals and objectives, and the measurement of specific outcome through appropriate reliable indicators.

The Tulare County Children and Families Commission was formed by the Tulare County Board of Supervisors on December 8, 1998, with the passing of County Ordinance 3217. The commission was charged with the responsibility to develop a local strategic plan and implement and administer projects funded by Proposition 10 in accordance with the legislative text.

First 5 Tulare County is governed by a commission consisting of seven members: one from the American Cancer Society, one from the Tulare County Office of Education, two from the Tulare County Health and Human Services Agency, one from the Tulare County Board of Supervisors, one from the Tulare County Medical Society, and a Pediatrician.

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REASON FOR INVESTIGATION:

The 2014-2015 Tulare County Grand Jury received a complaint from a citizen of Tulare County. The complaint stated “...for several years First 5 of Tulare County has been listed as a donor in the range of \$500,000 to \$1,000,000 to the Kaweah Delta Hospital Foundation. How is that massive donation of taxpayer dollars being used for the specific benefit of Tulare County children? As a reminder the newspaper reported the Hospital CEO earns \$875,000 compensation?”(sic) Therefore, the Grand Jury began an investigation of First 5 Tulare County. While interviewing the complainant, he/she issued another complaint that First 5 Tulare County’s Financial Reports did not match their Local Annual Report as to what was expended for the various programs for children by over \$500,000 by his/her calculations. An additional complaint was received by the Grand Jury from a citizen pertaining to First 5 Tulare County regarding the sponsorship of a tee or green fee at a Golf Tournament being held by the Kaweah Delta Hospital Foundation. At that time, the Grand Jury decided to combine all three complaints into one investigation and report.

METHOD OF INVESTIGATION:

On October 27, 2014, a representative of First 5 Tulare County came to the Grand Jury Office and responded to questions regarding the First 5 Tulare County Program. The Grand Jury requested and received documentation on the functions and operations of First 5 Tulare County. An audit was conducted of the financial statements and the Local Annual Report.

On October 27, 2014, a representative of Kaweah Delta Hospital Foundation and staff members came to the Grand Jury Office for a presentation to explain the Foundation’s relationship with First 5 Tulare County. An audit was conducted by the Grand Jury of all financial transactions involving First 5 funds remitted to the Kaweah Delta Hospital Foundation.

FACTS:

1. The Hospital CEO is paid out of Kaweah Delta District Hospital General Fund budget rather than Foundation Funds.
2. The Kaweah Delta Hospital Foundation is not a separate entity; the Foundation is administered by the Kaweah Delta Hospital Development Department.
3. In Fiscal Year 2012 – 2013, Kaweah Delta Hospital Foundation received seven grants from First 5 Tulare County:
 - a. Pediatric Hospitalist Grant – Six pediatric hospitalists covered a 24-hour span with two doctors available during the day. They take part in high-risk deliveries and were assigned sick newborns, premature births, drug-exposed infants and more critical cases. Among the pediatricians are two Neonatologists and a Pediatric Cardiologist. There were 1,760 children younger than six years of age treated (10,865 visits) and 300 emergency room visits.
 - b. Pediatric Specialty Care Project – Exeter Rural Health Clinic – It paid for staff and operation of the Clinic. There were 403 patient visits conducted by the Pediatric Gastroenterologist,

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93 patient visits conducted by the Developmental-Behavior Pediatrician, Pediatric Dietician provided 145 consultations, 37 patients visits were provided by Occupational Therapists and 138 patient visits were provided by Speech Therapists. It was a four-year grant of \$3 million; expended \$2,744,100 to date. In 2013 – 2014 expended \$379,847, majority of which was program personnel costs.

- c. Nutrition Education and Obesity Prevention Program – Kaweah Delta partnered with the Tulare County Office of Education (TCOE), utilizing grant funds from the County of Tulare Health and Human Services Agency and First 5 to bring a program focusing on healthy eating and obesity prevention strategies to child development centers around the County. It provided training and technical assistance to 8-10 qualifying child care and education sites and 30-50 medical/dental providers/clinics. The award was \$3,610 and TCOE matched this grant with another \$3,610.
- d. Injury Prevention Grant – Community Health Workers provided childhood injury prevention information to parents of young children using a home visitation model. There were 52 parents that participated, reaching 143 children, 77 of whom were age 0-5 and 104 home visits where education and assessment were conducted. Parents received a home safety kit and a magnet for their refrigerator with important emergency numbers in English and Spanish. The grant award was \$24,000. Funds in the amount of \$21,020.23, paid in August 2013, were devoted to planning of a helipad for the Trauma Injury Prevention Program feasibility. The feasibility study assisted Kaweah Delta in becoming a Level Three Trauma Center.
- e. Helipad Grant – Construction of a helipad to provide air transport services to the community, including ages 0-5 children in need of getting to a facility for an appropriate level of care or being transported to Kaweah Delta Hospital. The Grant award for 2012-2013 was \$186,920.93, with a total cost of \$2,700,000. Program Evaluation June 3, 2013 – June 2, 2014:

Number of Patients	Transport Details
16	To Children's Hospital Central California – Madera
2	To Community Regional Medical Center – Fresno
4	To Lucile Packard Children's Hospital – Stanford
1	To Benioff Children's Hospital – University of California San Francisco
1	From Emergency Scene Call
24	Total Transports

Total Reported Helicopter Transports for 12 months ending June 2, 2014:

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All transports:	182
Age 0 - 5 transports:	24
Age 0 – 5 transports percent of total:	13.19%
Total Helipad Project Cost:	\$2,700,000
Age 0 – 5 transports percent of total:	13.19%
Total First 5 Grant Amount	\$356,130

f. Pediatric Specialty Clinics in Visalia – To provide age appropriate furniture, books and activity center for children younger than six-years old in specialty clinics in Visalia. Grant award was \$7,537.

g. Ultrasound Machines for Exeter and Lindsay Clinics – Two portable ultrasound machines located at the Kaweah Delta Exeter and Lindsay Rural Health Clinics Obstetrics Departments to provide diagnostic care for pregnant patients and most importantly to identify at risk pregnancy conditions early in the pregnancy, leading to enhanced care and improved outcomes for the infant. This allows the physicians to check for signs of birth defects, anatomical abnormalities and any signs of genetic problems. The OB/GYN departments provides an average of 700 patient visits per month with an annual estimate of 8,400. The Grant award was \$30,400.

4. First 5 Tulare County Strategic Plan Comparison - Target allocation of funds and services by Primary Result:

PRIMARY RESULT	2010-2012	2013-2015
Children are mentally and physically healthy	65%	55%
Children are ready for school	20%	25%
Families are knowledgeable and able to promote their children's development	14%	19%
Services are culturally appropriate, integrated, and collaborative	1%	1%

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5. A Program Report in the Local Annual Report (LAR) consists of Personnel Costs, Administrative Expense, Program Expense and Indirect Costs. The following individual expenditures are captured within each of those categories:
 - a. Personnel Costs – wages, salaries and benefits.
 - b. Administrative Expense – rent, utilities, office supplies, equipment less than \$5,000 and insurance.
 - c. Program Expense – services to the client or customers, mileage, materials, supplies, wage and benefits of those allocated on cost sheet.
 - d. Indirect Costs – Cost of accounting office, legal fees and janitorial. Most ongoing programs have a defined rate for indirect cost in their Grant. First 5 Tulare County has a 15% cap for those that do not have it defined in their Grant. California Department of Education has a defined rate. Administrative and Indirect Costs cannot exceed 15%.
6. Each year, First 5 Tulare County allocates \$1,000 - \$2,000 to the Freedom Celebration held in Visalia on the 4th of July. This contribution is intended to promote family-based activities at no cost.
7. In September 2014, Kaweah Delta Hospital Foundation held a Golf Tournament and First 5 Tulare County was listed as a tee or green sponsor. First 5 donated \$750 for the purpose of sponsoring a tee. It was for media attention for First 5 Tulare County and to seek additional sponsors for the organization. Employees of First 5 Tulare County did not participate nor did they directly receive benefits from this sponsorship.
8. In the preparation of the Local Annual Report each year, three officials review the report before it is available to the public.
9. Fiscal Year 2010 – 2011 One Time Capital Planning Grant Expenditures that were not included on the Local Annual Report, but were included on the Financial Statements: *(see chart 9)*
10. Fiscal Year 2011 – 2012 One Time Capital Grant Expenditures that were not included on the Local Annual Report, but were included on the Financial Statements: *(see chart 10)*
11. Fiscal Year 2012 – 2013 One Time Innovation Projects and Capital Grant Expenditures that were not included on the Local Annual Report, but were included on the Financial Statements: *(see chart 11)*
12. Fiscal Year 2010 – 2011 Kaweah Delta Health Care District (KDHCD) and Kaweah Delta Hospital Foundation (KDHF) Programs funded by First 5 Tulare County that were on the Financial Reports as well as the Local Annual Report: *(see chart 12)*
13. Fiscal Year 2011 – 2012 Kaweah Delta Health Care District (KCHCD) and Kaweah Delta Hospital Foundation (KDHF) Programs funded by First 5 Tulare County that were on the Financial Reports as well as the Local Annual Report: *(see chart 13)*

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(see chart 9)

Grant Amount	Description
\$44,468	Barnes Dental Association – Dental Surgery Center
\$31,597	Children’s Hospital Central CA – Neonatal Stabilization Center Program Planning
\$22,606	Kaweah Delta Hospital Foundation – Infant Bili Meter Systems
\$97,744	Kaweah Delta Hospital Foundation – Neonatal RetCam System
\$14,934	Kaweah Delta Hospital Foundation – Pediatric Draeger Gamma XL Monitors
\$56,000	Porterville Unified School District – Playground Improvement Project
\$6,951	Tulare Community Health Clinic – Women’s Center Upgrade
21,497	Tulare Community Health Clinic – Women’s Center Upgrade
\$7,756	Tulare County Child Abuse Prevention Council – Strategic Plan & Resource Development
\$303,553	Grand Total

(see chart 10)

Grant Amount	Description
\$22,267	Tulare Community Health Clinic – Electronic Medical Records
\$6,333	Tulare County Child Abuse Prevention Council – Strategic Plan
\$14,655	Tulare County Office of Education – Stepping Stones to Kindergarten
\$43,255	Grand Total

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(see chart 11)

Grant Amount	Description
\$6,481	Court Appointed Special Advocates – Family Search and Engagement Planning (Innovation Project)
\$13,903	Valley PBS – Ready to Learn Program (Innovation Project)
\$6,073	Tulare County Office of Education – Stepping Stones to Education (Capital Grant)
\$50,313	City of Tulare – Mulcahy Park 2-5 Play Equipment (Capital Grant)
\$14,376	Tulare County Office of Education – CCYD Planning Grant
\$81,431	Kaweah Delta Hospital Foundation – Equipment (Capital Grant)
\$30,439	Tulare Local Health Care District – Pediatric Cardio Equipment (Capital Grant)
\$6,742	Tulare Community Health Clinic – Bili Check (Capital Grant)
\$186,921	Kaweah Delta Hospital Foundation – Helipad (Capital Grant)
\$396,679	Grand Total

(see chart 12)

Grant Amount	Description
\$1,025,000	KDHCD - Pediatric Hospitalist Program
\$803,613	KDHF – Pediatric Specialty Care Project
\$17,310	KDHF – Neonatal Nurses Training
\$1,845,923	Grand Total

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(see chart 13)

Grant Amount	Description
\$768,750	KDHCD – Pediatric Hospitalist Program
\$805,140	KDHF – Pediatric Specialty Care Project
\$24,000	KDHF – Injury Prevention and Response
\$1,597,890	Grand Total

14. Fiscal Year 2012 – 2013 Kaweah Delta Health Care District (KDHCD) and Kaweah Delta Hospital Foundation (KDHF) Programs funded by First 5 Tulare County that were on the Financial Reports as well as the Local Annual Report: *(see chart 14)*

(see chart 14)

Grant Amount	Description
\$478,853	KDHF – Pediatric Hospitalist Program
\$379,847	KDHF – Pediatric Specialty Care Program
\$3,610	KDHF – Nutrition Education and Obesity Prevention Program
\$862,310	Grand Total

15. In reviewing the various Program Reports, errors were consistently found every Fiscal Year on the Interpretations section as to the quantity of children served. Primarily, when adding up the numbers to calculate the cost per client some numbers were excluded and others were inappropriately counted leading to incorrect Cost per Client.
16. In reviewing the various Program Reports, errors were consistently found every Fiscal Year on the Local Annual Report /Table 1: Cost per Client by Program.
17. For Fiscal Year 2010 – 2011, three of the Program Reports expended amounts did not match what was expended on the Provider Contract Payments Section of the Financial Statements.
18. For Fiscal Year 2011 – 2012, one of the Program Reports Detailed Cost Benefit Section exceeds the amount listed as expended for the Fiscal Year. The Total Expended does not match the Provider Contract Payments Section of the Financial Statements.
19. For Fiscal Year 2012 – 2013, three of the Program Reports Expended Amounts did not match what was expended on the Provider Contract Payments Section of the Financial Statements.

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FINDINGS:

- F1. For fiscal years 2010-2013, First 5 Tulare County did not include Innovation Grants or Capital Project Grants on the Local Annual Report, but they were included on the Financial Statements.
- F2. For fiscal years 2010-2013, First 5 Tulare County consistently had errors on the Program Reports within the Local Annual Report.
- F3. For fiscal years 2010-2013, First 5 Tulare County Program Report Interpretations on the Local Annual Report were not consistent leading to errors in the Cost per Client.

RECOMMENDATIONS:

- R1. First 5 Tulare County be more transparent in the areas of reporting all Programs and Grants within the Local Annual Report.
- R2. First 5 Tulare County officers and managers have additional training in reviewing and verifying reports before distribution to the public.
- R3. First 5 Tulare County Program Officers have additional training in report writing for consistent Interpretations on the Program Reports.
- R4. First 5 Tulare County create a check list for verifying information between Financial Statements and Local Annual Report to prevent errors before distribution to the public.

REQUIRED RESPONSES:

- 1. First 5 Tulare County
- 2. Tulare County Board of Supervisors

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WORKPLACE HARASSMENT AND THE EMPLOYEE GRIEVANCE PROCESS

BACKGROUND:

Sparked by the concerns of several county employees regarding workplace harassment and a seemingly ineffective grievance resolution to those concerns, Tulare County Grand Jury (Grand Jury) initiated an inquiry.

Inappropriate behavior runs counter to workplace behavior policies, but harassment is unlawful. Harassment can be anything from engaging in behavior intended to force someone to quit to actual physical threats. Understanding what constitutes harassment at work is important in setting up and maintaining a workplace environment where all employees feel welcome, productive and protected. Determining the difference between inappropriate, but not illegal behavior and illegal harassment, is key to successful resolution of harassment grievances.

The County of Tulare's Grievance Form and Personnel Rules No. 13 and 14 (General Policy) are designed to educate and inform all unrepresented and designated represented county employees of their rights and responsibilities under Labor Code §1102, Title VII of the Civil Rights Act of 1964 and Government Code §12941 et seq, targeting areas of discrimination and sexual harassment. Rule 14 states:

It is against the policies of the County for any employee, male or female, to discriminate against or sexually harass another employee.

To be clear, this report does not portend to find fault with existing regulations established to correct or mitigate infractions against established standards. Instead, this report is designed to draw attention to a problem that cannot be avoided if it is not opened and exposed; a report that encourages a pro-active and educational approach against the possibility of workplace harassment and/or violence.

REASON FOR INVESTIGATION

The 2014-2015 Tulare County Grand Jury deemed the understanding of what constitutes harassment in the workplace to be important.

METHOD OF INVESTIGATION:

Tulare County Grand Jury requested, and received documents from a reliable source that outlined county grievance structure and procedures. Interviews with pertinent county personnel were also conducted.

FACTS:

1. The county's grievance procedure under Rule 13 – Employee Grievance Procedure (13.2) states that discrimination complaints are routed to the Human Resources Director, who conducts an

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investigation of the complaint. The County Administrative Officer (CAO), the department and the employee are then advised of the resolution of the complaint.

2. County of Tulare Grievance Form, Personnel Rule 13, offers three (3) formal steps towards complaint resolution. An employee's formal grievance filing begins the following process.
3. Step 1 includes information that describes the employee's attempts to resolve the grievance and requires a supervisor's response to the employee's complaint. If the grievant is not satisfied with the supervisor's ruling at this phase, he or she can choose to follow up with Step 2.
4. Step 2 requires Grievant Request for Appointing Authority Review, with Appointing Authority's Response to follow. The grievant has the option to pursue a Step 3 petition if unsatisfied with the ruling at this point.
5. Step 3 authorizes Grievant Request for a Panel Review. The grievance panel includes one county employee selected by the grievant, one person appointed by the department and one member appointed by the Board of Supervisors (BOS). The BOS appointed member chairs the committee.
6. Equal Employment/Discrimination/Sexual Harassment Policy Personnel Rule 14, does not specify workplace harassment or bullying by its definition, but it does define discrimination as "...any unlawful consideration or use of race, color, religion, national origin, sex, sexual orientation, creed, political affiliation, ancestry, marital status, age, physical disability, or mental disability or any other criteria prohibited by law..." A grievance alleging workplace harassment can be undertaken within the purview of this policy outline. Additionally, The United States Supreme Court stated that, where an employer has a published sexual harassment/discriminatory harassment policy, the employee must report it under that policy and give the employer the opportunity to remedy the situation.
7. Included within the report received by Tulare County Grand Jury were seventeen (17) former Discrimination and Harassment Complaints occurring from July 1, 2012 to June 30, 2013. There were three (3) cases specifically alleging some form of harassment. The outcome of each of these cases was 'not supported by evidence.'
8. Harassment and bullying in the Workplace
 - a. "Harassment is behavior that is characteristically repetitive and intends to harm through mental agony or causing a person to be upset is known as psychological harassment. From a legal point of view, such behavior is abusive, intimidating or humiliating and is found to be threatening. Most often, such behavior leaves behind no legal evidence except for complaints or report by the victim, who suffer torment and lowered self-esteem. Psychological harassment can range from verbal abuse to aggressive and intimidating actions. When this occurs at the victim's workplace, it is especially upsetting as it also can affect work performance." *Excerpt from attorneys at: JustAnswer LLC*
 - b. Unlike harassment, bullying is a covert behavior directed at someone a bully feels threatened by. It is also a form of psychological intimidation and aggression that is not based on a

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protected characteristic. The target doesn't even realize when they are being bullied because the behavior is conveyed through trivial criticisms and isolating actions that occur behind closed doors. While harassment is illegal, bullying in the workplace is not.

- c. Demanding bosses are not necessarily bullies as long as they are respectful and fair and their primary motivation is to obtain the best performance by setting high yet reasonable expectations for working safely.
- d. Anyone can be a harasser. Many situations involve employees bullying their peers, rather than a supervisor bullying an employee.

9. Harassment is Personal

- a. Harassment consists of conduct outside the scope of necessary job performance. Presumably, this is motivated by personal gratification because of meanness or bigotry, or for other personal motives.

10. Scope of Hostility

- a. Managers, supervisors or co-workers rarely blatantly admit treating someone adversely because of his or her actual or perceived inclusion in a protected class. Therefore, there is rarely a "smoking gun" to prove discrimination or harassment. Rather, they are usually proven by the whole and totality of the circumstances occurring.
- b. To qualify as a "hostile" workplace, conduct must be intentional, severe, recurring and/or pervasive and interfere with the employee's ability to perform his or her job.

