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LETTER FROM THE FOREMAN



TULARE COUNTY GRAND JURY
5963 South Mooney Boulevard
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The NOBLEST Motive is the Public Good

Honorable Judge Lloyd Hicks
Presiding Judge of the Superior Court
State of California
County of Tulare

Honorable Judge Gary Paden
Supervising Judge of the Grand Jury
State of California
County of Tulare

Dear Judge Hicks and Judge Paden,

As you realize, better than any of us, the Grand Jury is a very valuable accoutrement to the government of Tulare County, the governments within the County, and the numerous local agencies and Districts of Tulare County. Members of this 2013-2014 Tulare County Civil Grand Jury have striven, sometimes through tumultuous times, to serve the best interests of the citizens of Tulare. I am proud to have worked with many of the members of this Jury as they dedicated themselves to satisfying their solemn oath of service to the citizens of this County.

This Jury is indebted to a number of gracious supporters of its efforts among the administrators of Tulare County. Included in this number are the Board of Supervisors, Jean Rousseau, Kathleen Bales-Lange and her staff, Dr. Duerksen and the relevant Health & Human Services officers, Tim Ward and the District Attorney's office, especially Attorney Anthony Fultz, personnel from the Print Shop and Tulare County Information & Communications Technology and others in the Tulare County milieu.

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 profoundest 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 trove of good advice, knowledge of best Grand Jury practices, and responsible management. Her organization and wise planning keeps the Grand Jury moving true.

Please know that I, personally, am indebted to Judge Paden for his support of my efforts to make some organizational and practical adjustments to Grand Jury practices. In the same breath, I must apologize for the time lost to acrimonious recriminations and power struggles ...among some Jury members and

TULARE COUNTY GRAND JURY REPORT 2013-2014

myself...during this term. In the final analysis, because of the judicious presence, clear direction, and understanding of Judge Paden, the well-intentioned, hardworking Jurors prevailed.

Please find, accompanying and containing this letter, this 2013-2014 Grand Jury's Final Report as required by California Penal Code §933. The individual reports contained in the Final Report document are the result of a number of Grand Jurors sustained campaign to evaluate local governmental agencies and to mitigate those citizens' complaints which fell within the Jury's purview. The prevailing Grand Jury sentiment has been to inform the citizens of Tulare County, which the Jury serves, about the working of their governments and agencies.

The members of the 2013-2014 Grand Jury are proud to have served the California Civil Grand Jury's grand tradition. At times this service required sacrifice imbued with demanding effort; frequently this demanding effort gave way to extreme satisfaction and gratification. On other occasions, the demanding effort led only to a fruitless, dead-end. This Jury adopted a motto early in its term: *The NOBLEST Motive is the Public Good*. This motto, posted in our reception room and work areas and, as well, printed on our stationery, has guided our effort. We hope the motto will be taken to heart by successive Jurors and that the Jury will continue to serve the citizens of Tulare County as faithfully as it has in the past.

Looking forward,



Milton D. Morrison, Foreman
2013-2014 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
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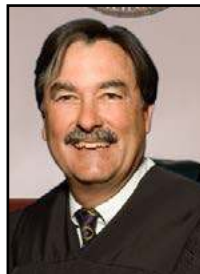
JUDGE'S COMMENTS


On behalf of the entire bench of the Tulare County Superior Court we want to sincerely thank the 2013-2014 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.

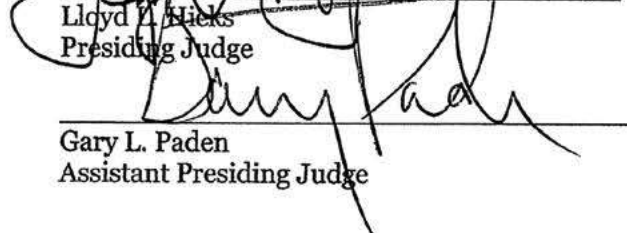
Grand Jurors always assume a great deal of responsibility whenever they agree to be a part of a year's panel. They willingly do this as volunteers without any purpose other than to insure that governmental agencies and individuals are properly performing their duties. The taxpayers of Tulare County were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