11. Harassment is a form of employment discrimination that violates Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, (ADEA), and the Americans with Disabilities Act of 1990, (ADA).

12. Union representatives, where applicable, may assist employees in all steps of the grievance process.

FINDINGS:

- F1. Regarding Policy 13, Step 3, Grievant Request for a Panel Review: it has been suggested by representatives that an independent appointed chair would afford this process more balance in this final step, due to the possibility of "conflict of interest" issues.
- F2. Step 3 has rarely, if ever, been utilized according to those interviewed for this report.
- F3. Tulare County is in compliance with state and federal sexual harassment/discriminatory harassment policies in its publication of Personnel Rule 14.

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RECOMMENDATIONS:

- R1. Management officials should be sensitive to issues affecting their employees in order to offset any escalation of matters that can become more problematic. Similarly, employee complaints that are not contained prior to a grievance petition can serve as a catalyst that prolongs the adjudication process.
- R2. To minimize the misapplication of the allegation and the risk for actual liability, Tulare County should review and revisit established policies regularly.
- R3. Establish annual training for supervisors in Procedure 13 and 14.
- R4. Develop policies and procedures that target preventative measures for possible conflicts.
- R5. A manager or supervisor should take immediate, appropriate action when observing or receiving complaints of unlawful harassment.
- R6. All Tulare County personnel should follow harassment and discriminatory protocols.
- R7. Implement a zero-tolerance bullying policy.
- R8. Explore feasibility and alternatives for selecting a Grievance Panel Chair at Step 3.
- R9. Post anti-harassment signage in conspicuous areas such as break rooms, etc.

REQUIRED RESPONSES:

- 1. Tulare County Human Resources & Development Department
- 2. Tulare County Board of Supervisors

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PUBLIC TRANSIT IN TULARE COUNTY

BACKGROUND:

Tulare County with its eight cities, as a collective metropolitan agency, are required by federal highway and transit legislation to provide comprehensive surface transportation planning. The name of the County's metropolitan planning organization is the Tulare County Association of Governments, commonly referred to as TCAG. This legislation provides guidelines for the cooperation of TCAG with other area metropolitan planning organizations, Caltrans, and public transit operators. The goal of TCAG in this process is to reduce traffic congestion and improve air quality within the County. This includes planning, operating, and maintaining a public transit system.

Within Tulare County there are seven public transit agencies, excluding private transportation, Amtrak, or school bus services: Tulare County Area Transit (TCAT), Visalia Transit, City of Tulare Transit (TIME), City of Porterville Transit (COLT), City of Dinuba Transit (DART), Exeter Dial-A-Ride, and Woodlake Dial-A-Ride. Most of the city-based agencies serve their respective communities and the surrounding area, with TCAT serving most of western Tulare County. For local trips in or out of the County, there are specific bus stops to facilitate riders onto Fresno, Kings and Kern County Transit services.

Tulare County Area Transit (TCAT) provides reliable and convenient public transit service between cities and in-city transit services for many small communities throughout Tulare County. Fixed routes service is offered Monday through Sunday. Riders may request a route deviation by calling at least one hour in advance of service. Demand-response Dial-A-Ride service is offered Monday through Friday. You may schedule a curb-to-curb trip by calling at least a day in advance to assure service. LOOP service is offered to bring after school youths to activity centers and return. This service is available during the school year.

The Visalia City Coach was established in 1981, undergoing a name change to Visalia Transit in 2009 due to expansion of services well beyond the City of Visalia. It has grown to be the largest public bus transportation provider within Tulare County, reaching the two million ridership milestone in fiscal year 2011-2012. Visalia Transit public transit system provides fixed-route and demand-response transit services within the Visalia Urbanized Area. It also connects with other transit operations in and around the county, including Amtrak. In an effort to reduce vehicle trips to the National Parks, Visalia Transit also operates the Sequoia Shuttle, which provides transportation services between Visalia and Sequoia National Park.

REASON FOR INVESTIGATION:

The 2014-2015 Tulare County Grand Jury chose to investigate the Area Transit in response to suggested topics by the 2013–2014 Grand Jury.

METHOD OF INVESTIGATION:

The Grand Jury chose to concentrate their investigations on TCAT and Visalia Transit due to the size and extent of their operations.

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A Power Point presentation provided by TCAT was viewed by the Grand Jury. Public website data, along with other applicable materials, were reviewed.

Visalia Transit and TCAT Transit Guides were reviewed, including the Bus Systems of Tulare County handout and interconnect information between the various transit agencies serving Tulare County. The Grand Jury also reviewed ridership and revenue reports on rural routes and Dial-a-ride for fiscal years 2008-2009 thru 2013-2014; Transit Operators Financial Transactions and Compensation Reports, and Comprehensive Annual Financial Report for fiscal year ending June 2011 and 2012.

Grand Jury members rode various TCAT and Visalia Transit rural and urban routes and rated the services. During the Grand Jury-member trips, transit commuters were also asked to participate in a short survey. Tulare County, City of Visalia, and contracted employees were interviewed.

FACTS:

1. TCAT connects with Dinuba Area Regional Transit, Kings Area Rural Transit, Porterville Transit, Tulare InterModal Express, and Visalia Transit.
2. TCAT operates nine fixed bus routes in rural areas. They are inter-city North, South, Northeast, and Southeast County, along with local circulator Delft Colony-London-Traver, Lindsay-Plainview-Woodville, Springville-Porterville, Terra Bella-Porterville, and Woodville-Poplar-Porterville.
3. Visalia Transit operates 12 fixed bus routes and a downtown trolley service, plus the Sequoia Shuttle and the Dial-A-Ride service. It connects with Tulare InterModal Express, TCAT, Greyhound, Orange Belt, Kings Area Rural Transit, and Amtrak.
4. Visalia Transit has established bus stops along each of their fixed routes. Each of their bus stops are signed. There are over 500 bus stops throughout Visalia, Goshen, Farmersville, and Exeter.
5. The Sequoia Shuttle, based on the ridership, has been an effective service for local residents and tourists as an alternative to driving a motor vehicle into Sequoia & Kings Canyon National Parks.
6. Visalia Transit will initiate a shuttle to Fresno sometime in Fall 2015. Stops will include downtown Fresno in the Courthouse area, Fresno-Yosemite International Airport, and California State University, Fresno campus.
7. With TCAT, their drivers will stop in other locations when requested as long as time, distance, and safety permit. Visalia Transit, however, is far more rigid with respect to the issue of non-scheduled stops.
8. For both TCAT and Visalia Transit; basic transit operations are contracted out to a private transportation management firm (contractor). Bus maintenance, field supervision and other related management issues are included in these contracts. Additionally, bus drivers, mechanics, dispatchers, operations staff and supervisory personnel are employees of the contractor.

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9. Dial-A-Ride demand-response service: A supplemental specific curb-to-curb pick up and drop off service. Reservations are generally required the day before service is provided. TCAT Dial-A-Ride service is currently listed as Monday through Friday with hours varying by service area. Visalia Transit Dial-A-Ride service is listed as Monday through Friday, 6:00 A.M. to 9:30 P.M., and Saturday and Sunday, 8:00 A.M. to 6:30 P.M.
10. Late buses is the most frequent complaint.
11. Complaints about the system are handled collaboratively by Tulare County or City of Visalia and their respective contractors. At this time, both TCAT and Visalia Transit have awarded transit operations contracts to the same firm.
12. Fare revenues are insufficient to finance the operation of both TCAT and Visalia Transit; therefore, their budgets must be augmented with additional funding sources. This is typical of all the transit operations not only within the County but statewide as well. Included in the many different funding sources are exterior bus wraps and other advertising and various local, state and federal subsidies and grants. Tulare County's Measure R also assists with the financing of transit operations in the County. The Measure R Transportation initiative, passed by voters in 2006, allocates 14% of its funds for transit, bike, and other environmentally friendly projects.
13. TCAT and Visalia Transit switched over to Compressed Natural Gas (CNG) to fuel their buses. The advantage of CNG is reduced fuel costs and produce cleaner emissions; however, maintenance and engine longevity issues are greater than when the fleet ran diesel fuel.
14. Grand Jury ridership survey results:
 - a) Riders - most riders polled use public transit frequently. They felt safe while on bus, breakdowns are rare, drivers have a professional appearance and are courteous, and the buses were clean. With the bus stops, riders reported that they were clean, with adequate numbers and locations. Scheduled time intervals were reported as adequate; however, buses arrived late on occasion.
 - b) Bus Drivers – The bus drivers indicated they drive from 6-1/2 to 9 hours per day. One specific route is assigned to each bus driver. They stated that the contractor keeps the buses on an adequate maintenance schedule. Bus Drivers noted there were few rider behavior problems, and company protocols pertaining to behavior, illness, violation of handicap and senior seating issues are established and in place.
 - c) Grand Jury member observations – bus conditions were clean, there were missing arm rests in one bus; parking areas were adequate, driving habits were good, ridership depends on time of day and route, all buses had handicap access, and some riders occupied senior and handicap seats.

FINDINGS:

- F1. With the given limitations of a rural setting, riders can still transfer between various transit systems and services with a reasonable amount of effort.

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- F2. As a whole, the transit system within Tulare County is providing fundamental transportation service for its citizens. The majority of transit users are able to move about within the county with a reasonable level of service. For citizens who do not own or drive a vehicle, public transit within Tulare County is a necessity for their commuting needs.
- F3. Because of the rural nature and lower levels of ridership in many locations, the public transit system does not provide comprehensive fixed-route service for the entire county. Dial-A-Ride provides a reasonable stop-gap for those not served with a fixed-route within close proximity. Reasonable expansion of the system as demand increases is expected.
- F4. Due to variables in traffic and rider demand, it is not always possible to arrive as scheduled. As per transit staff, due to riders setting their schedules based on bus arrivals, riders may miss their bus if it arrives and leaves earlier than published schedule.

RECOMMENDATIONS:

- R1. TCAT may consider revisions in rural schedules so as not to exclude certain south county unincorporated communities.

REQUIRED RESPONSES:

1. Tulare County Association /of Governments
2. Tulare County Area Transit
3. Visalia Transit

Disclaimer

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TRANSPARENCY - OPEN MEETING LAW

BACKGROUND:

The Brown Act is the quintessential law governing public meetings in California. Authored by Assemblyman Ralph M. Brown and enacted in 1953, it guarantees the public's right to attend and participate in meetings of local legislative bodies.

The Brown Act, originally a 686 word statute that has grown substantially over the years, was enacted in response to mounting public concerns over informal, undisclosed meetings held by local elected officials. City councils, county boards, and other local government bodies were avoiding public scrutiny by holding secret "workshops" and "study sessions." The Brown Act originally applied to California city and county government agencies, boards, and councils. Additionally, the comparable Bagley-Keene Act mandated open meetings for State and local government agencies including school district boards of trustees, community services districts and planning commissions.

The introduction to the Brown Act describes its purpose and intent:

In enacting this chapter, the Legislature finds and declares that the public commissions, boards and councils and the other public agencies in this State exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly. The people of this State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.

REASON FOR INVESTIGATION:

Over the past five (5) years, the Tulare County Grand Jury has received no fewer than twenty-three (23) citizen complaints involving alleged violations of the State's open meetings laws. These complaints allege such violations as:

- a. failure to post agendas in the manner prescribed which is, in most cases seventy-two (72) hours in advance of the scheduled start time of the meeting
- b. failure to post notice of the continuation of a suspended/recessed meeting in the prescribed manner
- c. failure to make public documents pertaining to meeting agenda items available for public scrutiny in the prescribed manner

METHOD OF INVESTIGATION:

In the 2014-2015 term, the Grand Jury has interviewed complainants and relevant public officials in an effort to determine whether or not and/or to what extent violations did in fact occur. Additionally the Grand Jury reviewed relevant public documents.

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FACTS:

1. Repeatedly, the Grand Jury was confronted with situations in which, by the time the complaint was received and processed, sufficient time had passed so as to make it exceedingly difficult to determine with certainty whether a violation had indeed occurred. Thus placing all but the most flagrant violations in a category of “He said, she said.”

FINDINGS:

- F1. Adherence to the provisions of California’s “open meetings” laws requires diligence on the part of public officials; vigilance on the part of those they serve; and good faith on the part of both.

RECOMMENDATIONS:

- R1. All Tulare County public agencies strictly adhere to the provisions of California open meetings laws.
- R2. All elected/appointed members of Tulare County special districts, school boards, planning commissions, etc. participate in Tulare County Counsel’s annual board training.
- R3. The eight incorporated cities in Tulare County convey the findings of this report to all public boards within their jurisdiction.
- R4. Tulare County Local Agency Formation Commission (LAFCO) convey the findings of this report to all the agencies within their jurisdiction.
- R5. Tulare County Office of Education (TCOE) convey the findings of this report to all the school districts within their jurisdiction.

REQUIRED RESPONSES:

1. Local Agency Formation Commission (LAFCO)
2. Tulare County Office of Education (TCOE)
3. Eight incorporated cities in Tulare County;
 - a. Dinuba City Council,
 - b. Exeter City Council
 - c. Farmersville City Council
 - d. Lindsay City Council
 - e. Porterville City Council
 - f. Tulare City Council
 - g. Visalia City Council
 - h. Woodlake City Council

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4. Board of Supervisors

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EDUCATION

\$21 MILLION LOST TO COUNTY SCHOOLS

BACKGROUND:

Student absences from school resulted in the loss of \$21million in the form of Average Daily Attendance (ADA) payments to Tulare County Schools in the 2012-2013 school year.

In 1974, the Legislature enacted *California Education Code* (EC) §48325 to enhance the enforcement of compulsory education laws. To address attendance issues, School Attendance Review Boards (SARB) are composed of representatives from various youth-serving agencies, to help truant or non-compliant students and their parents or guardians solve school attendance and behavior problems through the use of available school and community resources. County SARB meetings are convened by the County Superintendent at the beginning of each school year as well as individual school districts. In her report titled ***“In School on Track 2014”***, California Attorney General Kamala D. Harris, outlines the extent to which truancy is impacting the State. The new Local Control and Accountability Plan (LCAP) mandates school districts to establish goals for improving student attendance and reducing chronic absences/truancy.

REASON FOR INVESTIGATION:

This report highlights the fact that each of the State’s 58 counties are adversely affected by student absenteeism. In Tulare County alone, the loss of **\$21 million school fund** ADA is attributable to truancy.

METHOD OF INVESTIGATION:

The report began with scheduled interviews with appropriate Administrators and/or Officers at selected school districts. Each responded to the same list of questions for conformity. The Grand Jury SARB investigation also included interviewing an Office of the District Attorney staff member and a Tulare County Superior Court Judge. During the course of its investigation, the Grand Jury examined applicable laws and regulations that pertained to SARB requirements. The Tulare County Grand Jury randomly selected the following school districts: Alpaugh Unified, Liberty Elementary, Tulare Joint Union High Schools, Tulare City Schools, Porterville Unified, Woodlake Unified, and Visalia Unified.

FACTS – BASIC INFORMATION:

1. The California Legislature defines a truant as any student missing more than 30 minutes of instruction without an excuse three times during the school year. In this event, a student must be classified as a truant and reported to the proper school authority.
2. Education Code §48325 provides several organizational structures for SARB at the local and county level to create a safety net for students with persistent attendance or behavior problems.
3. California compulsory education law requires everyone between the ages of six and eighteen years of age to attend school.

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4. In the Attorney General's Report, LCAP discusses new ways for parents to engage in decision making.
5. Penal Code §270.1 provides a mechanism to offer parents one final opportunity to improve their child's attendance before imposing such penalties. When a parent is found guilty of violating Penal Code §270.1, he or she is guilty of a misdemeanor offense punishable by a fine not to exceed \$2,000, or by imprisonment in a county jail not to exceed one year, or by both fine and imprisonment. Under the statute, the District Attorney and the Superior Court may decide to postpone a judgment (i.e., defer entry of judgment) and enroll the parent/guardian in a program designed to remove the barriers keeping a chronically truant child from school.
6. Penal Code §270.1 applies only to grades Kindergarten – 8th and does not apply to grades 9th – 12th.
7. Calculation of ADA includes grades Kindergarten – 12th.
8. Under Penal Code §270.1, the District Attorney may exercise his or her authority to charge the parent of a chronically truant student with a criminal misdemeanor, if the guardian has failed to reasonably supervise and encourage the child's attendance. This statute only applies to parents of children who are at least six years old and up to the 8th grade.
9. Education Code §48263.6 defines any student who is absent from school without a valid excuse for 10 percent or more of the school days in one school year (from the date of enrollment to the current date) is deemed a chronic truant.
10. Tulare County's public education system consists of 46 school districts, providing educational opportunities to 101,117 students from Kindergarten – 12th grade, in the 2012-2013 school year. Public education funding is allocated to districts according to complex formulas which are based on the ADA of each district. Maximizing attendance and/or minimizing absenteeism are important to the fiscal well-being of each district. Research indicates there is a direct correlation between chronic absenteeism and:
 - a. Student failure to keep pace academically
 - b. Dropping out of school

FACTS – OFFICE OF THE DISTRICT ATTORNEY:

1. Office of the District Attorney does not currently practice any outreach programs to educate students and parents on SARB laws.
2. Office of the District Attorney does not participate in SARB proceedings or mediations unless invited.
3. Office of the District Attorney does not participate in organizations' or planning of truancy prevention.
4. Office of the District Attorney files SARB cases with the Tulare County Superior Court.

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5. There were 720 SARB cases filed with the Office of the District Attorney from 2012-2014 school years.
6. California law Assembly Bill 214, effective January 2015, requires the Office of the District Attorney to report to the school districts on their SARB enforcement actions and activities.
7. The Office of the District Attorney has specific attorneys who file and prosecute SARB cases in the Tulare County Superior Court.

FACTS – SUPERIOR COURT:

1. A Superior Court Judge is assigned as the Judge to preside over all SARB cases.
2. SARB is considered to be a civil infraction with the following fines within Tulare County Superior Court:
 - a. 1st fine - \$150.00
 - b. 2nd fine - \$250.00
 - c. 3rd and all successive fines - \$500.00 for each school day missed. But, there are not any successive 3rd day fines due to the SARB timeframe within a school year.
3. Judge can order a child to attend school and stipulate requirements on children and/or parent(s). If requirements are not followed, contempt of court may be filed.
4. Office of the District Attorney may file a SARB case under Penal Code §272, a misdemeanor in which the parents are held accountable for child neglect. Probationary orders may be issued requiring the child to attend school; these require court appearances, lawyers and the possibility of a trial. This is an expensive and lengthy process within the courts.