Lloyd P. Hicks
Presiding Judge


Gary L. Paden
Assistant Presiding Judge

THE 2013-2014 TULARE COUNTY GRAND JURY: A SYNOPSIS

Worthy of note about the 2013-2014 Jury is the fact that all of the eleven (11) reports it published were generated through JIIs (Jury Initiated Investigations) as opposed to investigations initiated as responses to citizen complaints. An immediate reaction to that information might be that the Jury wasn't about the business of investigating citizens' complaints nearly as it was about the business of examining entities and situations of its own choosing. If such a conclusion were correct, it would not of necessity be a negative thing; nonetheless, for reasons of information and clarity, we wish to report a more definitive and clear representation of the Jury's activities for the 2013-2014 term.

During the term under discussion here, the Grand Jury, in one manner or another, processed thirty-six (36) citizen's complaints. At the time of this writing, late in May, all of these complaints have been closed without any one generating a Jury report, save for three (3) which remain open and probably will be presented to the Judge with a request to be carried over to the following 2014-2015 Jury. So, simple math shows that this Grand Jury considered and closed, in one way or another, thirty-three (33) citizen initiated complaints (three of these were carried over from the previous Jury)

Of the thirty-three cases (citizen complaints) noted above, twenty-six (26) generated contacts beyond the Jury: visits from one or more interviewees, numerous telephone calls and telephone interviews, letters, emails, and visits to board meetings, i.e. schools, special districts, councils, etc. Six (6) of the citizen complaints were from anonymous complainants; four (4) of those six were investigated by the Jury. These twenty-six worked cases took periods of Jury time from two or three weeks to eight or nine months, sometimes necessitating evening and weekend meetings, e.g., interviewees who couldn't get away from jobs, etc. during normal daytime hours.

Unfortunately, and curiously, none of the extensively investigated twenty-six citizen complaints generated the facts and related findings needed by the Grand Jury to develop traditional Jury reports with included recommendations. The subject twenty-six citizen complaints represent, it would appear, a great deal of work on the part of Jurors with no discernable return. However, that is surely not the case. One imagines that whenever the Grand Jury is involved with an individual, an agency, a board or any other entity, notice of the Jury's interest or concern creates an acute awareness on the part of the subject entity which then almost always, will cause remediation or reform where indicated.

In addition, your Grand Jury investigated fifteen (15) Jury Initiated cases (JIIs), eleven of which generated the reports found in this 2013-2014 Grand Jury Report. Like the citizen complaints, the JIIs demanded a great deal of investigatory effort on the part of the Jury members, Added to the efforts described here, the Jury maintained a roster for at least two members at a time to attend all Tulare County Board of Supervisors meetings and Planning Commission meetings.

I feel that this report would not be entirely honest if I do not admit to the loss of an appreciable amount of time early in the term when a select few Jurors refused to accept some reforms the Foreman attempted to implement. A considerable amount of time was wasted with continued attempts to circumvent protocols which were intended to bring order and direction to some Jury practices. Fortunately, the Judge stepped in and clarified his intentions and accepted some resignations. After the "power-grab" kerfuffle was resolved, the Jury seriously got to work and more than made up for lost time.

I am proud to have worked with this 2013-2014 Grand Jury. A number of improvements and "better practices" have occasioned during this term which, after a little time, will result in your Grand Jury serving you, the citizens of the Tulare County, even better.