FACTS – STATISTICS:

1. Elementary School Truancy Rates & Loss of Funding by County (2012-2013)

COUNTY	2011-2012 ELEMENTARY SCHOOL TRUANCY RATE	2012-1013 ELEMENTARY SCHOOL TRUANCY RATE	CHANGE FROM 2011-2012 TO 2012- 2013	2011-2012 LOSS OF FUNDING	2012-2013 LOSS OF FUNDING	2012-2013 PER PUPIL LOSSES
Fresno	21.4%	21.78%	.38%	\$59,025,0930.00	\$62,1506,042.00	\$337.08
Kern	20.6%	25.15%	4.55%	\$55,346,113.00	\$58,252,522.00	\$345.12
Kings	21.5%	23.37%	1.87%	\$6,664,403.80	\$6,739,082.10	\$279.53
Madera	22.0%	15.5%	-6.5%	\$6,735,894.70	\$6,11,071.60	\$215.98
Tulare	16.4%	18.62%	2.22%	\$20,264,169.00	\$20,816,029.00	\$222.09

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2. Truancy Report Tulare County 2012-2013*

School District	Cumulative Enrollment	Truant Students	Truancy Rate
Allensworth Elementary	99	17	17.17%
Alpaugh Unified	764	70	9.16%
Alta Vista Elementary	672	90	13.39%
Buena Vista Elementary	215	62	28.84%
Burton Elementary	4,533	512	11.29%
Citrus South Tule Elementary	67	0	0.00%
Columbine Elementary	205	81	39.51%
Cutler-Orosi Joint Unified	4,350	698	16.05%
Dinuba Unified	6,627	652	9.84%
Ducor Union Elementary	225	41	18.22%
Earlimart Elementary	2,096	50	2.39%
Exeter Unified	Inadequate Data Submitted		
Farmersville Unified	2,888	909	31.48%
Hope Elementary	233	37	15.88%
Hot Springs Elementary	15	2	13.33%
Kings River Union Elementary	488	134	27.46%
Liberty Elementary	362	40	11.05%
Lindsay Unified	4,448	767	17.24%
Monson-Sultana joint Union Elementary	483	61	12.63%

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School District	Cumulative Enrollment	Truant Students	Truancy Rate
Oak Valley Union Elementary	491	90	18.33%
Outside Creek Elementary	120	8	6.67%
Palo Verde Union Elementary	592	65	10.98%
Pixley Union Elementary	1,286	457	35.54%
Pleasant View Elementary	605	14	2.31%
Porterville Unified	14,825	4,981	33.60%
Richgrove Elementary	725	127	17.52%
Rockford Elementary	440	152	34.55%
Saucelito Elementary	94	2	2.13%
Sequoia Union Elementary	351	4	1.14%
Springville Union Elementary	356	198	55.62%
Stone Corral Elementary	Inadequate Data Submitted		
Strathmore Union Elementary	911	29	3.18%
Sundale Union Elementary	820	73	8.90%
Sunnyside Union Elementary	395	26	6.58%
Terra Bella Union Elementary	987	84	8.51%
Three Rivers Union Elementary	152	11	7.24%
Tipton Elementary	668	159	23.80%
Traver Joint Elementary	240	72	30.00%
Tulare City	10,178	2,096	20.59%

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School District	Cumulative Enrollment	Truant Students	Truancy Rate
Tulare County Office of Education	3,160	229	7.25%
Tulare Joint Union High	5,684	3,548	62.42%
Visalia Unified	30,073	13,865	46.10%
Waukena Joint Union Elementary	289	55	19.03%
Woodlake Unified	2,464	419	17.00%
Woodville Union Elementary	551	2	0.36%

*School districts featured in bold were randomly selected for interviews.

FINDINGS:

- F1. Some school districts do not have alternative programs in place to recover revenues for student absences.
- F2. School districts are not closely monitoring and analyzing attendance data for cause and effects.
- F3. Not all school districts provide a monthly attendance report to their Boards of Trustees.
- F4. Nearly all school districts are not including Probation and Office of the District Attorney staff in their SARB Committee meetings.
- F5. Research indicates that the negative impacts of truancy falls on disadvantaged children disproportionately. This worsens the problem to Tulare County schools in light of the socio-economic conditions existing throughout the County.
- F6. Several schools the Grand Jury visited are in the process of completing their LCAP goals and action plans.
- F7. One school district had a truant student that missed in excess of 300 days in a three year time period, grades 6 – 8.

RECOMMENDATIONS:

- R1. The Office of the District Attorney develop an action plan to educate students and inform parents of resources and the consequences parents face if they violate California Truancy Laws.

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- R2. The Office of the District Attorney participate in the school district SARB and court level mediation process.
- R3. The Office of the District Attorney consistently use their authority and discretion to increase pressure on parents/guardians to fulfill their legal obligations related to school attendance.
- R4. The Office of the District Attorney implement AB 2141 to provide information to school officials of the outcomes of truancy related referrals.
- R5. School districts develop alternative programs for recovering lost student attendance revenues.
- R6. School districts monitor and analyze student attendance data on a monthly basis to determine cause and effect.
- R7. School districts provide all School Board Trustees with a Monthly Attendance Report.
- R8. School districts upgrade their SARB Committee to include Probation and Office of the District Attorney staff members.
- R9. School districts design and implement additional programs to communicate to the community that school attendance is critical to the school and students success.

REQUIRED RESPONSES:

- 1. Office of the District Attorney
- 2. Tulare County Superintendent of Schools

Disclaimer

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SPECIAL EDUCATION

BACKGROUND:

During the 2014-2015 school year, no fewer than 6,913 Tulare County public school students were enrolled in Special Education programs. A total of \$98,508,900 in public funds were allocated to support these programs in Tulare County during this timeframe.

Special Education programs are designed to address the concept that all students are capable of learning at some level and special needs students must be provided equal educational opportunities to learn and to become contributing members of society.

Students eligible for services through Special Education programming qualify under a broad range of disabilities/impairments set forth below and such eligibility may exist without concurrent eligibility for special education under the Individuals with Disabilities Education Act (IDEA).

REASON FOR INVESTIGATION:

The 2014-2015 Tulare County Grand Jury received a recommendation from the prior year Grand Jury to inquire into Special Education in Tulare County. In light of the significant level of human and financial resources dedicated to these programs annually, the Tulare County Grand Jury conducted a Jury Initiated Investigation (JII) into these programs.

METHOD OF INVESTIGATION:

The Grand Jury randomly selected various school districts. Members of the Grand Jury visited each school district and were provided information on Special Education Programs. The Grand Jury interviewed a representative of the Tulare County Office of Education and received information from the California Department of Education.

FACTS – BASIC INFORMATION:

1. Special Education Local Plan Area (SELPA) is dedicated to the belief that all students can learn and special needs students must be guaranteed equal opportunity to become contributing members of society.
2. SELPA is coordinated by the Tulare County Office of Education (TCOE).
3. TCOE is responsible for the administration of Special Educations programs in 44 small school districts.
4. Parent concerns regarding special programs are first directed to the school site coordinator. In the event the concern is not addressed to a parent's satisfaction, it is then taken to the appropriate administrator within TCOE for due process adjudication.

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5. TCOE curricula and Special Education specialists collaborate in the alignment of Special Education curriculum with Common Core Standards.
6. TCOE provides ongoing staff development and training to all county school districts pertaining to Common Core Standards.
7. Schools the Grand Jury visited received the following special education services:
 - a. Adaptive physical education
 - b. Speech therapy
 - c. Physical therapy
 - d. Deaf and hard of hearing
 - e. Behavior services
 - f. Psychiatrists and Psychologists
 - g. Vision therapy
8. Each school district finds and identifies students through the following methods:
 - a. School literature
 - b. Parent/teacher referral
 - c. Child study teams
 - d. Community outreach
 - e. Preschools
9. Schools visited by the Grand Jury are implementing Common Core Standards for special needs of each individual child.
10. If the educational needs of a special needs child are not met, then a reassessment is conducted and a contract for resources outside TCOE is retained.
11. The following schools had students transported outside the school district for services:
 - a. Exeter
 - b. Lindsay
 - c. Cutler-Orosi
12. School staff receive Passive Restraint Training to address physically disruptive students.
13. Schools review student Individual Educational Plans (IEP) quarterly, bi-annually or annually. These IEP reviews evaluate the success of each student while learning at their own pace.
14. Parent complaints received by some school districts included the following:

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- a. Students not making adequate progress on their IEP
 - b. Evaluation of IEP not conducted in a timely manner
 - c. Initial evaluation process of students having special education needs took too long to complete
15. Explanation of types of disabilities/impairments utilized in the following charts as defined by 34 CFR Part 300 of the U.S. Department of Education:
- a. Intellectual Disability (MR): Intellectual Disability means significantly sub-average general intellectual functioning existing concurrently with deficits in adaptive behavior, and manifested during the developmental period, which adversely affects a child's educational performance. (34 CFR Part 300).
 - b. Hard of Hearing (HH): Hard of Hearing means a hearing impairment, whether permanent or fluctuating, which adversely affects a child's educational performance but which is not included under the definition of "deaf" in this section. (34 CFR Part 300).
 - c. Hearing Impairment (HI): Hearing Impairment is a federal category of disability which includes both hard of hearing and deaf individuals as defined above.
 - d. Speech or Language Impairment (SLI): Speech and Language Impairment means a communication disorder such as stuttering, impaired articulation, language impairment, or a voice impairment, which adversely affects a child's educational performance. (34 CFR Part 300).
 - e. Visual Impairment (VI): Visually Impaired means a visual impairment that, even with correction, adversely affects a child's educational performance. The term includes both partially seeing and blind children. (34 CFR Part 300).
 - f. Emotional Disturbance (ED): Emotional Disturbance means a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree, which adversely affects educational performance:
 - (1) An inability to learn which cannot be explained by intellectual, sensory, or health factors;
 - (2) An inability to build or maintain satisfactory interpersonal relationships with peers and teachers;
 - (3) Inappropriate types of behavior or feeling under normal circumstances;
 - (4) A general pervasive mood of unhappiness or depressions; or
 - (5) A tendency to develop physical symptoms or fears associated with personal or school problems.
 - (6) The term (ED) includes children who are schizophrenic. The term does not include children who are socially maladjusted, unless it is determined that they exhibit one or more of the characteristics listed above. (34 CFR Part 300).
 - g. Orthopedic Impairment (OI): Orthopedic Impairment means a severe orthopedic impairment which adversely affects a child's educational performance. The term includes impairments

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caused by congenital anomaly (e.g., clubfoot, absence of some member, etc.), impairments caused by disease (e.g., poliomyelitis, bone tuberculosis, etc.) and impairments from other causes (e.g., cerebral palsy, amputations, and fractures or burns which cause contractures). (34 CFR Part 300).

- h. Other Health Impairment (OHI): Other Health Impairment means having limited strength, vitality or alertness, due to chronic or acute health problems such as a heart condition, tuberculosis, rheumatic fever, nephritis, asthma, sickle cell anemia, hemophilia, epilepsy, lead poisoning, leukemia, or diabetes, which adversely affects a child's educational performance. (34 CFR Part 300).
- i. Specific Learning Disability (SLD): Specific Learning Disability means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written which may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations. The term includes such conditions as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia and developmental aphasia. The term does not include children who have learning problems that are primarily the result of visual, hearing, or motor handicaps, of mental retardation of emotional disturbance or of environmental, cultural, or economic disadvantage. (34 CFR Part 300).
- j. Deaf-Blindness (DB): Deaf-Blindness means concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational problems that they cannot be accommodated in special education programs solely for deaf or blind children (34 CFR Part 300).
- k. Multiple Disabilities (MD): Multiple Disabilities means concomitant impairments (such as mental retardation, blindness, mental retardation, orthopedic impairment, etc.,) the combination of which causes such severe education problems that they cannot be accommodated in special education programs solely for one of the impairments. The term does not include deaf-blind children. (34 CFR Part 300).
- l. Autism (AUT): Autism means a developmental disability significantly affecting verbal and non-verbal communication and social interaction, generally evident before age three that adversely affects educational performance. Characteristics of autism include – irregularities and impairments in communication, engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences. The term does not include children with characteristics of the disability serious emotional disturbance (SED). If a child manifests characteristics of the disability category “autism” after age three, that child still could be diagnosed as having “autism” if the criteria in the above paragraph are satisfied. (34 CFR Part 300).
- m. Traumatic Brain Injury (TBI): Traumatic Brain Injury means an injury to the brain caused by an external physical force or by an internal occurrence such as stroke or aneurysm, resulting in total or partial functional disability or psychosocial maladjustment that adversely affects educational performance. The term includes open or closed head injuries resulting in mild,

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moderate, or severe impairments in one or more areas, including cognition; language memory; attention; reasoning; functions; information processing; and speech. The term does not include brain injuries that are congenital or degenerative, or brain injuries induced by birth trauma. (34 CFR Part 300).

16. Special Education Enrollment by Age and Disability for Tulare County published by the California Department of Education Division for the Reporting Cycle of December 1, 2013. (*see chart #16*)
17. A California Department of Education report, dated December 1, 2013, details enrollment in Special Education programs for Tulare County.
18. This report contains data which shows that there is a disproportionate number of students identified as being of Hispanic Ethnicity as compared to other ethnicities in the report. (*see chart #18*)

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(Chart #16)

Traumatic Brain Injury (TBI)	Autism (AUT)	Multiple Disability (MD)	Deaf- Blindness (DB)	Learning Disability (SLD)	Other Health Impairment (OHI)	Orthopedic Impairment (OI)	Emotional Disturbance (ED)	Visual Impairment (VI)	Language Impairment (SLI)	Deaf (DEAF)	Hard of Hearing (HH)	Intellectual Disability (MR)	Age
0	0	*	0	0	*	0	0	0	0	*	*	*	0
0	*	0	0	0	*	*	0	0	*	*	*	*	1
0	*	0	0	0	16	*	0	0	*	*	*	*	2
0	23	*	0	0	*	0	0	0	81	*	0	37	3
0	21	0	0	0	15	*	0	*	102	*	*	26	4
*	33	0	0	*	*	*	0	*	142	*	*	57	5
*	47	*	0	*	23	*	*	*	133	0	*	67	6
*	47	0	0	53	25	*	*	*	139	*	*	65	7
*	55	0	0	115	43	*	*	*	108	*	*	95	8
*	51	0	0	199	39	*	*	*	101	0	13	73	9
*	56	0	0	253	39	*	15	*	74	*	19	94	10
*	34	0	0	240	37	*	*	*	41	*	12	86	11
0	39	*	0	267	59	*	17	*	21	*	*	82	12
*	43	0	0	303	57	*	17	*	20	*	13	93	13
*	23	0	0	265	74	*	17	*	14	*	*	87	14
*	31	*	0	288	84	*	23	*	*	*	*	90	15
*	28	*	0	276	53	*	18	*	*	*	13	81	16
*	18	0	0	274	66	*	18	*	*	*	*	87	17
*	*	0	0	126	17	*	*	*	*	*	*	83	18
*	*	0	0	13	*	*	*	0	0	*	*	53	19
0	*	0	0	0	*	0	*	0	0	*	0	43	20
0	*	0	0	0	*	0	0	0	0	0	0	38	21
0	0	0	0	0	0	0	0	0	0	0	0	*	22
1,704	84,718	6,208	127	281,888	70,954	12,876	24,442	4,012	160,690.00	3,695	10,395.00	43,570	State Total

*Denotes values under 11

TULARE COUNTY GRAND JURY REPORT 2014-2015

(Chart #18)

Traumatic Brain Injury	Autism	Multiple Disability	Deaf-Blindness	Specific Learning Disability	Other Health Impairment	Orthopedic Impairment	Emotional Disturbance	Visual Impairment	Speech or Language Impairment	Deaf	Hard of Hearing	Intellectual Disability	Ethnicity
(TBI)	(AUT)	(MD)	(DB)	(SLD)	(OHI)	(OI)	(ED)	(VI)	(SLI)	(DEAF)	(HH)	(MR)	Ethnicity
3	*	0	0	18	*	*	*	*	*	*	*	*	Native American
0	21	0	0	29	15	*	*	*	16	*	*	36	Asian
0	*	0	0	*	0	0	0	0	*	0	0	*	Pacific Islander
0	*	*	0	16	*	*	*	0	*	0	*	*	Multi
24	326	*	0	2,081	407	44	79	26	680	38	124	1,015	Hispanic
4	*	0	0	73	33	0	*	0	19	0	*	41	African-American
6	215	*	0	465	214	23	63	*	270	*	23	244	Caucasian
1,704	84,718	6,208	127	281,888	70,954	12,876	24,442	4,012	160,690	3,695	10,395	43,570	State Total
												*denotes values under 11	

TULARE COUNTY GRAND JURY REPORT 2014-2015

FACTS – INTERVIEW WITH TULARE COUNTY OFFICE OF EDUCATION:

19. TCOE is responsible for a total of 44 small school districts (enrollment of under 600 students) which comprises the Tulare County/District Special Education Local Plan Area (SELPA).
20. TCOE operates programs designed to meet the full range of needs for mildly handicapped to profoundly handicapped students. Services provided by these programs can range from Designated Instructional Services (DIS) – which supplement regular classroom instruction – to Special Day Classes (SDC) for students whose needs call for modified curriculum.
21. TCOE also provides home or hospital instruction as well as residential private placement.
22. In addition to those programs/services noted above, TCOE also provides:
 - a. The Bright Start Parent/Infant Program which serves children from birth to age 3 who have, or are at risk of having, disabilities.
 - b. Educational services to at-risk students who attend Court and Community Schools and to incarcerated youth.
 - c. Special education services for developmentally disabled students throughout the County.
23. The graph presented below depicts the allocation of TCOE's Special Education funding for the 2014-2015 school year. (*see chart 23*)

FINDING:

- F1. The 60 day initial evaluation process of students having special education needs may be overly lengthy.

RECOMMENDATION:

- R1. The time consumed by the initial evaluation process should be reduced.

TULARE COUNTY GRAND JURY REPORT 2014-2015

(Chart 23)

Tulare County SELPA 2014-2015 AB602 Funding Estimate

District	Actual 2014 P-2 ADA	Subtotal	Amount per ADA
Connections Academy	273.83	\$109,422	\$400
Capistrano Charter	2,014.19	\$804,868	\$400
Ripon Connections Academy	508.76	\$203,300	\$400
Burton	4,115.28	\$1,715,851	\$417
Cutler-Orosi Unified	3,938.94	\$1,642,327	\$417
Dinuba Unified	6,189.12	\$2,580,531	\$417
Earlimart	1,881.02	\$784,284	\$417
Exeter Unified	2,848.88	\$1,187,830	\$417
Farmerville Unified	2,484.89	\$1,036,066	\$417
Lindsay Unified	4,018.30	\$1,675,416	\$417
Pixley	1,039.16	\$433,274	\$417
Porterville Unified	13,082.82	\$5,454,835	\$417
Richgrove	655.83	\$273,446	\$417
Sundale	786.16	327,787	\$417
Terra Bella	888.67	\$370,528	\$417
Tulare Elementary	9,221.15	\$3,844,725	\$417
Tulare High	5,047.44	\$2,104,512	\$417
Visalia Unified	27,189.32	\$11,336,490	\$417
Woodlake Unified	2,222.46	\$926,647	\$417
Woodville Elementary	469.03	\$195,560	\$417
TCOE	9,633.65	\$23,825,807	
TCOE Program/Reg. Spec.	0	\$931,034	
District Interpreters	0	\$1,525,000	
District Program Specialists	0	\$606,690	
Transportation	0	\$2,800,123	
TOTAL	98,508.90	\$66,696,352	

TULARE COUNTY GRAND JURY REPORT 2014-2015

REQUIRED RESPONSES:

1. Tulare County Office of Education
2. Lindsay Unified School District
3. Cutler-Orosi Unified School District
4. Tulare City School District
5. Dinuba Unified School District
6. Exeter Unified School District
7. Strathmore Elementary School District
8. Three Rivers Elementary School District

Disclaimer

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HEALTH & WELFARE

MAIN JAIL INSPECTION

BACKGROUND:

The Main Jail was built in the 1960's in the collinear style with all cells in a row. It is a four story building with a fenced exercise yard on the fourth floor. The Sheriff's Offices are on the main floor. Janitorial functions are performed by the staff and inmates. The Main Jail is no longer inspected by the California Board of State and Community Corrections (BSCC) Title 15 and Title 24 of the California Code of Regulations because of its age. Maintenance was reduced due to the premise that a new facility was in the planning stages.