Milton D. Morrison, Foreman

GRAND JURY RESPONSE REPORT 2012-2013 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

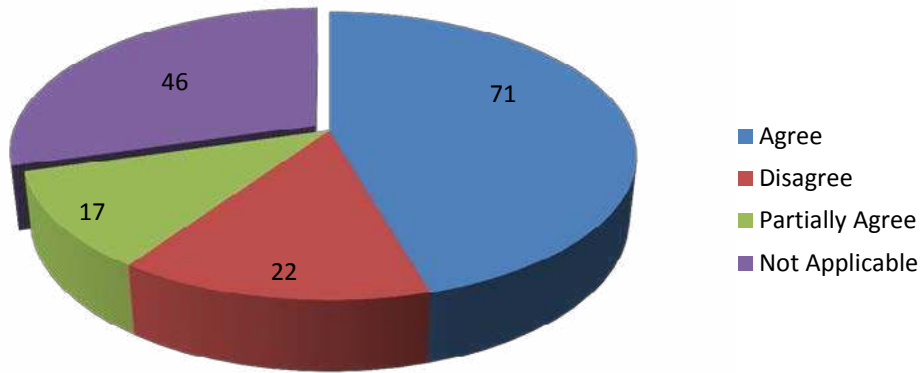
1. Received and reviewed returned responses to the 2012-2013 Grand Jury Final Reports
2. Reviewed relevant California Government and Penal Codes
3. Compiled statistics regarding the responses

FACTS

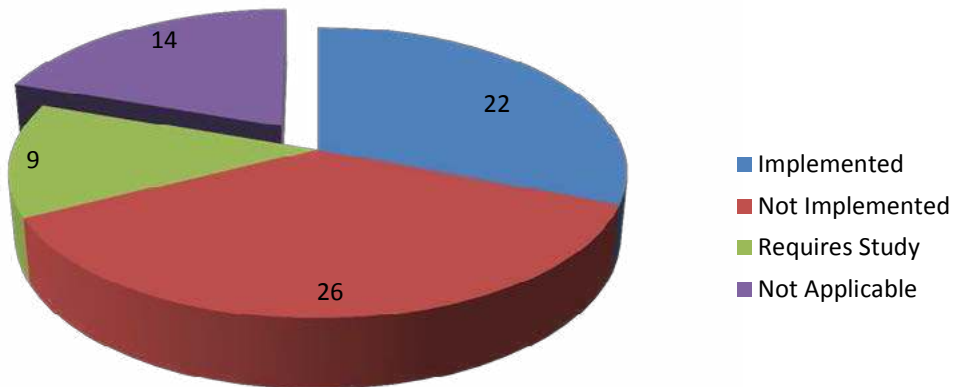
1. There were nine Grand Jury reports published in the 2012-2013 Final Report.
2. There were 156 findings and 71 recommendations to the 2012-2013 Final Report.
3. The following diagrams indicate the numbers of concurrence with or disagreement to the findings, and implementations' or non-implementation of recommendations made to the responding entities.

4. Attached to this report are copies of the responses received as a result of the 2012-2013 Final Report.

2012-2013 Findings



2012-2013 Responses



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

None

SCHOOL BOND MEASURES

BACKGROUND

The Tulare County Grand Jury (Grand Jury) of 2012-2013 investigated the manner in which School Bond Measures were presented to the voters prior to elections.

During past elections, Tulare County School Districts placed bond proposals on the ballot for voters to decide. The measures presented to the voters did not include interest, fees, or other costs associated with those bonds.

The Grand Jury investigated and found that the Tulare County Board of Education and the Tulare County Auditor-Controller failed to provide sufficient information to the public.

The attached responses explain their reasons for not implementing the recommendations.

Tulare County
Office of Education

Committed to Students, Support and Service

July 8, 2013

Jim Vidak
County
Superintendent
of Schools

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The Honorable Judge Gary Paden
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Tulare County Board of Supervisors
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Visalia CA 93291

Tulare County Grand Jury
5963 South Mooney Boulevard
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RESPONSE TO 2013 TULARE COUNTY GRAND JURY REPORTS

Enclosed are the following:

1. Response to School Bond Measures

We extend our gratitude to the Tulare County Grand Jury for their diligent efforts in compiling these reports. Our responses to your recommendations include detailed information gained through extensive research.

If I can be of further assistance, please feel free to contact me.