REASON FOR INVESTIGATION:

Penal Code §919(a) and §919(b) of the California Code authorizes the Grand Jury to inquire into jails and public prisons within the county. Verbal complaints by two inmates were made to members of the Grand Jury during the investigation of a non-related complaint. The nature of the verbal complaint were the deplorable conditions of all showers, toilet areas, and inmate common areas.

METHOD OF INVESTIGATION:

The Grand Jury inspected the Main Jail on September 18, 2014 with subsequent visits on October 27, 2014 and December 18, 2014. All inspections of toilet areas, showers, and inmate common areas were unannounced. The Grand Jury requested all maintenance records.

FACTS:

SEPTEMBER 18, 2014 – FIRST VISIT

1. Paint falling from ceiling and walls.
2. Black Algae and mildew in the corners of the showers.
3. Gang writing on the toilet stall walls in black pen.
4. Soap spots all over toilets.
5. Six used bars of soap were found on the shower floors.
6. Several mats missing from the showers. The existing mats were tattered and in a filthy condition.
7. Shower curtains were torn, ripped and in poor condition.
8. Showerheads leaking.
9. Used disposable razors laying around.
10. Water on the floor from the shower overflowing into the adjacent room.
11. Rust on metal in showers.

TULARE COUNTY GRAND JURY REPORT 2014-2015

OCTOBER 27, 2014 – SECOND VISIT

1. Rusting vents in the shower areas.
2. Rust on metal in showers.
3. Several mats missing from the showers. The existing mats were tattered and in a filthy condition.
4. Paint falling from ceilings and walls.
5. Black Algae and mildew in the corners of the showers.
6. Excessive scum was present in the toilet and shower areas.
7. Shower curtains were torn, ripped and in poor condition.
8. Shower exhaust fans were rusted and basically non-useable.
9. Paint was peeling from the ceilings, walls and floors.
10. Floor drains were partially clogged because of paint chips, soap, and hair scum.
11. There was a distinct odor within the shower area.
12. Policies or procedures related to cleaning inmate facilities were not available.

DECEMBER 18, 2014 – THIRD VISIT

1. Efforts have been made to remove Black Algae, mildew, and scum.
2. A policy and procedure was established following the October 27, 2014 inspection.
3. Shower curtains have been changed.
4. New shower stall mats have been ordered.
5. Shower ceilings and walls have been scraped of all loose paint.
6. New procedures requires staff and inmates to clean inmate facilities two to three times per day.
7. Temporary fans are now being utilized to help circulate air near the shower areas.
8. Bids are being accepted as of January 2015, for all specified improvements.
9. The County is utilizing a product called “Bathroom Brite E-San 64” for cleaning the showers at the Main Jail.
10. A Weekly and Daily Maintenance Log is now being utilized.
11. The following is a copy of the Daily Maintenance Log form.

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Tulare County Main Jail Facility**Floor:** _____

Location	Complete	Comments
Elevator Landing		Swept, mopped, walls wiped down and free of all debris
Bull Pen / Deputies Office		Swept, mopped, walls wiped down and free of all debris
Tier One Cell Areas		Enforce Inmate Rules and Regulations. Cells clean, beds made, walls free of all debris and contraband
Tier Two Cell Areas		Enforce Inmate Rules and Regulations. Cells clean, beds made, walls free of all debris and contraband
Tier Three Cell Areas		Enforce Inmate Rules and Regulations. Cells clean, beds made, walls free of all debris and contraband
Tier Four Cell Areas		Enforce Inmate Rules and Regulations. Cells clean, beds made, walls free of all debris and contraband
Showers / Lights / Plumbing Chase		Clean after each use, free of all debris including used soap, trash and excess water. Upon completion of daily showers, detailed cleaning will be conducted by utilizing the appropriate chemicals/supplies.
Barbershop		Swept, mopped, walls wiped down and free of all debris. Hair clippers shall be secured inside office when not in use.

Deputy: _____ **Date:** _____

TULARE COUNTY GRAND JURY REPORT 2014-2015

FINDINGS:

- F1. During the first inspection, the Grand Jury found the showers, toilet areas, and common areas in poor condition.
- F2. During the second inspection, the Grand Jury found the showers, toilet areas, and common areas had minimal improvements.
- F3. Distinct odor gave problems with air quality during the second inspection; several members of the Grand Jury inspection team experienced eye irritation, difficulty breathing and coughing during and for a short time after leaving the facility.
- F4. Tulare County Grand Jury is also concerned about air quality within the building for the inmates and the Sheriff's Deputies.
- F5. Prior to the third inspection, the Sheriff Department had developed Weekly and Daily Maintenance Logs due to the request of the Grand Jury following the second inspection.
- F6. During the third visit there were noticeable improvements in the air quality of the showers and toilet areas.
- F7. During the third inspection, the Grand Jury discovered conditions had dramatically improved.

RECOMMENDATIONS:

- R1. Continue to follow the new policies and procedures as established by the Tulare County Sheriff's Office.
- R2. The Tulare County Sheriff's Office needs to follow-up on systematic monitoring of air quality.
- R3. Continue to pursue contract process for Main Jail improvements.

REQUIRED RESPONSES:

- 1. Sheriff – Coroner
- 2. Board of Supervisors

Disclaimer

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TAKING CARE OF OUR VETERANS

BACKGROUND:

The Tulare County Veterans Services Office (TCVSO) provides services to veterans and their family members regarding pensions and claims. The TCVSO is the local advocate for the veterans. All services are free to the veterans. Veterans can walk in and get an Identification Card, and immediately file a claim for benefits.

REASON FOR INVESTIGATION:

The Grand Jury maintains a history of investigating county agencies. The 2014-2015 Tulare County Grand Jury reviewed the operations and facilities of the TCVSO.

METHOD OF INVESTIGATION:

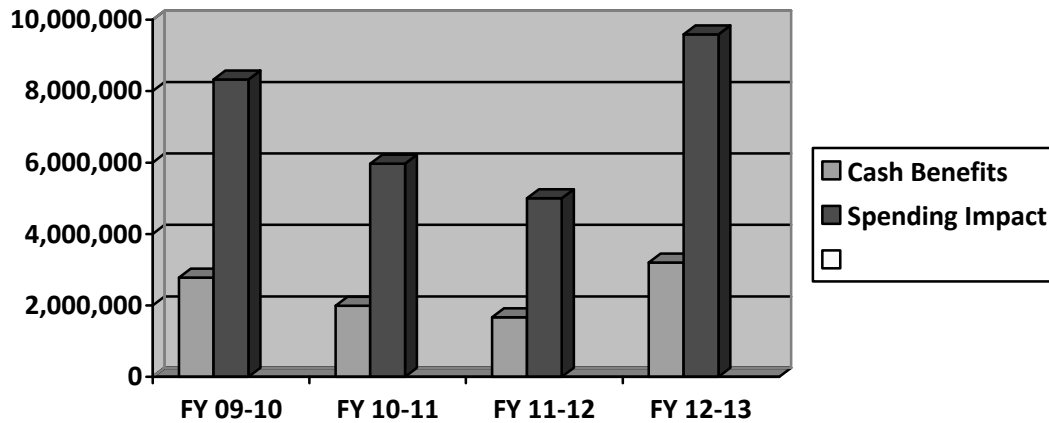
In September 2014, members of the Grand Jury took a tour of the Veterans Service Office. Members of the Grand Jury also interviewed representatives from Tulare County Health & Human Services Agency.

FACTS:

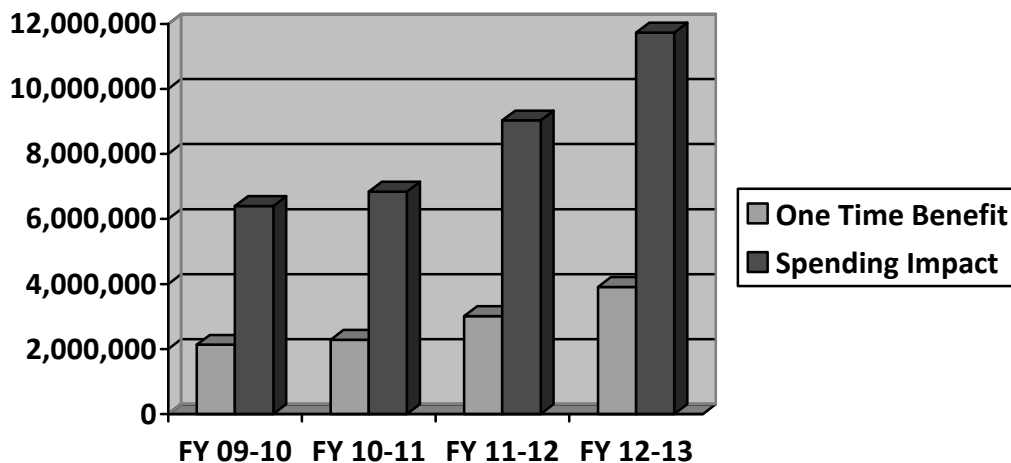
1. The TCVSO is a part of the Aging Services Department of the Tulare County Health & Human Services Agency, but their salaries are reimbursed by the Veterans Administration to Tulare County.
2. Office hours are Monday – Thursday 7:30am – 5:00pm and Friday 8:00am – 12:00pm. The TCVSO requests that a client attempt to make an appointment by calling (559) 684-4960, but they will take walk-ins.
3. TCVSO serves all of Tulare County; however, most clients live in Visalia, Tulare and Porterville.
4. To be credentialed as a Veterans Service Representative, an individual must receive training by an organization such as Cal-Vet or the Order of the Purple Heart. The American Legion will also grant accreditation to qualified individuals.
5. Training conferences are held three times a year for five days each. Training is rotated among the staff each year. Staff must attend training each year to maintain 16 Continuing Education Units (CEU) to retain National Accreditation. The Supervisor has seven different accreditations and each of the Service Representatives have two accreditations at the time of the Grand Jury visit.
6. A Veterans Service Officer writes an article for the Visalia and Tulare newspapers every third Saturday, and on the Health and Human Services website for veterans.
7. In Fiscal Year 2013-2014, the TCVSO assisted a total of 2,611 veterans, which averaged 218 per month and 11 per day.

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8. Veterans assisted by this office were awarded a total of \$4,141,553 in benefits, including retroactive benefits.
9. Historical Summary of Benefits – Continuing Cash Benefits and Spending Impact in Tulare County in dollars



10. Historical Summary of Benefits – Veterans One Time Benefits and Spending Impact in Tulare County in dollars



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11. The annual Veterans Opportunity Day is April 22, 2015, and will be held at the Tulare Memorial Building in Tulare. A wide variety of activities, benefits and opportunities will be available that day for all veterans in Tulare County.
12. TCVSO has an Outreach Program – bus wraps and bill boards to the rural areas, making contact with approximately 18,000 veterans in Tulare County by a Veterans Service Officer:
 - a. Monthly Porterville visits
 - b. Visalia Senior Center
 - c. A 60 ft. bill board in Ducor
 - d. North Valley bus wraps: one side in English and the back in Spanish
13. New advertising campaign “IF YOU SERVED – YOU EARNED” being shown at theaters and on television commercials for veterans to check with their local Veterans Service Office to see if they qualify for benefits.
14. Veterans Court was created as an alternative sentencing program for combat veterans who have committed a crime, with no criminal record prior to combat. It serves our veterans, many who suffer from Post-Traumatic Stress Disorder (PTSD), substance abuse, or psychological problems stemming from active service. In order to benefit from Veterans Court, the Veteran must plead guilty, participate in 18 months of mentoring and mental health programs, pay any fines, and attend monthly meetings. There have been 16 graduates since they started the program in April 2010 and not one has relapsed. Three are to graduate in March 2015. There is a Judge presiding over Veterans Court. The Veterans Court Program is a collaboration between agencies which include:
 - a. Tulare County District Attorney
 - b. Tulare County Probation Department
 - c. Tulare County Superior Court
 - d. Tulare County Veterans Service Office (TCVSO)
 - e. Department of Veterans Affairs (VA)
 - f. Central California Health Care System
 - g. Veterans Counseling Clinic
 - h. Law Enforcement Agencies throughout Tulare County
15. At this time, the TCVSO does not have enough space to meet the needs of the veterans. The building is currently owned by Am-Vets and there are no other available spaces that could accommodate TCVSO.
16. At this time, when a veteran requests water, a Veterans Service Officer will utilize a disposable cup to retrieve the drinking water from the restroom sink faucet.

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FINDINGS:

- F1. Private offices are crucial for the interview process of the veterans.
- F2. The Tulare County Veterans Medical Clinic has also overgrown its current location in Tulare and is searching for new facilities.
- F3. It is the goal of the TCVSO to relocate within close proximity of the Tulare County Veterans Medical Clinic. According to the TCVSO, these two veterans facilities need to remain in close proximity.
- F4. TCVSO facility is for the exclusive use of veterans with its own entrance and exits.
- F5. Benefits to all veterans are available, but a portion of the veterans are unaware of what they are entitled to.

RECOMMENDATIONS:

- R1. Drinking fountain or water dispenser to be provided for the clients visiting the TCVSO.
- R2. Once the relocation of the Medical Clinic is determined, a search for a new TCVSO facility shall be in close proximity with private offices for counseling.

REQUIRED RESPONSES:

- 1. Director, Tulare County Health and Human Services Agency

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TEEN PREGNANCY EDUCATION AND AWARENESS

BACKGROUND:

Teen pregnancy is an issue which concerns many Americans. In the United States, there were 305,388 babies born to mothers aged 15 years to 19 years old for the year 2013. Certain medical problems, for example, pregnancy-induced high blood pressure and preeclampsia (a dangerous medical condition that combines high blood pressure with excess protein in the urine) tend to occur more frequently with teen births than with women in their 20's or 30's. Teen mothers are also more likely to give birth prematurely and have babies with low birth weight, both of which increases the baby's risk of health and developmental problems. Teen mothers are also more likely to suffer from postpartum depression than women who have given birth in their 20's and 30's.

Issues more likely to plague teen mothers include social, educational, and financial. The loss of education also has an effect on wage potential of the women later in life. The cost to pregnant teens is high over an extended period of time. The overall cost to the California taxpayer is estimated to be over one billion dollars annually.

REASON FOR INVESTIGATION:

Teen pregnancy is a significant issue with serious impacts to the community. Tulare County has consistently been in the top three counties in the State for high teen pregnancy rates. It is for this reason the 2014-2015 Tulare County Grand Jury decided to investigate various public agencies within the County in regards to teen pregnancy programs.

METHOD OF INVESTIGATION:

The Grand Jury reviewed the following aspects of teen pregnancy: assistance available for pregnant teens, effectiveness of teen pregnancy programs, teen pregnancy impact on school attendance and educational programming, and pregnancy prevention.

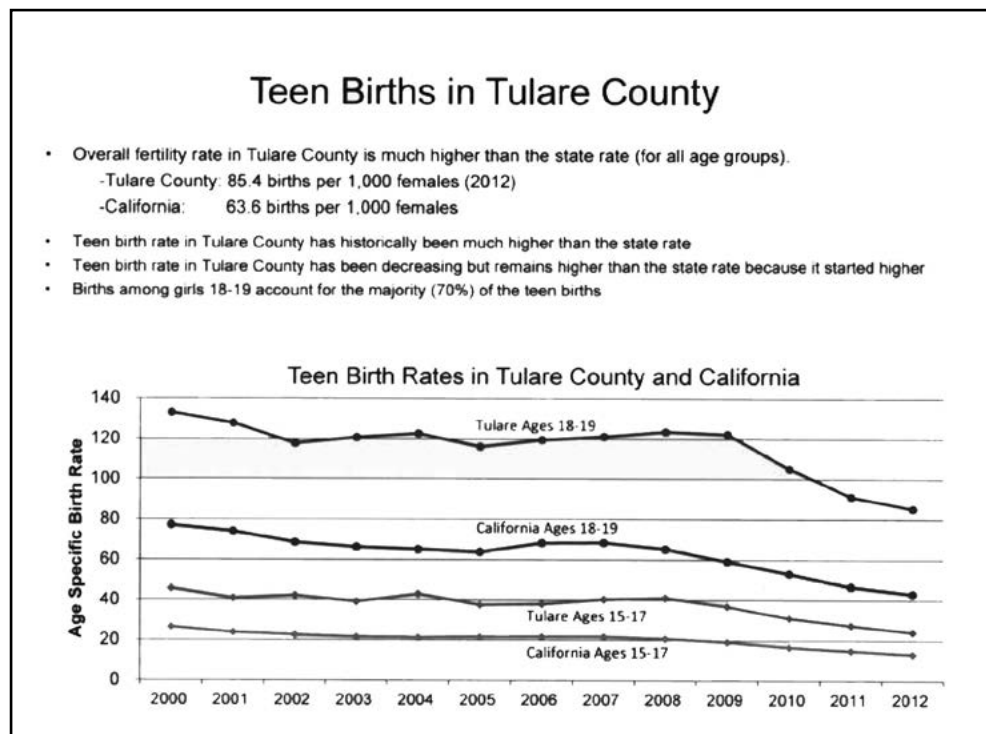
The Grand Jury reviewed numerous documents provided by local agencies, newspapers and other media sources, and via internet websites. These documents provided statistics, program details, resources, and other relevant information. Staff members from different branches of the Tulare County Health and Human Services Agency were interviewed. Representatives from the Tulare County Office of Education were also interviewed. Members of the Grand Jury visited various middle and high schools within Tulare County, interviewing staff and reviewing various educational materials.

FACTS:

1. Nationally, half of teenage mothers will not graduate high school. According to information from the U.S. Census Bureau, high school graduates annually earn \$10,386 more than those who drop out of school. Finding a job is harder for high school dropouts, with a nearly four percent (4%) higher unemployment rate as of September 2012.

TULARE COUNTY GRAND JURY REPORT 2014-2015

2. Approximately two percent (2%) of women who have a baby before age 18 will obtain a college degree by age 30.
3. The San Joaquin Valley region has the highest teen pregnancy rates (15-19 years of age) in California with Tulare, Kings, and Kern Counties consistently fluctuating between first, second, and third place.
4. Tulare County had the second-highest teen pregnancy rate in the State of California during 2013, with 64 births per 1,000 female population 15-19 years of age.
5. Tulare County's teen pregnancy rate has been steadily dropping with the rest of California over the last several years. Statewide, teen pregnancy rates have dropped approximately in half over the last 20 years.
6. The pregnancy rate for 18-19 year old teens (adults) in Tulare County is significantly higher than the state average. The rate for the 15-17 years age range (minors) is closer to the state average (see chart).



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HEALTH AND HUMAN RESOURCES AGENCY (HHS) PROGRAMS

7. The Cal-Learn Program serves welfare recipients under 19 years of age who are custodial parents or pregnant. The purpose is to encourage teen parents to stay in or return to high school or an equivalent program and earn a diploma or its equivalent.
8. Cal-Learn is a mandatory program for those who are under 19 years of age, receive cash assistance through Cal-WORKS, are pregnant or reside with his or her child in the same qualifying family, and have not obtained a high school diploma or equivalent.
9. The Cal-Learn Program provides financial incentives to those who stay on the program. These financial incentives will be removed if the participant drops out.
10. The Adolescent Family Life Program (AFLP) is available to pregnant or parenting teens. Goals of AFLP are to help the young parents give birth to a healthy baby, complete their education, avoid future unplanned pregnancies, and develop good parenting skills.
11. AFLP is offered to girls up to age 18 and boys up to age 20. Teens work with a Social Service Worker who provides guidance and resources.
12. The HHS has an outreach program to help those with perinatal depression. There are effective and well-researched options for treatment available to teen mothers. The most common complication from childbirth is perinatal depression. Often referred to as perinatal mood and anxiety disorders, symptoms can appear any time during pregnancy or up to 12 months after childbirth and are experienced by women regardless of age.
13. For Fiscal Year 2013-2014, there were a total of 269 pregnant teens on the Medi-Cal program in Tulare County. Of these, 192 were 18 to 19 years of age and 77 were 15 to 17 years of age.
14. For Fiscal Year 2013-2014, there were a total of 203 pregnant teens which were recipients of the CalFresh program in Tulare County. Of these, 150 were 18 to 19 years of age and 53 were 15 to 17 years of age.
15. For Fiscal Year 2013-2014, there were a total of five Foster Care recipients who had been pregnant. Three were age 17, one was age 18, and one was age 19. None were 15-16 years of age. As of this writing, there are no pregnant teens in the Foster Care program.

SCHOOLS AND EDUCATION (GENERAL):

16. A \$357,000 sex education grant was given to seven organizations in the San Joaquin Valley by the state in 2014, was shared between Fresno, Kings, Madera, and Tulare Counties. The goal of the funding was to reduce teen pregnancy rates through education.

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17. Teen pregnancy rates at Orosi High School are reported to have dropped 50% from 2010 to 2014 with teen pregnancy awareness outreach funded by grant awards.
18. California Education Code 51933 states, “school districts may provide comprehensive sexual health education”. California Education Code 51934 states, “...all pupils in grades 7 to 12, inclusive, receive HIV/AIDS prevention education ...at least once...in middle school and at least once in high school.”

TULARE COUNTY SCHOOL SURVEYS:

19. All the schools visited by the Tulare County Grand Jury met the California State requirement to teach HIV/AIDS prevention once in middle school and once in high school.
20. The classroom teachers or Tulare County Office of Education (TCOE) staff taught the HIV/AIDS lessons after receiving at least two days of training by TCOE.
21. Parents are notified by a school letter prior to starting an HIV/AIDS and sexual education unit in the classroom.
22. All parents are given a choice whether their student should take the class.
23. The curriculum was decided by the local school board. The following HIV/AIDS instruction was implemented at some of the schools the Grand Jury visited:
 - a. Positive Prevention HIV/STD Prevention for California Youth
 - b. Focus on Youth
 - c. Making Proud Choices
 - d. Making a Difference
 - e. American Red Cross/Center for Disease Control
24. The following teen pregnancy prevention programs were in place at the schools the Grand Jury visited:
 - a. Positive Prevention Plus Supplemental Program
 - b. Choices Prevention Program
 - c. Health Science Adolescent Center for Disease Control
 - d. California State National Health Standards
 - e. Safe – Jim Sullivan Prevention Program
25. When asked by the Grand Jury, school personnel outlined factors which seem to affect the teenage pregnancy issue:

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- a. Limited Education - Student Dropouts
 - b. Family Structure – Single Parents, Drug or Alcohol Issues
 - c. Economics – Below poverty level
 - d. Social Media – Movies, Internet usage, etc.
 - e. Television Programs – “Teen Mom” and “16 and Pregnant”
26. School personnel identified a wide disparity in race and ethnicity, with rates among both African Americans and Hispanic teens remaining twice as high as other ethnic groups.
27. School personnel interviewed by the Grand Jury expressed their concerns that not enough parents were talking to their teenagers about pregnancies because they felt uncomfortable discussing the topic. Therefore, these parents felt the schools should handle this topic because of the training teachers received in that specific area.
28. School staff indicated that they did not provide counseling to young women facing an unintended pregnancy. School personnel did encourage the young women to talk to their parents and to stay in school.

FINDINGS:

- F1. The majority of teen pregnancies in Tulare County are occurring with mothers 18-19 years of age. While still included in teen demographics, this age group is also considered adults.
- F2. While having a significantly higher rate than the state average, teen pregnancy rates have been steadily dropping in Tulare County.
- F3. The HHSA has numerous programs in place for pregnant teens and teen mothers. The majority of these programs assist teens after they are pregnant. Less focus was apparent in teen pregnancy prevention.
- F4. Although it may be difficult to prove a direct link, it is widely recognized that economic inequality, social marginalization and other structural factors affect teens’ sexual behavior patterns. How these behaviors are linked with teens’ race or ethnicity, educational achievements or family income is difficult to prove.
- F5. There was a wide disparity in race and ethnicity, with rates among both African Americans and Hispanic teens remaining twice as high as among other ethnic groups.

RECOMMENDATIONS:

- R1. Increased coordination between public agencies within Tulare County involved with the teen pregnancy issue.

TULARE COUNTY GRAND JURY REPORT 2014-2015

R2. School Districts increase outreach for educating parents on more direct participation on the teen pregnancy issue.

REQUIRED RESPONSES:

1. Tulare County Office of Education
2. Tulare County Health and Human Services Agency

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JUSTICE

AB 109 & COMMUNITY CORRECTIONS PARTNERSHIP

BACKGROUND:

Assembly Bill 109 (AB 109) – The public Safety Realignment Act of 2011, was passed into law in March 24, 2011, and is also known to the public as Criminal Justice Realignment. The effective date of the law was October 1, 2011. The law changed how the criminal classifications of probation would be determined. Community Corrections Partnership (CCP) is a coalition of Tulare County entities formulated to work together for the greater good of the county.

REASON FOR INVESTIGATION:

The Tulare County Grand Jury decided to look into the Community Corrections Partnership and see the progress they have made since AB109 was implemented.

METHOD OF INVESTIGATION:

On October 10, 2014, a presentation was made to the Grand Jury by a representative of the Probation Department. Details of AB 109 were presented and the changes to criminal classification of probation or parole status, which affects the Probation Department and Sheriff's Department funding. Visalia Police Department representatives made a presentation to the Grand Jury and the impact on criminal re-classifications. Members of the Grand Jury also attended two meetings of the CCP. Members of the Grand Jury also visited with representatives of the Sheriff's Department for additional information on AB 109.

FACTS – AB 109:

1. AB 109 shifted the responsibility for the supervision of offenders released from the California Department of Corrections and Rehabilitation (CDCR) from State Parole to Probation Departments for a period of post-release supervision. These offenders are referred to Post Release Community Supervision (PRCS). The offenses being dealt with are non-serious, non-violent and non-sexual.
 - a. No offender was released early.
 - b. Offenders in this category were previously released on non-supervised parole (January 25, 2010 through September 30, 2011)
 - c. Offenders, who are in the PRCS program and who break the terms of their probation i.e. use of drugs, not attending meetings, etc. may be ordered to 15 days of “flash incarceration” in lieu of technical violation proceedings.
 - d. Should a violation occur by an offender, they are not returned to CDCR and are sentenced to serve in county jail.

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2. AB 109 shifted responsibility for the management of all offenders whose most recent conviction was for a non-serious, non-violent and non-sexual offense to the counties. These offenders are no longer eligible for a commitment to CDCR but are subject to:
 - a. Formal probation
 - b. Local prison term in county jail – referred to as a straight sentence, cannot serve more than the mandatory term with ½ time credits.
 - c. Local prison term in county jail with a period of mandatory supervision – referred to as a split sentence, cannot serve more than the mandatory term with ½ time credits for custody days.
 - d. Mandatory supervision only (balance of sentence suspended).
3. When AB 109 went into effect, Bob Wiley Detention Center had 200 extra beds available at the Pre-Trial Center.
4. County jails are designed to house inmates up to a one year sentence and are not equipped for long term housing or critical/chronic illnesses.
5. Formal Felony Probation (violent offenders) is independent of AB 109.
6. In Tulare County, split sentencing averages 64-65% of all sentences handed down, but the State average for split sentences is only 22%.
7. Mandatory probation is four months of supervision.
8. Judges were educated in sentencing with the changes in AB 109.
9. Penal Code §1170(h) is the classification code for AB 109 Prisoners.
10. No one leaves probation without hygiene items i.e. tooth brush, soap, brush/comb and a place to live.
11. When released from State Prison, the average age of an inmate is 24-32. In prison there are no rehabilitation services.
12. AB 109 is funded through Vehicle License Fees with individual county allocations historically based on a formula driven by Bay Area counties. A more equitable formula has been established that will go into effect Fiscal Year (FY) 2015/2016.
13. Budget Summary:
 - a. Tulare County Probation had \$5.1 million in FY 2013 and received \$4.8 million in FY 2014.
 - b. Tulare County Probation has projected that 15% of the jail population will be affected by AB 109.

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- c. Funds are based on jail population, which fluctuates daily, so there is no way to precisely estimate funding.

14. AB 109 Tracking Data Sheet is maintained by the Probation Department.

FACTS – COMMUNITY CORRECTIONS PARTNERSHIP (CCP):

15. Tulare County CCP consists of:

- a. Chief Probation Officer (Chair)
- b. District Attorney
- c. Public Defender
- d. Sheriff
- e. Director of Health and Human Services
- f. Visalia Chief of Police
- g. Court Administrative Officer

16. Tulare County was adversely affected by the state funding formula by receiving less funding.

17. CCP meets quarterly and all meetings are open to the public.

18. Previously the county had only one drug treatment facility and as of January 2015, Probation now has over 32 contracted drug treatment facilities.

19. Drug Court is a program within the courts to monitor drug offenders. Drug Court is not funded but the time is donated by the Courts, Health and Human Services Agency, etc.

20. Mental Health Court is a program within the courts to monitor the mentally ill and they assist with Social Security Insurance, glasses, clothes, regular visits to counseling, etc. In order to qualify, participants in the program must have had no prior incidents.

21. Probation initiated the use of CareerScope, an Interest and Aptitude Assessment Tool and has personnel within the Probation Department to assist with job development of probation clients. An internet portal will be developed to assist probation clients in job search and preparation. Many employers in Tulare County are willing to hire probation clients and the employers are partially reimbursed a percentage of the employees pay.

22. According to criminal studies the uneducated, unskilled, and those on drugs/alcohol and the poor fit more crime profiles.

23. CCP members had the opportunity to meet with Governor Brown on February 22, 2014, to discuss AB 109 and CCP in Tulare County.

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24. If an individual is placed on probation, law enforcement may use risk assessment for a custom based plan for each individual. There is a need to find alternatives to help: family intervention, helping people help themselves.
25. The status of PRCS offenders through June 30, 2014:
 - a. 1,125 released to local control
 - b. 395 currently active
 - c. 7 warrants outstanding for failure to report following release
 - d. 31.5% recidivism rate
26. Status of Penal Code §1170(h) Cases through June 30, 2014:
 - a. 1,128 - Penal Code §1170(h) eligible sentencing
 - b. 35.22% straight sentences vs the state average of 22%
 - c. 64.8% received a split or alternative sentence
 - d. 559 split sentence offenders released
 - e. 25.9% recidivism rate

FINDINGS:

- F1. In Tulare County many Judges were giving a straight sentence for the term in jail.
- F2. Due to overcrowding in the jail, split sentencing is encouraged versus straight sentence.
- F3. According to Governor Brown, Tulare County was used as the model for CCP.
- F4. Courts need more funding and the funding allocation will come later into play.
- F5. A study was conducted of 2008-2010 violators who went to prison and are profiled – common denominators were substance abuse.
- F6. Statistical data has shown that the administration of programs to be effective in reducing recidivism rates.

RECOMMENDATIONS:

- R1. CCP continue to provide the current services available to its clients.

REQUIRED RESPONSES:

1. Tulare County Community Corrections Partnership

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BOB WILEY COMPLAINTS DOWN RECORDS UP!

BACKGROUND:

Per Penal Code §919(b) the Grand Jury is mandated to inquire into the operation and management of all public prisons within the County. Several past Grand Juries received numerous complaints from the Bob Wiley Detention Facility inmates. Those complaints resulted in yearly reports and major improvements to the facility. Penal Code §925 states, "The Grand Jury shall investigate and report on the operations, accounts of the officers, departments or functions of the County..."

REASON FOR INVESTIGATION:

The 2013-2014 Grand Jury suggested that the current Grand Jury inquire into the Bob Wiley Detention Facility – Inmate Grievance Process. There was a significant decrease of complaints sent to the Tulare County Grand Jury.

Additionally, due to the last report written in 2008-2009, it was suggested by the 2013-2014 Grand Jury to investigate the storage of grievance records at the Tulare County Sheriff's Department.

METHOD OF INVESTIGATION:

On August 22, 2014, The Grand Jury toured the Bob Wiley Detention Facility. Later, members of the Tulare County Sheriff's Department were interviewed regarding the inmate grievance process. Relevant documents on grievances within the calendar year 2011 through October 23, 2014, Tulare County Sheriff's Department Inmate Grievances Policy 613, and Inmate Grievance Procedure and form were received and reviewed. The past and present records of the Tulare County Sheriff's Records Department were reviewed.

FACTS:

1. Tulare County Sheriff's Department has a written Inmate Grievance Policy.
2. Tulare County Sheriff's Department has an Inmate Grievance Procedure, including an Inmate Grievance Form.
3. Due to Health Insurance Portability and Accountability Act (HIPAA) law, the Grand Jury was not allowed to review any medical grievances.
4. Corizon Correctional Healthcare took over the medical services of the inmates commencing in July 2013.
5. The Grand Jury reviewed past Inmate Grievance Forms submitted by inmates.

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	2011	2012	2013	2014
Bob Wiley Detention Facility				
Medical Grievances	186	272	311	219
Regular Grievances	205	220	223	171
Total	391	492	534	390
Pre-Trial Facility				
Medical Grievances	75	174	102	53
Regular Grievances	21	36	35	17
Total	96	210	137	70
Men's Correctional Facility				
Medical Grievances	1	2	41	10
Regular Grievances	1	1	5	3
Total	2	3	45	13

6. The Bob Wiley Detention Facility Grievance Records are stored on the premises for a period of one year. The records are then transferred to Central Record Storage with other facility records for four years.

FINDINGS:

- F1. Since Corizon Correctional Healthcare took over, there has been a decrease in inmate medical grievances.
- F2. Changes in kitchen management are also responsible for a significant decrease in grievances.
- F3. Correctional Staff now resolve grievances through outlined process and procedures for grievances of inmates. This has contributed to the decrease in grievances received by the Grand Jury.

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RECOMMENDATIONS:

1. None

REQUIRED RESPONSES:

1. None

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THE DISTRICT ATTORNEY WE ARE YOUR INVESTIGATIVE ARM

BACKGROUND:

From the first days of horse and carriage in 1853 to current times of modern technology, the Office of the District Attorney has grown from one to over 60 attorneys. The Office of the District Attorney has evolved throughout time into an intricate part of our justice system. The District Attorney is an elected position, currently held by Timothy Ward. The Office of the District Attorney is divided into three bureaus. The Office of the District Attorney has approximately 200 employees working within these three bureaus of prosecution. These three separate bureaus have distinct job and caseloads: Bureau of Prosecution – General, Bureau of Prosecution – Special and Bureau of Prosecution – Investigation. The District Attorney is the public prosecutor and the chief law enforcement officer for the County. The District Attorney also provides advice and assistance to the Grand Jury in its investigation of citizen complaints.

REASON FOR INVESTIGATION:

The 2014/2015 Grand Jury, on its own initiative, looked into the functions of the Tulare County Office of the District Attorney.

METHOD OF INVESTIGATION:

On July 22, 2014, the Grand Jury requested and received information on the internal functions of the Office of the District Attorney. On August 15, 2014, visitors from the Office of the District Attorney visited the Grand Jury Office for a presentation to explain the jobs within the Office of the District Attorney.

FACTS:

1. The core function of the Office of the District Attorney is to be the prosecutor within Tulare County.
2. All criminal cases go to the Office of the District Attorney. A Senior Prosecutor will review all cases coming into the office to determine which Special Bureau of Prosecution it will be assigned.
3. There are three steps to the Interviewing and Investigation Process: investigative process, interviewing concepts, and documentation.
4. Current District Attorney created the Crimes Against Children Unit and partnered with law enforcement. This Unit deals with physical abuse and drug enforcement. This unit has a “living room” instead of an office in order to make the children as comfortable as possible. The same person does all the interviewing of the children for consistency and comfort of the children and gives the healing process for the child an ongoing chance.

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5. During 2013, the current District Attorney restructured the office similar to the Army.... departmentalized ideals. Due to the restructuring of the Office of the District Attorney, they have the most senior office positions compared to prior history.
6. In 2013, the District Attorney assisted the Tulare County Superior Court system with restructuring for better co-ordination of how the daily courts were planning the calendar.
7. Press releases go out on a daily basis of filed charges and every day hundreds of cases go to court.
8. The Office of the District Attorney is focusing on a new Porterville facility, which will include a child witness room. The room will be set up for children and families to be comfortable.
9. The Porterville facility will help the number of cases heard, including juvenile cases when the minors are from South County.
10. The Office of the District Attorney is performing Outreach to the schools in Tulare County regarding domestic violence, teen dating, violence, date groping, etc.
11. The District Attorney may use his authority to charge the parent of a chronically truant student with a criminal misdemeanor, under Penal Code §270.1, when the guardian has failed to reasonably supervise and encourage the child's attendance at school.
12. The Office of the District Attorney issues all criminal subpoenas in Tulare County and the Sheriff's Office is responsible for serving each subpoena to the individual and/or entity.
13. The District Attorney will conduct investigations that are not to be handled by the Police or Sheriff's Department. For example: officer misconduct, corruption within a Police Department or a public official.
14. There are three principle components to all investigations and you must have two-thirds (2/3) of the following components:
 - a. Eyewitness Testimony- "saw/heard" received directly from the source. It is difficult to get hearsay into court, but it can lead to another source.
 - b. Physical Evidence – DNA, fingerprints
 - c. Admission or confession – Admission means I committed the crime, why and how.
 - d. You need 'a' and 'b' to get to 'c', which is the end result of a process of investigation.
15. Documentation for white collar crimes, such as embezzlement is very complex and produces volumes of evidence per case.

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16. The Office of the District Attorney Philosophy is “Improve Across the Board”.
17. The Office of the District Attorney does NOT follow up on anonymous complaints, but will refer the complaint onto another entity, if need be.
18. Number of felony, misdemeanor, and juvenile cases processed by Office of the District Attorney for Fiscal Years 2011 – 2013:

YEAR	Adult Felonies Submitted to DA	Adult Misdemeanors Submitted to DA	Juvenile Cases Submitted to DA
2011	7,173	14,817	2,278
2012	8,664	13,525	2,038
2013	8,310	14,242	1,947

19. Numbers of Cases Pled and Dismissals. These numbers include those offenders who had their case dismissed by the court for successfully completing pretrial diversion programs such as drug court, veterans court or mental health court for Fiscal Years 2011 – 2013:

YEAR	Pleas	Dismissals
2011	10,273	592
2012	12,339	607
2013	12,245	658

20. Number of total cases that went to trial for Fiscal Years 2011 – 2013:

YEAR	Felony Trials	Misdemeanor Trials
2011	75	68
2012	67	75
2013	67	71

21. There are currently 61 attorneys in the Office of the District Attorney. The following is the title and definition of each attorney position within the Office of the District Attorney.
- a. District Attorney – To plan, organize, and direct the activities of the Office of the District Attorney.
 - b. Assistant District Attorney – To assist in administering the functions of the Office of the District Attorney; to serve as senior trial attorney in the prosecution of criminal cases.
 - c. Supervising Attorney – To plan, assign, and supervise the work of subordinate attorneys in the Office of the District Attorney and personally prosecute or act as defense counsel for complex and sensitive felony and criminal cases.
 - d. Attorney V – To perform professional legal work in the defense or prosecution of criminal cases.