Sincerely,



Jim Vidak
Tulare County Superintendent of Schools

JV:mm

Enclosures

Tulare County Office of Education

Committed to Students, Support and Service

Jim Vidak
County Superintendent of Schools

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July 8, 2013



The Honorable Judge Gary Paden
County Civic Center, Room 303
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Tulare County Board of Supervisors
2800 W. Burrel Ave
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Subject: Written Response of the Tulare County Office of Education
pursuant to California Penal Code § 933(c)
Report Name: School Bond Measures

FINDINGS

- 1. Voters do not receive adequate information to make informed decisions when voting on schools bonds. Future generations of homeowners or property owners, will be required to pay these bonds and all associated costs derived from their issuance and sale.

Response: The County Board of Education respectfully disagrees with this finding as it is our understanding that voters receive adequate information to make informed decisions when voting on school bonds. The Election Code and Education Code set forth the applicable disclosure requirements for school bond elections. The law establishes the procedures to allow the public to receive adequate information regarding proposed school bonds. The County Board of Education is not aware of a finding that the Tulare County School Districts have failed to meet the disclosure requirements imposed by law or that they have followed the appropriate school bonds election procedures. Additionally, the County Counsel provides votes with an impartial analysis of the ballot measure thereby informing voters about the proposed school bonds. (Elec. Code § 9500.) The County Elections Official mails to registered voters certain election documents, including a sample ballot and tax rate statement. (Ed. Code, §§ 15122-15123; Elec. Code, §§ 9400-9405, 13303.) We believe, therefore, that voters are provided with adequate bond information and are able to make informed decision when voting on school bonds.

2. Failure to provide complete monetary information to the electorate of Tulare County prior to any bond election may demonstrate a lack of good financial stewardship.

Response: The County Board of Education respectfully disagrees with this finding. We understand that the legal standards have been met with regards to providing voters with monetary information relating to the proposed school bonds and, therefore, this does not demonstrate a lack of good financial stewardship. It appears that the Grand Jury wants a change in the law to increase the amount of information that is provided to the electorate. Neither the Tulare County Office of Education nor the Tulare County Superintendent of Schools currently has the legal authority to require school districts in Tulare County to provide more information than is legally required.

3. While current practices are not illegal, they may be potentially harmful monetarily to future generations of property owners.

Response: The County Board of Education agrees in part. We agree that the current practices are not illegal. We disagree, however, that the current practices are potentially harmful monetarily to future generations of property owners. It appears that this finding by the Grand Jury is speculative. It is our understanding that pursuant to the applicable law, property owners are provided with the necessary monetary information relating to proposed school bonds.

RECOMMENDATIONS

1. That the Tulare County Board of Education provide an estimate of the potential costs of proposed bonds to the Auditor-Controller prior to the publication of voter pamphlets.

Response: The County Board of Education does not have the authority or jurisdiction to implement this recommendation to provide an estimate of the potential costs of the proposed bonds to the Auditor-Controller prior to the publication of voter pamphlets. The Elections Code and Education Code provide the applicable requirements governing assessments and estimates of proposed school bonds. We understand that it is the County Counsel that is the responsibility party for preparing an impartial analysis of the measure, to be printed in the ballot pamphlet preceding ballot arguments. (Elec. Code, § 9500.) It is the responsibility of the County Elections Official to mail to each registered voter certain election documents, including a sample ballot and a tax rate statement from the financial advisor. (Ed. Code, §§ 15122-15123; Elec. Code, §§ 9400-9405, 13303.) the tax rate statement must include the best estimate of the following:

- (1) *The tax rate (per \$100 of assessed valuation on all property to be taxed) required to fund the bonds for the fiscal year following the initial sale of bonds;*
- (2) *The tax levy needed to fund the bonds for the fiscal following the final sale of bonds if the bonds are sold in series and an estimate of the year in which that rate will apply; and*
- (3) *The highest tax rate needed to fund the bonds and the fiscal year(s) in which that rate is expected to occur.*

(Elec. Code, § 9401.)