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- e. Attorney IV, III, II, and I – To perform professional legal work in the defense or prosecution of criminal cases.

22. The following chart illustrates the attorney headcount by position for each Fiscal Years 2011 – 2013.

POSITION	2011	2012	2013
District Attorney	1	1	1
Assistant District Attorney	2	2	2
Supervising Attorney	9	9	10
Deputy District Attorney V	13	12	13
Deputy District Attorney IV	16	12	15
Deputy District Attorney III	5	3	3
Deputy District Attorney II	5	5	10
Deputy District Attorney I	9	17	7
TOTALS	60	61	61

23. Attorneys are assigned to the Bureaus as follows:

- a. Bureau of Prosecutions, General: 31
- b. Bureau of Prosecutions, Special: 31

24. On average, the number of attorney and non-attorney employees are assigned to each division:

Division	Attorney Count	Non-Attorney Count
Gang Violence	7	3
Special Crime	8	4
Financial Crimes	8	24
Crimes Against Children	6	1
Special Operations	2	40
Victim/Witness	0	20
Forensic Mental Health	1	1
Public Admin Unit Assist.	1	1
Total	33	94

25. All attorneys hired are ‘at will’ employees.

26. The following chart illustrates all new hires within the Office of the District Attorney for Fiscal Years 2011 – 2013:

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POSITION	ANNUAL PAY	2011 COUNT	2012 COUNT	2013 COUNT
Deputy District Attorney I	\$53,695.20	4	4	7
Deputy District Attorney I	\$54,986.88	0	8	3
Deputy District Attorney II	\$60,494.72	2	0	0
Deputy District Attorney IV	\$85,575.36	0	0	1
Supervising Attorney	\$113,077.12	0	0	1
TOTALS		6	12	12

27. The following chart illustrates all attorney voluntary separations within the Office of the District Attorney for Fiscal Years 2011 – 2013:

POSITION	AVERAGE ANNUAL PAY	2011 COUNT	FY2012 COUNT	FY2013 COUNT
Deputy District Attorney I	56,417.92	1	0	2
Deputy District Attorney I	57,617.24	0	4	0
Deputy District Attorney II	66,782.56	1	0	0
Deputy District Attorney III	77,887.68	1	0	0
Deputy District Attorney III	74,129.12	0	2	0
Deputy District Attorney III	72,340.32	0	0	2
Deputy District Attorney IV	90,959.65	5	0	0
Deputy District Attorney IV	92,251.76	0	4	0
Deputy District Attorney IV	94,699.63	0	0	3
Deputy District Attorney V	99,316.88	2	0	0
Deputy District Attorney V	99,195.20	0	0	1
Assistant District Attorney	130,027.04	1	0	1
Supervising Attorney	113,077.12	0	1	2
District Attorney	168,170.08	0	0	1
TOTAL		11	11	12

28. As of Fiscal Year 2013, there are 114 non-attorney employees located within the Office of the District Attorney. The following chart illustrates the non-attorney headcount by position for Fiscal Years 2011 – 2013:

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POSITION	2011 COUNT	2012 COUNT	2013 COUNT
Account Clerk – Senior	2	2	1
Accountant II	1	2	0
Accountant III	0	0	2
Administrative Aide	2	2	1
Administrative Svc Officer III	1	1	1
Analyst – Staff Svc Officer II	0	0	1
Assist Chief Investigator – DA	2	2	3
Assistant Chief Investigator	1	1	3
Chief Investigator – DA	1	1	1
Child Interview Specialist	1	1	1
DA Grants & Program Coordinator	1	1	1
Graphics Specialist – DA	2	2	2
Investigative Auditor II	1	1	1
Investigative Technician I	6	6	4
Investigative Technician II	4	4	6
Investigator Aide	3	4	3
Investigator – Child Support	0	0	2
Investigator – Child Support – B	1	1	0
Investigator – Child Spt Supervisor	1	1	1
Investigator – DA	18	17	18
Investigator – DA – B	5	5	6
Investigator – Welfare	8	7	4
Investigator – Welfare, Supervisor	0	0	1
Legal Office Assistant I	5	6	5
Legal Office Assistant II	7	7	8
Legal Office Assistant III	15	14	14
Legal Office Assistant IV	2	2	2
Legal Office Assistant – Supervisor	4	5	5
Legal Secretary II	1	0	1
Legal Secretary III	2	1	1
Office Assistant II	1	1	0
Paralegal II	2	2	2
Prosecution Assistant	1	1	2
Subpoena Services Supervisor	1	1	1
Systems & Procedures Analyst I	1	1	1
Systems & Procedures Analyst II	1	1	1
Victim Witness Claims Specialist I	2	2	2
Victim Witness Claims Specialist II	1	1	1
Victim Witness Coordinator	1	1	1
Victim Worker I	3	3	2
Victim Worker II	3	2	2
Victim Worker – Supervisor	1	1	1
TOTALS	97	112	114

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29. The following chart represents a summary of the total Actual Revenue, total Expenditures/Appropriations and Net Cost for the Office of the District Attorney for Fiscal Years 2011 – 2013:

Section Total	2011	2012	2013-Estimated
Total Revenue	3,559,525	2,582,209	3,104,808
Total Expenditures/Appropriations	17,312,425	16,269,317	16,269,317
Net Cost	13,752,099	13,164,509	13,164,509

FINDINGS:

- F1. A portion of the Tulare County community is not aware of the operations of the Office of the District Attorney.
- F2. The Tulare County community has a right to know about the cases in the Tulare County court system.

REQUIRED RESPONSES:

1. District Attorney
2. Board of Supervisors

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LAND USE

FARMING WITH BIO-SOLIDS IN PORTERVILLE

BACKGROUND:

Porterville is Tulare County's third largest incorporated city with an estimated population of 55,174 (July 2013). Its 17.7 square miles of total area is located in the southeastern quadrant of the County approximately 51 miles north of Bakersfield and some 31 miles southeast of Visalia. Agriculture supplemented by the Central Valley Water Project has been the major source of economic growth in the area. The City is the center of a large farming area noted especially for citrus and livestock. Porterville is a charter city with a council-city manager form of government. In fiscal year 2014-15 the City had a budget of \$49,896,677 of which \$5,888,076 was allocated to the operation of the City's sewer system.

REASON FOR INVESTIGATION:

The Grand Jury received a citizen complaint alleging that the City of Porterville had failed to use proper procedures pertaining to requesting and reviewing proposals and subsequently entering into a lease agreement involving the farming of some 682.4 acres of land owned by the City. The lease agreement contained requirements that the lessee adhere to terms and conditions related to the dispersal of treated wastewater from the City's sewage treatment facility. The terms and conditions of wastewater dispersal stemmed from the City's "Bio-solids Management Plan" (BMP), monitored by the Regional Water Quality Control Board. The complaint also alleged that the City failed to take into consideration instances of non-compliance with provisions of previous contracts on the part of one of the respondents.

METHOD OF INVESTIGATION:

The Grand Jury interviewed Porterville City staff and studied various relevant documents, including the lease in question. The Grand Jury also viewed video footage of a Porterville City Council meeting during which information relative to non-compliance with the aforementioned BMP was presented.

FACTS:

1. In evaluating the proposals from prospective lessees, the City assigned a weighted value to each of four (4) criteria:
 - a. Farming experience (25 points)
 - b. Marketing and Sales Experience for Crops (5 points)
 - c. Recycled water irrigation and bio-solids application experience, quality of existing farming operations and response to Request For Proposal (RFP) (30 points)
 - d. Revenue accruing to the City from the lease (40 points)

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2. The criterion having the most value was criterion “d”
3. The City’s RFP included an addendum which, under normal circumstances, must be returned by each respondent in order to have their proposal considered.
4. One of the respondents failed to return the addendum within the prescribed time period.
5. The City Council received advice from legal counsel regarding the respondent’s failure to return the addendum and indicated this omission did not disqualify the respondent because it could be considered a waivable defect.
6. The City pursued redress of a previous instance(s) of non-compliance by filing a civil suit in Tulare County Superior Court which was consummated by a “Negotiated Settlement Agreement.”
7. Terms of the “Negotiated Settlement Agreement” effectively precluded the City from including the previous instances of non-compliance in the evaluation of future proposals submitted by the defendant in the suit.
8. The City has no formal schedule pertaining to lessee performance and compliance monitoring.
9. The City has discovered that the lessee has failed to adhere to the crop rotation requirements of the BMP and is, therefore, out of compliance with the terms of the lease.

FINDINGS:

- F1. The City’s contract administration and compliance monitoring relative to the lessee’s adherence to the provisions of the lease as well as the lessee’s compliance with the requirements of the “Bio-solids Management Plan,” displayed confusion and/or misunderstanding on the part of staff as to which City Departments had primary responsibility for the timing and collection of lease payments.
- F2. Although there was no misunderstanding as to which City Department has responsibility for monitoring compliance with the BMP, there are acknowledged shortcomings to the development and maintenance of schedules for performance reviews and the documentation thereof.

RECOMMENDATIONS:

- R1. The City implement a revised comprehensive performance evaluation process wherein the lessee(s) are more closely monitored.
- R2. The City define and implement detailed accounts receivable policies and procedures.

REQUIRED RESPONSES:

1. City of Porterville

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LANDFILLS – TECHNOLOGY OF WASTE DISPOSAL

BACKGROUND:

Waste disposal in Tulare County has evolved appreciably since the 1950's when it was placed in ground pits and burned. Today the Tulare County Solid Waste Department, in accordance with the Tulare County Integrated Waste Management Plan, utilizes its latest comprehensive strategies to resolve the many challenges of county waste. United States Environmental Protection Agency (USEPA) standards are instrumental in driving decisions on how solid waste is managed. Household, electronics recycling, tire recovery, yard waste recycling, metal recycling and appliance recovery are included in the programs.

REASON FOR INVESTIGATION:

The 2014-2015 Tulare County Grand Jury on its own initiative, investigated Tulare County's waste management practices. The Grand Jury is aware that no report has been written within the past five years concerning landfills, which are in the jurisdiction of the Solid Waste Department.

METHOD OF INVESTIGATION:

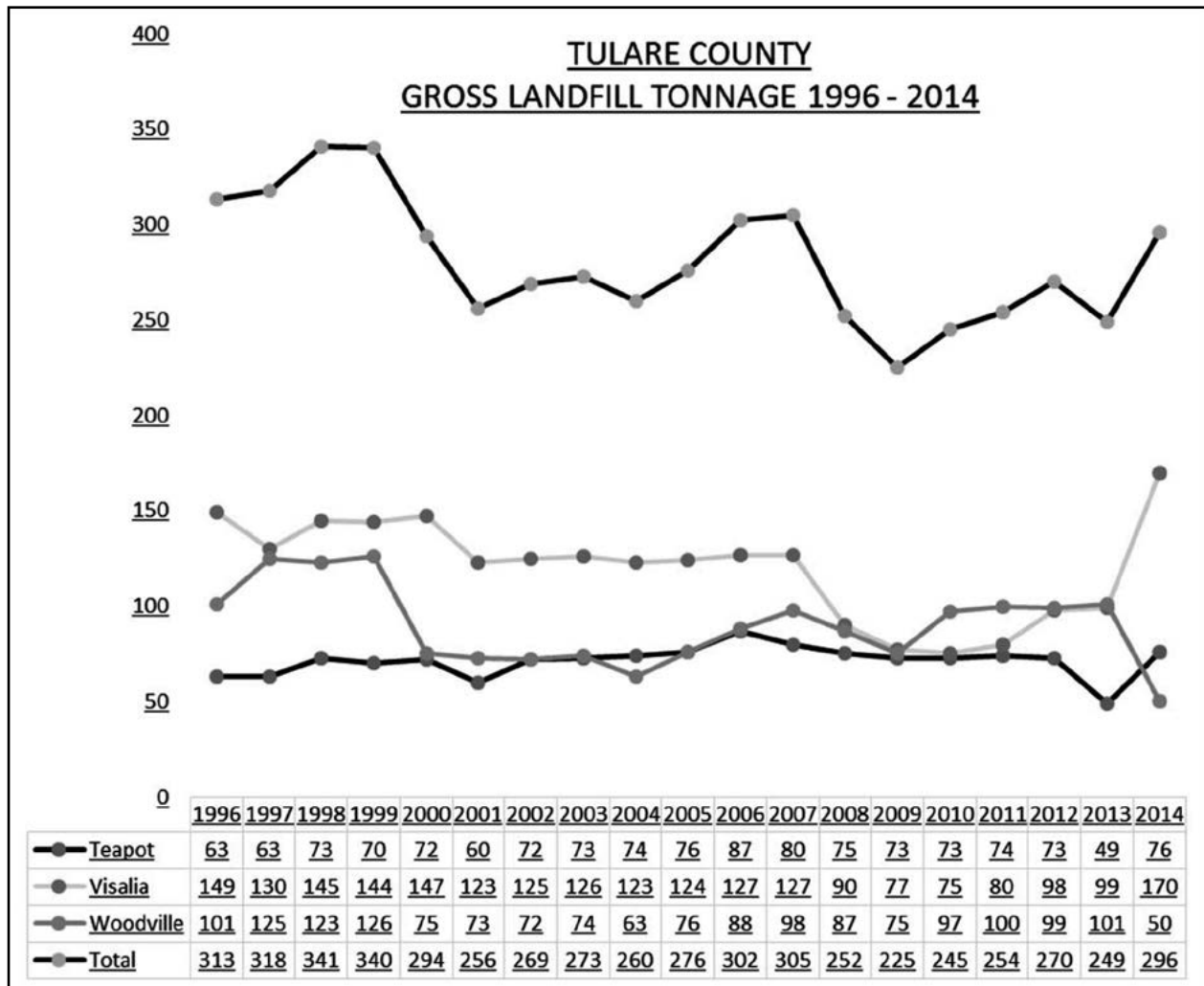
Members of the Grand Jury visited Visalia and Teapot Dome landfills. The Grand Jury interviewed employees of the Solid Waste Department, and reviewed specific documents.

FACTS:

1. A landfill is a carefully designed structure built into or on top of the ground which isolates trash from the surrounding environment; groundwater, air, and rain. A landfill is a very long construction project with finite volume of space for waste that takes many years (or decades) to complete. Landfills have a predetermined final shape when it is filled to capacity.
2. A sanitary landfill uses a clay or plastic liner to further isolate the trash from the environment. Visalia, Woodville (Tulare) and Teapot Dome (Porterville) are the sanitary landfills owned and operated by the County of Tulare.

The county landfills accept approximately 300,000 tons of waste recycling per year, an equivalent of about one ton per county resident annually.

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3. Tulare County currently operates Visalia Landfill, northwest of Visalia and Teapot Dome Landfill, southwest of Porterville, as well as six transfer stations.
4. The Woodville Landfill, southeast of Tulare was closed in the Spring of 2014. When Teapot Dome meets its capacity, it is anticipated that the Woodville Landfill will be reopened.
5. Building a new landfill is a long arduous job. Purchasing land, obtaining environmental impact reports, and dealing with litigation all drive the cost and time up.
6. Landfills are nonprofit and pay no taxes. Funds are generated by what comes in through the gate. Rates are set by the Tulare County Board of Supervisors.
7. The Tulare County Board of Supervisors oversees the budget for operation of the landfills. A large portion of the budget goes for the upkeep, purchase and maintenance of machinery and salaries.
8. Currently, rates are \$34.00/ton or \$15.00/pickup load. No money may be used from the Tulare County General Fund to maintain the landfills.

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9. Within the next three to four years a decision will need to be made about whether to have one large landfill with substations or two landfills. The preference of the county citizens will be influential in the final decision.
10. No hazardous waste is accepted by the Solid Waste Department. Both landfills have sensors in the liners to test for any buildup of methane gas or other toxic waste. Ground water probes in the soil check for leakage.
11. Batteries are picked up by a contractor, with most eventually ending up in Oregon. Independent contractors recycle much of the metal and various types of refuse, thereby allowing more room for additional refuse. Mattresses are a very difficult item for the landfills because they tend to float up to the surface. Plastic bags also create a problem at the landfills.
12. Visalia Landfill General Information:
 - a. Total Facility Area: 631 acres are permitted for refuse in two distinct units
 - b. Permitted Capacity: 18,630,666 cubic yards
 - c. Maximum Depth of Fill: Old area to West: 30 feet/ New lined area: 25 feet
 - d. Average Daily Tonnage: 730 tons (2000 tons maximum permitted per day)
 - e. Average Number of Vehicle trips per day: 300-350 trips (900 vehicle trips maximum permitted per day)
 - f. Days of Operation: 313 per year
 - g. Tipping Fees: \$34/ton or \$15/pickup load
 - h. Expected Life: 30-70 years, depending on the compaction and materials that are deposited
 - i. Funding for Operations: Tipping Fees
13. Teapot Dome Landfill General Information:
 - a. Total Facility Area: 122 Acres- 71 acres are permitted for refuse
 - b. Permitted Capacity: 7,880,307 cubic yards
 - c. Maximum Depth of Fill: 40 feet average
 - d. Daily Tonnage: 375 tons (600 tons maximum permitted per day)
 - e. Average numbers of vehicle trips per day: 160-200 trips (300 vehicle trips maximum allowed per day)

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- f. Permitted Days of Operation: 313 per year
 - g. Tipping Fees: \$34/ton or \$15/pickup load
 - h. Expected Life: 7-10 years, depending on the compaction and materials that are deposited
 - i. Funding for Operation: Tipping Fees
14. Current Transfer Stations include:
- a. Balance Rock Transfer Station
 - b. Badger Transfer Station
 - c. Camp Nelson Transfer Station
 - d. Kennedy Meadows
 - e. Pine Flat Transfer Station
 - f. Springville Transfer Station
15. Transfer station hours vary by location and seasons.
16. Solid waste is regulated under the umbrella of the USEPA.
17. Three California specific agencies are part of the USEPA: Cal Recycle, San Joaquin Valley Air Pollution Control District, and the Central Valley Regional Water Quality Control Board (CVRWQCB).

FINDINGS:

- F1. The biggest challenge to the operation of a landfill is containment, i.e. causing problems with the environment.

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Rates of Decomposition for Various Forms of Wastes

Paper	2-5 months
Orange Peels	6 months
Milk Cartons	5 years
Filter Tip Cigarettes	10-12 years
Plastic Bags	10-20 years
Leather Shoes	25-40 years
Plastic Containers	50-80 years
Disposable Diapers	75 years
Tin Cans	100 years
Aluminum Cans	200-500 years
Styrofoam	NEVER

- F2. Determining a landfill location requires an environmental impact study at the site. It can take up to twenty years and cost in excess of \$15,000,000.00 before a landfill can be authorized or operational.
- F3. Recycling programs are in place at both Teapot Dome and Visalia Landfills. Recycling programs include wood and yard waste, tires, construction and demolition debris, metal, and appliances and, as of January 1, 2015, mattresses.
- F4. In place are constant measures to monitor for methane, ground water and any pollutants that may leak from the landfills. These systems are mandated by state, federal and county laws which are in place forever.
- F5. Equipment such as a new Caterpillar D-7 Dozer costs \$800,000.00. This dozer is used for pushing, spreading, compacting waste and deploying Alternative Cover (ADC) Tarps (ADC reduces the amount of soil necessary for cover by use of tarps).

RECOMMENDATIONS:

1. None

REQUIRED RESPONSES:

1. Solid Waste Department

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MOONEY GROVE PARK

BACKGROUND:

Mooney Grove Park originated from a portion of land that had been settled by an early rancher named Benjamin Willis in 1853. Willis did not cut his trees and the Oaks still were densely populated on the property when Willis sold the land to Michael Mooney in 1878. In 1906, after Mrs. Mooney's death, the five Mooney children wanted to dispose of the forested land and invest their inheritance in more profitable endeavors.

The key figure was John Tuolny, one of the four Tulare County residents who led a campaign to have the county buy the property, and had a long interest in preserving local trees. In August 1909, county supervisors authorized the purchase of 100 acres from the Mooney heirs for a total price of \$15,000.

When sold, the agreement stipulated the land should be maintained as a public park for the enjoyment of everyone. It further held that none of the trees should be cut unless they were in an unhealthy condition, park improvement is needed, or railroad to be constructed or operated.

In December 1923, the Mooney heirs sold another 43 acres along the north edge of the park to the County for \$10,750. This land was purchased with no restrictive clauses.

The park remained the same size until 1963 when several acres of frontage land was sold to Caltrans to expand Highway 63 (Mooney Boulevard).

The Grand Jury has looked into Mooney Grove Park in the past: Interim Report 1981-82, 1985-86, 1992-93, 19934, 1997-98, and 2006-07.

REASON FOR INVESTIGATION:

The 2014-2015 Tulare County Grand Jury chose to investigate the state of affairs of Mooney Grove Park. Concerns were noted by the members of the Grand Jury of the condition of the park and the oak trees, and what the long term goals and strategies of the County to bring the health of the park back to its original condition.

METHOD OF INVESTIGATION:

The Grand Jury visited Mooney Grove Park and was met by park department staff. The Grand Jury members were shown the park and asked questions about the 20-year Conceptual Master Plan and park operations.

The Grand Jury interviewed members of the Department of Parks and Recreation and General Services staff.

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The Grand Jury reviewed documents; sales documents between Tulare County and the Mooney heirs, 20-year Conceptual Master Plan, Mooney Park Tree Inventory and Species Frequency Reports, William R. Allen Mooney's Oak Grove 1906-2003 (edition printing June 2003), Valley Voice Newspaper, and other appropriate sources related to Mooney Grove Park.

FACTS:

1. The August 1909 sales document designated the land shall be forever known and designated as Mooney Park, and shall be forever used and maintained as and for a public pleasure ground and park.
2. The park is commonly and widely known as Mooney Grove Park.
3. The August 1909 sales document did not state the land will be an oak preserve.
4. The August 1909 sales document states that, "... in the event of a failure on the part of the said party of the second part to observe or to comply with any of the said conditions or limitations, then the said lands together with all improvements thereon shall revert to and become the property of the said parties of the first part, their heirs and assigns".
5. There is a greater diversity of tree species now as opposed to when the park was sold in 1909.
6. Mooney Grove Park did have a zoo at one time, animals listed were bison, elks, badger, monkeys, bears and numerous birds. The Board of Supervisors agreed to discontinue the zoo in 1967.
7. There were dances in the pavilion until 1923 at which time they were deemed to be sinful and discontinued. Sources of activity then consisted of tossing horseshoes, swimming in the lagoon (also discontinued in 1923) and using the slides and swings.
8. In 1933, pony rides were sold for ten cents per ride. A pony ride and photograph were available for one dollar.
9. There were two statues at one time; The Pioneer and End of the Trail.
10. In 1934, Hugh M. Mooney, bequeathed to the Trustees of Mooney Park, Tulare, California five thousand dollars (\$5,000) to be spent as needed. Tulare County Officials designated the five thousand dollars were to be spent toward a museum.
11. The Tulare County Museum was formally dedicated in 1948.
12. In 1956, Dave Grove bought the ride concession from Doc Gilbert. Mr. Grove established Grove Amusement Rides. The rides went through a number of owners throughout the years. Over time, food concessions and amusement rides were discontinued.
13. Currently, a citizen group is interested in restoring Mooney Grove Park.
14. Due to the current drought, there has been an environmental impact to the park.

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15. Tulare County is currently looking at adopting a Mooney Grove Park 20-Year Master Plan.
16. Due to various reasons, the density of the Valley Oak trees in the park is slowly diminishing.
17. The County constructed an amphitheater along the eastern boundary of the park.

FINDINGS:

- F1. There have been a number of activities (e.g. dances, concessions, etc.) tried in the park that have failed to generate adequate funds to continue their operations.
- F2. The current drought has created an environmental impact to the park.
- F3. The tree species diversity has increased. County Officials wish to make the park trees more of an arboretum with species labeled, as opposed to an oak preserve.
- F4. Based on the Mooney Grove Park 20-Year Master Plan, new Valley Oak trees are to be planted away from the heavily used areas. County Officials are concerned about the potential dangers of heavy oak limbs.
- F5. Also addressed in the Mooney Grove Park 20-Year Master Plan, animals pose a problem with respect to the cleanliness of the sidewalks, tables, and benches.
- F6. Park fees, (entrance and arbor) only pay for part of the costs to operate the park; the rest is general funded. Entrance fees are collected only on Fridays, Saturdays, and Sundays.
- F7. There are currently a number of proposals for changes in Mooney Grove Park.
- F8. Presently, there are no food concessions or amusement rides within the park or museums.

RECOMMENDATIONS:

- R1. There should be more emphasis in planting Valley Oaks in the park.
- R2. The County should try to increase public awareness that the park is there and what the park offers.
- R3. The County should establish the optimum number of animals in the park, balancing Federal and State rules and the needs of the public for a healthy park environment.
- R4. Mobile vendors could be contracted to drive through the park to sell wares to give the public an opportunity to buy.
- R5. Increase marketing of the park for special events.

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REQUIRED RESPONSES:

1. Board of Supervisors
2. Tulare County General Services
3. Tulare County Department of Parks and Recreation

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SPECIAL DISTRICTS

CONFUSION AND CHAOS IN RICHGROVE

BACKGROUND:

Special Districts in the State of California first began as a means to meet the water needs of farmers in the San Joaquin Valley. Hampered by an inconsistent water supply, plus largely varying prices, farmers in Stanislaus County organized the Turlock Irrigation District under the Wright Act of 1887. The Wright Act allowed a majority of residents in an area to form a public entity for water delivery, and to finance its operation through the sale of bonds. The Turlock Irrigation District originated California's Special District Concept, and made it possible for San Joaquin Valley farmers, and others, such as Tulare County's Richgrove Community Service District (RCSD) to intensify and diversify their domestic and agricultural activities.

Richgrove, California is an unincorporated farming community located south of Porterville, California and is classified as a Census Designated Place in Tulare County, California. Census Designated Places are defined to provide data for settled concentrations of population that are identifiable by name but are not legally incorporated under the laws of the state in which they are located.

Richgrove's land area spans 0.452 square miles, is without surface water, and its boundaries are defined in cooperation with local officials and generally updated prior to each census taken every ten years. The population was 2,882 at the 2010 census, representing a slight increase over the 2000 census.

REASON FOR INVESTIGATION:

The 2013-2014 Grand Jury submitted a carryover request to the Presiding Judge for authorization to allow further scrutiny of the complaint. The Presiding Judge approved the request and the investigation was restarted by the 2014-2015 Tulare County Grand Jury.

The 2013-2014 Tulare County Grand Jury received a citizen complaint regarding action and non-action by members of the Richgrove Community Services District (RCSD) Board of Directors (Board). The RCSD has had problems in the past; an embezzlement indictment in 2008, inadequate internal controls were established to prevent similar problems from occurring again, and audits have not taken place from 2007-2011. Past Grand Juries have investigated similar matters pertaining to the district's operation.

METHOD OF INVESTIGATION:

The Tulare County Grand Jury began its 2014-2015 fiscal year by reviewing the previous jury's turnover documents.

The RCSD complaint process began with scheduled interviews with relevant witnesses of the district and a certified public accountant (CPA). The Grand Jury attended three Board meetings and reviewed documents provided by the RCSD during the course of its investigation. By-laws were subpoenaed but not received.

The Grand Jury attended two Board meetings.

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FACTS:

1. The Tulare County Grand Jury received a complaint regarding Board's fiscal accounting procedures.
2. A review of relative documents and inquiries has shown a history of a dysfunctional relationship between Board auditing procedures and a financial consultant's professional recommendations.
3. A county document, dated August 17, 2014, reports the RCSD has not filed their audits with the county for multiple years, (2007, 2008, 2009, 2010, and 2011) as required by California Government Code (Cal. Gov. Code) §26909. A RCSD representative informed the Grand Jury that a Limited Liability Partnership (LLP) was contacted to perform the audits for the years mentioned and that these reports would be available to the Grand Jury by September 2014. The Grand Jury has since been informed by the LLP that the preliminary audit report was not performed.
4. Penal Code §933.5 allows the Grand Jury to investigate a "special purpose assessing or taxing district", commonly referred to as a "Special District."
5. The complaint did not include allegations of willful misconduct, illegal activity, or acts of wrong doing on the part of the Board, although the complaint did warn that the prospect of wrongful action is heightened by RCSD's non-compliance with required auditing standards.
6. The Grand Jury consulted with the Tulare County District Attorney (DA) for their review of the complaint. The DA did not discover reasons that would warrant their follow up. The complaint was returned to the Grand Jury for further action.
7. A special district may, by unanimous request of the governing board of the Special District, with unanimous approval of the Board of Supervisors, replace the annual special audit with a biennial audit. In the event the district's annual budget does not exceed an amount specified by the Board of Supervisors, an audit covering a five year period may be approved.
8. Minimum requirements, which the State Controller must prescribe pursuant to Cal. Gov. Code §26909, requires that a Special District audit be filed with the State Controller and the county auditor. A professional independent Certified Public Accountant or public accountant undertaking an audit of a California Special District should have a sufficient knowledge and training to enable compliance with both the Generally Accepted Accounting Standards and the Generally Accepted Government Auditing Standards.
9. Pursuant to Cal. Gov. Code §61050 (b) and §61052 (a), the county treasurer of the principal county shall serve as the treasurer of the district, except as provided by Cal. Gov. Code §61053.
10. The Cal. Gov. Code §61053 provides that a Special District's Board Of Directors (SDBD) has authority to appoint a general manager and to designate an alternative depository, instead of The County Treasurer, by appointing a district treasurer who serves in place of The County Treasurer. As a result, the SDBD may appoint the same person to be the general manager and the district treasurer. Both positions serves at the pleasure of the SDBD. Compensation for these positions is set by the SDBD.

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11. The Cal. Gov. Code §61053 (3) further stipulates that the SDBD adopt a system of accounting and auditing that shall completely and at all times show the district's financial condition and that the system of accounting and auditing shall adhere to generally accepted accounting principles.
12. The Cal. Gov. Code §61051 requires the general manager of the district to be responsible for the supervision of the district's finances.

FINDINGS:

- F1. The Board has not submitted a financial audit in seven years. An anticipated five year preliminary audit has not been performed.
- F2. The Board has not shown sufficient knowledge and training to enable compliance with Generally Accepted Accounting Standards and Audits of State and Local Governmental Units publication.
- F3. Design or operational deficiencies of the Board internal control procedures adversely affect the district's ability to record, process, summarize and report financial data that would support minimum auditing requirements.
- F4. The RCSD Board has shown their dysfunction in parliamentary procedure and their compliance with The Brown Act is questionable. During the course of its investigation, the Grand Jury examined applicable laws and regulations pertaining to Special District requirements.

CONCLUSION:

1. The RCSD is not in compliance with proper study and evaluation of its existing internal control and financial organizational structure per established auditing code requirements.

RECOMMENDATIONS:

- R1. The Board will establish regular requirement for Richgrove Community Services District's officers to attend and practice the Tulare County Council Special District Government Basic Training concepts.
- R2. The Board will have knowledge and training to enable compliance with both Generally Accepted Accounting Standards and Generally Accepted Government Auditing Standards.
- R3. Pursuant to Cal. Gov. Code §61050 (b) and §61052(a), the Tulare County Treasurer shall become the treasurer of the RCSD, be the depository, and have custody of all district money.
- R4. The Board will require a legal advisor and financial consultant in attendance at board meetings.
- R5. Pursuant to Cal. Gov. Code §61053, the Board may petition for the resumption of its financial control once the county standards and educational recommendations have been met and approved by the Tulare County Local Agency Formation Commission.

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REQUIRED RESPONSES:

1. Richgrove Community Services District Board
2. Tulare County Board of Supervisors
3. Tulare County Local Agency Formation Commission

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SPECIAL DISTRICTS – AUDIT FAILURES

BACKGROUND:

Special Districts are authorized by the State of California and/or the Local Agency Formation Commission (LAFCO). After their creation, special districts became independent and, seemingly, unwatched.

Each independent special district has an elected (or appointed) board which acts as a separate self-regulated entity detached from city/county oversight. The Board members are responsible only to their constituents and to the state laws applicable to that specific district. These independent special districts are agencies that have been created by California law to perform a particular local governmental service. Tulare County is home to 112 independent special districts. This report does not review dependent districts that are set up by cities and the County solely to provide service, but focuses instead on the independent district.

The State of California Government Code (CGC) §16271(d) stipulates:

“A ‘special district’ means any agency of the state for local performance of governmental or proprietary functions with limited boundaries. A property tax rate is levied to pay for a service or improvement benefitting that area.”

A less complicated way to describe a special district is to say that it is a separate local governmental agency that delivers a limited number of public services to a geographically defined area. In Tulare County, the majority of these districts have to do with water.

Tulare County independent special districts and their boards must abide by all Federal and State laws, and are responsible to their constituents. As with all governmental agencies, independent districts must comply with the directives from the Office of the State Controller. The function of a district may bring it under other laws and statutes that further define responsible operation and governance of the district. For example, all fire districts in Tulare County and the Tulare County Mosquito and Vector Control district must follow sections of the Health and Safety Code (HSC) as well as the Government Code.

The district’s registered voters usually choose an independent special district governing body but the district board may be appointed by a city council and/or the Tulare County Board of Supervisors instead of being elected. Once in office, board members are responsible only to their constituents and not the appointing body.

REASON FOR INVESTIGATION:

Tulare County Grand Jury requested and received documents relating to the status of Tulare County’s special district audit requirements, pursuant to CGC §26909. This law requires independent special districts to have annual audits conducted by either the County Auditor or a Certified Public Accountant. The completed audit is then filed with the State Controller Office and with the County Auditor Office. The annual audit can be changed to a two year audit if approved unanimously by the district board or the Board of Supervisors under certain conditions.

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The Grand Jury seeks to ensure the public has sufficient information to fully address appropriate aspects of overseeing these districts as they provide service to the community by publishing this informational report. It is the residents of each district who must determine if their level of service is satisfactory, if the cost is reasonable and whether funds are allocated judiciously and appropriately within the respective district's budgets. In order to guarantee that each citizen has enough information to make these determinations, all actions of every district must be open and clearly visible to all concerned.

PROCEDURES FOLLOWED:

The Grand Jury interviewed knowledgeable persons within Tulare County government agencies and county special districts. Visits to district board meetings, observation of board parliamentary procedures, and onsite interviews were made. Telephone interviews with County executive officers and a thorough review of reliable documents was conducted during the jury's investigative process.

FACTS:

1. The Grand Jury's review of detailed documents pertaining to the County's special districts has revealed failures by many districts in meeting their minimum auditing governance, which the State Controller must prescribe pursuant to the aforementioned CGC §26909.
2. LAFCO is a regulatory agency with county-wide jurisdiction and provides limited oversight to special districts within the County. The Tulare County LAFCO (one of 58 located throughout California) was formed by State Law in 1963 to help State government manage the tremendous growth the state was experiencing at the time. Since 2003 all county LAFCOs have been required by State Law to prepare an information report called a ***Municipal Service Review*** (MSR) for each city and special district within their County. The MSR measures services, projects growth, financial capabilities, use of shared facilities and community service needs, and are completed by district on a five-year cycle determined by the district function.
3. The Little Hoover Commission is a bipartisan, independent investigative state body established by the State of California whose members are appointed by the Governor and the Legislature. The Commission's goal is to promote effectiveness and efficiency in programs within the State. It is sometimes called the ***State's Grand Jury***. In its Report of May 2000, the Little Hoover Commission found that California's independent special districts often lacked the kind of oversight and citizen involvement necessary to promote their efficient operation and evolution. Its authors stated, "... without robust mechanisms of public accountability, inefficiency can become routine and the occasional scandal inevitable."
4. Tulare County instituted an education program for special district board members covering a variety of important topics such as the Brown Act and conflict of interest. The information is also posted on line at: <http://tularecounty.ca.gov/board/index.cfrn/governance/>.
5. Special District audits, as prescribe by the State Controller and pursuant to CGC §26909, is intended to adhere to minimum requirements, including proper study and evaluation of the district's existing internal control and financial organizational structure.

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FINDINGS:

- F1. LAFCO intent was to create county (or area) agencies that could bring order and planning into overlapping jurisdictional and service boundaries that were becoming common circa 1963.
- F2. During its research of independent special districts, the Grand Jury learned that reviews and investigations of special districts are not uncommon.
- F3. Many special districts are not complying with State mandated annual audits conducted by the County Auditor or a Certified Public Accountant.

RECOMMENDATIONS:

- R1. Tulare County Special Districts are required to comply with minimum auditing requirements as set forth by the State Controller. Records of such audits are to be filed with the County Auditor as further required by CGC §26909.
- R2. Tulare County Special Districts should undertake an audit conducted by the County Auditor or a Certified Public Accountant/public accountant:
 - a. Have sufficient knowledge and training to enable compliance with both generally accepted auditing standards and generally accepted government auditing standards.
 - b. Have a thorough knowledge of the fundamental principles of governmental accounting, including both fund accounting and enterprise accounting.
 - c. Comply with Government Auditing Standards as promulgated by the United States General Accounting Office when applicable (e.g., Single Audit Act, required by agreement or contract, etc.).

REQUIRED RESPONSES:

- 1. Local Agency Formation Commission
- 2. County of Tulare Auditor-Controller
- 3. The following Districts which have not filed their audit report with the County by the required due date:

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DISTRICT ONE

Eshom Valley Public Cemetery District
Kaweah Delta Water Conservation District
Lemon Cove Sanitary District
Lewis Creek Water District
Lindsay Local Hospital District
Lindsay-Strathmore Memorial District
Poplar Community Services District
Sequoia Memorial District
Three Rivers Memorial District
Three Rivers Public Cemetery District

DISTRICT TWO

Allenworth Community Services District
Alpaugh Community Services District
Atwell Island Water District
Deer Creek Storm Water District
Friant Power Authority
Teviston Community Services District
Tipton Community Services District

Tipton-Pixley Public Cemetery District
Tulare Irrigation District
Tulare Local Healthcare District

DISTRICT THREE

Delta Vector Control District
Kaweah River Power Authority District
Visalia Memorial District

DISTRICT FOUR

Dinuba Veteran's Memorial District
Ivanhoe Public Utility District
Kingsburg Hospital District
Orosi Public Utility District
St. John's Water District
Woodlake Veterans Memorial District

DISTRICT FIVE

Porterville Memorial District
Springville Veteran's Memorial District
Terra Bella Memorial District
Vandalia Water District

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VISALIA PUBLIC CEMETERY – HEADSTONE FOR A LOVED ONE

BACKGROUND:

Public Cemetery Districts were established by California legislature in 1909 to meet the cultural and economic needs for the interment of human remains in the state. The Visalia Public Cemetery District (VPCD) is a public cemetery district formed in October 1943 to provide burial services for residents within its jurisdictional boundary. The VPCD area includes the communities of Visalia, Ivanhoe, and Goshen. It is governed by a Board of Trustees (Board) which is appointed by the Tulare County Board of Supervisors to three-year terms. The VPCD and its board are members of the California Association of Public Cemeteries (CAPC) and California Special District Alliance (CSDA). Locally, the district is a member of the Visalia Chamber of Commerce.