We are aware of Assembly Bill (AB) 182, which is currently pending in the Legislature. However, AB 182 addresses capital appreciation bonds and regulates the sale of these bonds after they are authorized. AB 182 does not apply here as it does not address the authorization of school bonds. For the authorization of proposed school bonds, the current law requires that registered voters are provided with a tax rate statement.

Additionally, school districts are permitted under the law to issue Certificates of Participation for capital construction projects. However, if a school District has a qualified or negative certification in a fiscal year, the school district may only issue Certificates of Participation if the County Superintendent determines pursuant to a criteria established by the Superintendent of Public Instruction that the school district's repayment of the indebtedness is probable. (Ed. Code, §42133.) Certificates of Participation do not require voter approval. It is the school board of the school district that authorizes Certificates of Participation financing. (Ed. Code, §17150.1.) Once the school board has approved proceeding with Certificates of Participation financing, the school district must notify the County Superintendent and County Auditor, and provide them with evidence of the school district's ability to re-pay this amount. (Id.) While the County Superintendent may comment publically regarding the school district's repayment ability, the County Superintendent does not have the legal authority to prohibit school districts from issuing Certificates of Participation. (Id.) As we understand the current state of the law, with the exception of school districts' with qualified or negative certification, the County Board of Education and County Superintendent have no jurisdiction to control school districts' issuance of Certificates of Participation.

2. That the Auditor-Controller publish information regarding the estimated total amounts of the projected bond indebtedness in the Voter Ballot Information Pamphlets and in the local media prior to any election.

Response: The County Board of Education cannot comply with the Grand Jury's directive because it has no authority under the law to provide cost estimates of proposed school bonds. The law provides that it is the responsibility of the County Counsel, the County Elections Official, and the financial advisor to provide voters

with the necessary monetary information relating to the proposed school bonds. We will; however, work with these organizations/agencies and provide any information they need to make available on Voter Ballot Information Pamphlets and for the media prior to any election.

We extend our gratitude to the Tulare County Grand Jury for their diligent efforts in compiling these findings and recommendations.

TULARE COUNTY GRAND JURY REPORT 2013-2014

**AUDITOR-CONTROLLER/
TREASURER-TAX COLLECTOR**



**Rita A. Woodard
COUNTY OF TULARE**

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Chief Deputy Treasurer-Tax Collector
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June 21, 2013

The Honorable Judge Gary Paden
County Civic Center, Room 303
221 S. Mooney Blvd
Visalia, CA 93291

Tulare County Grand Jury
5963 S. Mooney Blvd.
Visalia, CA 93277

Tulare County Board of Supervisors
2800 S. Mooney Blvd.
Visalia, CA 93291

Subject: Response to the 2012-2013 Tulare County Grand Jury Final Report entitled, "School Bond Measures".

Dear Sirs:

We are responding to the findings issued in your report dated April 24, 2013.

Finding 1:

The Grand Jury found that Voters do not receive adequate information to make informed decisions when voting on school bonds. Future generations of homeowners or property owners, will be required to pay these bonds and all associated costs derived from their issuance and sale.

Response:

It is not in the purview of the Auditor-Controller/Treasurer-Tax Collector/Registrar of Voters to inform Voters on all aspects of a bond sale.

Finding 2:

The Grand Jury found that failure to provide complete monetary information to the electorate of Tulare County prior to any bond election may demonstrate a lack of good financial stewardship.

RECEIVED
6-25-2013

Response:

It is not in the purview of the Auditor-Controller/Treasurer-Tax Collector/Registrar of Voters to inform Voters on all aspects of a bond sale.

Finding 3:

The Grand Jury found that while current practices are not illegal, they may be potentially harmful monetarily to future generations of property owners.

Response:

It is not in the purview of the Auditor-Controller/Treasurer-Tax Collector/Registrar of Voters to inform Voters on all aspects of a bond sale.

Recommendation 1

That the Tulare County Board of Education provide an estimate of potential costs of proposed bonds to the Auditor-Controller prior to the publication of voter pamphlets.