The VPCD currently maintains three cemeteries within their jurisdiction: Visalia Public Cemetery, Elbow Creek Cemetery, and Lone Oak Cemetery; however, new burials are only allowed at the Visalia Public Cemetery location. The first burial was recorded at the Visalia Public Cemetery on September 7, 1860. The site has grown over the years with the community and now covers approximately 68 acres.

All public cemetery districts, including the VPCD, are required to follow State of California Health and Safety Code regulations for operations and management. Public cemetery districts are also allowed to develop and adopt policies and rules as they see fit, as long as they do not conflict with state regulations. Additionally, much of the business affairs of public cemetery districts must adhere to the California Department of Consumer Affairs, Cemetery and Funeral Bureau requirements as well.

REASON FOR INVESTIGATION:

The 2014-2015 Tulare County Grand Jury received a citizen's complaint in regards to the installation of an upright above-ground memorial marker (headstone).

The Complainant alleged that the VPCD did not cooperate to facilitate the purchasing of a headstone from a non-local manufacturer (Vendor). The complaint described poorly written specification documents and the lack of communication for the clarification of these specifications.

When the headstone was built and delivered by the Vendor, the complaint states that the VPCD did not allow for it to be installed, citing improper dimensions. The Complainant also claims the VPCD has granted exceptions and allowed the installation of headstones which do not meet their criteria.

METHOD OF INVESTIGATION:

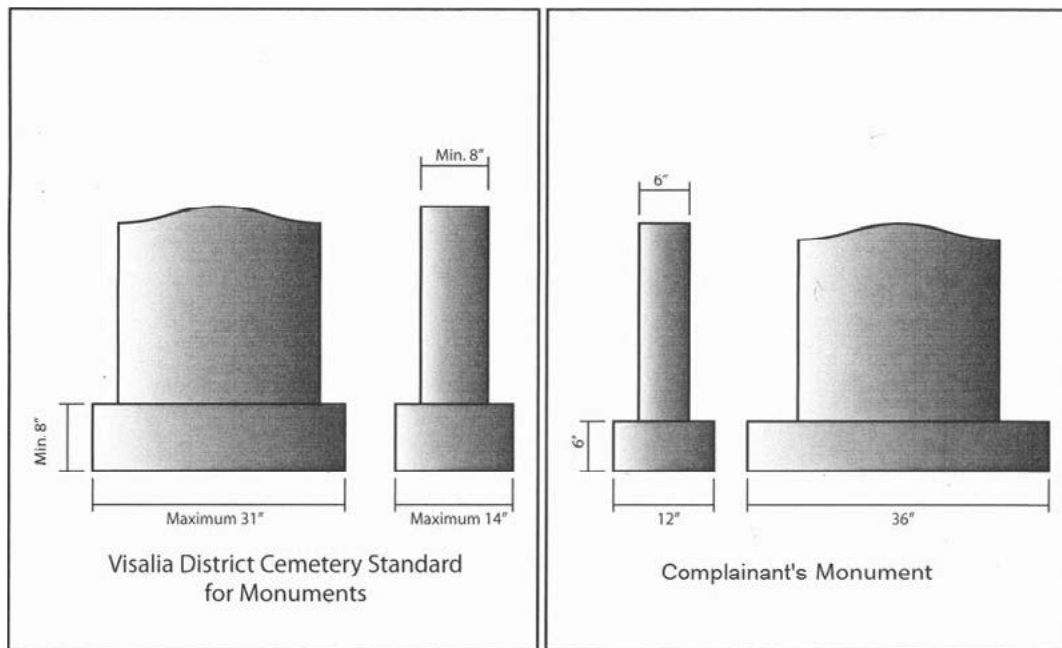
The 2014-2015 Tulare County Grand Jury (Grand Jury) investigated the issues of the complaint. Members of the Grand Jury visited the Visalia Public Cemetery on two (2) occasions and measured the headstones of a large number of gravesites. Emphasis was placed on noting dimensions, styles, and types of upright headstones installed after the adoption date for the current VPCD policies. The Complainant's headstone

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was observed and measured. Relevant witnesses were interviewed. Guideline material published for and provided by VPCD were reviewed, along with documents containing their standards and specifications. Various transactions, receipts, commercial advertisements, communications, letters, and other documents provided by pertinent sources were also scrutinized. Additional examination of relevant public codes and statutes, applicable government websites and news articles was also performed.

FACTS:

1. As per the California Department of Consumer Affairs - Cemetery and Funeral Bureau, public cemeteries must allow customers to purchase a headstone from the vendor of their choosing as long as it meets the cemetery's standards.
2. Public cemeteries may adopt standards for headstone specifications; therefore, they can and will refuse any headstone that does not meet their requirements.
3. The Visalia Cemetery District adopted standards July 1, 2003, which requires specific dimensions for the upright headstones. The principle reason for the revised standards is to assure sufficient material dimensions for improved durability.
4. All upright headstones measured by the Grand Jury that were installed after 2003 met VPCD standards; except two (2) styles: the "Pillow" Stone style, and headstones provided for veterans by the United States Department of Veterans Affairs (VA).
5. The "Pillow" Stone style is a shorter, trapezoidal-shaped stone which is thicker at the bottom and narrower at the top. The VA provides one standard of headstone for the veterans. These headstones are significantly thinner and narrower than the VPCD standards.
6. Communication between the Complainant and the Vendor containing pertinent headstone standards were made available to the Grand Jury.
7. Required headstone dimensions were sent from the Complainant and the VPCD to the Vendor.
8. The headstone which the Complainant purchased in 2008 is currently in storage. The cost of storage is accrued at the Complainant's expense.
9. The headstone received from the Vendor did not meet VPCD standards. (See illustration on next page)



FINDINGS:

- F1. Both the Complainant and the Vendor stated difficulty in understanding the dimensions within VPCD standards pamphlet.
- F2. Prior to the manufacture of the headstone, communication between the Vendor and the Complainant stated references to correct dimensions. Those references were not adhered to with the finished product received from the Vendor.
- F3. From information provided to the Grand Jury, despite the Complainant or the Vendor having some misunderstanding of the specification documents, there was evidence indicating an awareness of the proper dimensions for the headstone.

RECOMMENDATIONS:

- R1. Make a new pamphlet with drawing of all headstone with all specifications on each type of headstone.

REQUIRED RESPONSES:

- 1. Visalia Public Cemetery

Disclaimer

Grand Jury reports are based on documentary evidence and the testimony of sworn or admonished witnesses, not on conjecture or opinion. However, the Grand Jury is precluded by law from disclosing such evidence except upon specific approval of the Presiding Judge of the Superior Court, or another judge appointed by the Presiding Judge (Penal Code Section 911, 924.1 (a) and 929). Similarly, the Grand Jury is precluded by law from disclosing the identity of witnesses except upon an order of the court for narrowly defined purposes (Penal Code Section 924.2 and 929).

TULARE COUNTY GRAND JURY REPORT 2014-2015

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GRAND JURY FORMS

Citizen Complaints

The Grand Jury receives complaints from Tulare County citizens concerning a variety of grievances. These complaints are assigned to one of the standing committees for action.

The 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 it is out of the Jury's purview. Grand Jury investigation reports (regarding complaints) are submitted to the entire jury with recommendation for action. A quorum of 12 jury members must approve the report. Some complaints may remain open for action by the following Grand Jury as deemed appropriate.

Submission of Complaint

Complaints should be in writing and legible. All normal attempts to resolve the problem should have been taken prior to the submission of the complaint. When these efforts have been proven unsuccessful, a complaint form should be prepared and submitted. These complaint forms may be requested and obtained from the Grand Jury office and this Web Site.

Content of Complaint

The complaint form available from the Grand Jury is designed to help an individual supply pertinent data regarding the reason for the complaint. It is easy to fill out and asks for information that is vital in helping the Grand Jury resolve the problem.

1. Identify yourself with your full name, correct mailing address and a phone number where you can be contacted during office hours.
2. Identify the nature of your complaint.
3. Identify all the people involved and how they might be contacted.
4. If needed, the location of the occurrence that precipitated your complaint.
5. Furnish originals or copies of documents and / or recordings that may support your allegation. *(according to Ca. Evidence Code 140 all submitted documents & recordings are evidence and will not be returned)*
6. Be specific in reporting the reasons for you claim. Avoid making broad statements.

Confidentiality

The *complainant's identity is rigorously guarded* and the Grand Jury is forbidden, by law, to release any information about investigations.

You will receive written acknowledgment of this complaint after it is received and reviewed by the Grand Jury. This acknowledgment will be mailed to the address on the form.

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Citizen Complaint Form

All complaints submitted to the Grand Jury are held in the strictest confidence

Tulare County Grand Jury

5963 So. Mooney Blvd.
Visalia, CA 93277
Phone: (559) 624-7295
Fax: (559) 733-6078

Date: _____

1. YOUR PERSONAL INFORMATION:

Name: _____ Res. Phone _____

Res. Address (City/Zip) _____

Work Location _____ Bus. Phone _____

2. PERSON OR AGENCY ABOUT WHICH THE COMPLAINT IS MADE:

Name/Agency: _____

Location or Address: _____

Phone: _____ Person in Charge (if agency): _____

3. OTHER PERSONS OR AGENCIES YOU HAVE CONTACTED ABOUT THIS PROBLEM:

Agency and Location

Approximate Date of Contact

4. BRIEF SUMMARY OF PROBLEM (Include names and dates of events, and agencies involved)

(Attach Additional Sheets if Necessary)

5. PLEASE SUBMIT COPIES OF CORRESPONDENCE AND / OR DOCUMENTS REGARDING YOUR COMPLAINT AND THE NUMBER OF PAGES SUBMITTED WITH YOUR COMPLAINT. (PAGES \ ATTACHMENTS)

TULARE COUNTY GRAND JURY REPORT 2014-2015

6. PERSONS YOU THINK SHOULD BE CONTACTED:

Name and Occupation: _____

Address: _____

Reason to Contact: _____

Name and Occupation: _____

Address: _____

Reason to Contact: _____

Name and Occupation: _____

Address: _____

Reason to Contact: _____

7. ACTION WHICH YOU BELIEVE WE SHOULD TAKE:

Excerpt from the Grand Juror's Oath:"...I will keep my counsel, and that of my fellow Grand Jurors and of the government, and will not, except when required in the due course of judicial proceedings or authorized by statute, disclose the testimony of any witness examined before the Grand Jury, nor anything which I or any other Grand Juror may have said, nor the manner in which I or any other Grand Juror may have voted on any matter before the Grand Jury..."

DUTIES OF THE CIVIL GRAND JURY

The Civil Grand Jury consists of a panel of nineteen jurors plus three or more alternates. Jurors serve a one-year term from July 1 through June 30. The Presiding Judge may continue up to ten jurors into a second one-year term.

The selection process of a prospective Grand Juror begins with the submission of a completed nomination questionnaire to the Courts by mid April. Between May and June, Tulare County Grand Jury Association and Presiding Judge of the Tulare County Superior Courts, reviews the questionnaires and evaluates a prospective juror's qualifications as required by California Penal Code §893. Prospective jurors are then interviewed and their names are placed in a pool to be drawn by lot.

The California Supreme Court described the duties of the grand jury in a 1988 case called *McClatchy Newspapers v Superior Court*, 44 Cal 3d 1162:

“The California grand jury has 3 basic functions: to weigh criminal charges and determine whether indictments should be returned (Penal Code §917); to weigh allegations of misconduct against public officials and determine whether to present formal accusations requesting their removal from office (Penal Code §922; and Government Code §3060 et seq.) and to act as the public's “watchdog” by investigation and reporting upon the affairs of local government (e.g. §§919, 925 et seq.) Of these functions, the watchdog role is by far the one most often played by the modern grand jury in California.”

California Penal Code §919(b)(c) states, “The Grand Jury shall inquire into the condition and management of the public prisons within the county.” It also states, “The Grand Jury shall inquire into the willful misconduct in office of public officers of every description within the county.”

California Penal Code §925 states “The Grand Jury shall investigate and report on the operations, accounts, and records of the officers, departments, or functions of the county including those operations, accounts, and records of any special legislative district or other district in the county created pursuant to state law for which the officers of the county are serving in their ex-officio capacity as officers of the districts.” It also states, “Investigations may be conducted on some selective basis each year.”

***For more information visit the Tulare County Grand Jury's website at:
www.tularecounty.ca.gov/grandjury/***

TULARE COUNTY GRAND JURY REPORT 2014-2015

2016 – 2017

TULARE COUNTY CIVIL GRAND JURY QUESTIONNAIRE

Pursuant to California Penal Code §893, the following questions must be answered:

STATUTORY QUALIFICATIONS: (Place a check in the appropriate box)

- | | | |
|----|-----|---|
| No | Yes | Are you a citizen of the United States? |
| No | Yes | Are you eighteen years of age or older? |
| No | Yes | Have you been a resident of Tulare County for at least one year prior to the date of this application? |
| No | Yes | Are you in possession of your natural faculties? Are you of ordinary intelligence and of sound judgment and fair character? |
| No | Yes | Do you possess a sufficient knowledge of the English language? |

STATUTORY DISQUALIFICATIONS: (Place a check in the appropriate box):

- | | | |
|----|-----|--|
| No | Yes | Are you serving as a trial juror in any court of this State? If Yes, County _____ |
| No | Yes | Have you been discharged as a grand juror in any court of this State within one year prior to the date of this application? If Yes, County _____ |
| No | Yes | Have you ever been convicted of malfeasance in office or any felony or other high crime? |
| No | Yes | Are you currently serving as an elected public official? |

- Check one: () I am interested in serving on the Tulare County Civil Grand Jury for the fiscal year **2016-2017** and I understand the time commitment required.
- () I am unable to serve on the Grand Jury in **2016-2017**.
- () I am unavailable at this time, but would like to be considered for term **2016~2017**.

If you answered **NO** to any **STATUTORY QUALIFICATIONS** or you answered **YES** to any **STATUTORY DISQUALIFICATIONS**, you do not qualify. There is no need to continue or to return the questionnaire.

IF QUALIFIED, please continue and complete the questionnaire, returning it to the address listed on Page 4.

CALIFORNIA RULES OF COURT, Rule 10.625, regarding certain demographic data relating to regular grand jurors.
{Please check the appropriate box to the following}

- (A) Age range, please check the appropriate box: ☐ 18-25 ☐ 26-34 ☐ 35-44 ☐ 45-54 ☐ 55-64 ☐ 65-74
☐ 75 and over (B) Gender: ☐ Male ☐ Female

(C) Please indicate your ethnic origin by circling one of the following (may select more than one):

American Indian or Alaska Native Asian Black or African American Hispanic/Latino
Native Hawaiian or other Pacific Islander White Other (please specify) _____

Decline to Answer

Place of Residence by Supervisorial District: ☐ District 1 ☐ District 2 ☐ District 3 ☐ District 4 ☐ District 5

TULARE COUNTY GRAND JURY REPORT 2014-2015

THIS QUESTIONNAIRE IS TO ASSIST THE JUDGES OF THE SUPERIOR COURT IN COMPLETING A LIST OF NOMINEES WHICH FAIRLY REPRESENTS A CROSS-SECTION OF OUR COMMUNITY. SOME OF THE QUESTIONS THAT MAY SEEM PERSONAL ARE NECESSARY IN ORDER TO ASSURE THE JUDGES THAT THE GROUP THEY NOMINATE, FROM WHICH THE FINAL NAMES WILL BE DRAWN, REPRESENTS VARIOUS AGE GROUPS, ECONOMIC, SOCIAL AND ETHNIC BACKGROUNDS.

PLEASE PRINT LEGIBLY

1. Full Name: _____ Date of Birth: _____
(First) (Middle) (Last)
2. Address (Phys.): _____ City: _____ Zip +4: _____
Address (Mail): _____ City: _____ Zip +4: _____
Residence Phone: () _____ Business Phone: () _____
Cell Phone: () _____ Fax Number: () _____
Email Address: _____
3. Occupation: _____
Employer: _____
If retired, previous occupation _____
4. Can you afford the time required to be a Civil Grand Juror (approximately 20 hours per week)? _____
If not, briefly state why not: _____
5. Do you have any physical or mental condition which would interfere with your ability to function as a Civil Grand Juror? _____ If yes, explain briefly _____
What accommodations would the Court need to provide to accommodate your physical or mental impairment? _____
6. Education (Circle highest grade completed):
6 (or less) 7 8 9 10 11 12 College: 1 2 3 4 5 6 7
Name of schools attended and degrees or certification attained: _____

7. Clubs or organizations: List any civic, service organizations or any volunteer work to which you belong.

8. Spouse / Domestic Partner Name: _____
Occupation: _____
If retired, list previous occupation you retired from: _____
Employer: _____
9. Are you or any immediate family member an appointed or elected public officer of any public agency? _____
If yes, explain: _____
10. Are you currently involved in any litigation (law suits) in this county? _____

TULARE COUNTY GRAND JURY REPORT 2014-2015

11. Are you or any of your immediate family members employed by the County of Tulare?
or any school district within the county? _____
If yes, where? _____
12. Do you have any significant problems reading or understanding the English Language? _____
13. Do you have any suggestions, comments or other matters you would like to bring to the judges attention in
connection with your application? _____
14. Please tell us about any special skills or abilities that you have which the judges should know about in considering
your application? _____

15. Please tell us why you are interested in serving on the Tulare County Civil Grand Jury. (Please attach additional
pages as needed) _____

16. Describe any background experience or skills you have which would be helpful to grand jury service (i.e., computer
skills, leadership skills, or experience writing/editing reports, working in groups, or conducting investigations
or interviews.) _____

Would you be willing to serve in any of the following capacities?

FOREPERSON	Yes <input type="checkbox"/>	No <input type="checkbox"/>
SECRETARY	Yes <input type="checkbox"/>	No <input type="checkbox"/>
COMMITTEE CHAIRPERSON	Yes <input type="checkbox"/>	No <input type="checkbox"/>

Mail in or deliver questionnaire to:

**Civil Grand Jury
Tulare County Superior Court
221 S. Mooney Blvd., Room 303
Visalia, CA 93291**

Or Fax to: (559) 737-4290

NOTE: Applicants for nomination as a member of the Tulare County Civil Grand Jury are subject to investigation by an appropriate law enforcement agency as to the statutory qualifications for service and the applicant's ability and suitability for service.

In support of my application for selection as a member of the Tulare County Civil Grand Jury, I declare under penalty of perjury that the foregoing information is true and correct.

Signed: _____

Date: _____

PLEASE RETURN THIS QUESTIONNAIRE NO LATER THAN: April 15, 2016

Notes:

[illegible]