Response:

This recommendation is for response by the Tulare County Board of Education.

Recommendation 2

That the Auditor-Controller publish information regarding the estimated total amounts of the projected bond indebtedness in the Voter Ballot Information Pamphlets and in the local media prior to any election.

Response:

This recommendation will not be implemented until it is made a legal requirement for the County Auditor-Controller/Treasurer-Tax Collector/Registrar of Voters. Currently information in the Voter Ballot Information Pamphlets are written and paid by the entity for or against the ballot measure.

Sincerely,



Rita A. Woodard
Auditor-Controller/ Treasurer-Tax Collector/
Registrar of Voters

RAW:ns

cc: Tulare County Board of Education

INDIGENT BURIAL PROGRAM

BACKGROUND

On December 1, 2008, the Tulare County Board of Supervisors adopted a resolution regarding an Indigent Burial Policy. This adopted policy with the authority of the California Welfare and Institutions Code § 17009, stated that the County may provide for the cremation/burial of those persons lawfully residing within the County who die without funds, and may provide for maintenance of the graves.

The Tulare County Grand Jury investigated and reported on the operations, accounts and records of the offices, departments, and functions of the County related to indigent burials. The Grand Jury found that it was difficult for family and friends to visit their loved ones at the Traver Indigent Cemetery due to locked gates, no postings of visiting dates/hours and no contact phone number. The upkeep of the cemetery was questioned by the Tulare County Grand Jury.

The Tulare County Board of Supervisors responded to the Grand Jury's finding and recommendations with the following:



County of Tulare

August 13, 2013

BOARD OF SUPERVISORS

Allen R. Ishida
District One

Pete Vander Poel
District Two

Phillip A. Cox
District Three

J. Steven Worthley
District Four

Mike Ennis
District Five

※

BOARD STAFF

Julieta Martinez

Allison Pierce

Tammie Weyker

※

CLERK OF THE BOARD

Michelle Baldwin
Chief Clerk

※

Administration Bldg.
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EL: (559) 636-5000
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The Honorable Judge Gary Paden
Tulare County Superior Court, Room 303
221 South Mooney Boulevard
Visalia, CA 93291

Dear Judge Paden:

On behalf of the Board of Supervisors, the following is the Board's responses to the findings and a recommendation included in the 2012/2013 Tulare County Grand Jury Report titled *Indigent Burial Program*.

Finding 1

Family and/or friends were unable to visit the grave-sites or their loved ones as the gates were locked and there was no posting of visiting hours/dates, and no contact telephone numbers(s). However, since the research and writing of this report, this condition has been corrected.

Response: The Board of Supervisors partially disagrees with the finding. County Administrative Office staff visited the cemetery and noticed locks on the gates, but did not see postings of hours/dates or telephone numbers.

Finding 2

The cemetery appears to be nothing more than an unkempt dirt lot with a damaged fence and dogs running loose. The lack of a maintained landscape implies the lack of caring and/or respect to family and friends who have lost a loved one.

Response: The Board of Supervisors partially disagrees with the finding. The Board disagrees that the cemetery appears to be nothing more than an unkempt dirt lot with a damaged fence and dogs running loose. In addition, the Board disagrees that the landscape implies a lack of caring and/or respect to family and friends who have lost a loved one.

Recommendation 1

That the County landscape and maintain the cemetery grounds.

RECEIVED
8-19-2013

Response: The recommendation has not yet been implemented, but will be implemented in the future. A variety of County departments have provided a form of maintenance in the past. In the next 60 days, the Board will facilitate a discussion with County departments to determine a long-term maintenance plan for the cemetery.

Recommendation 2

That the County repair and maintain the surround fence enclosure.

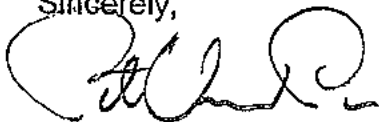
Response: The recommendation will not be implemented because it is not warranted. Upon a visit to the cemetery, the fence appeared to be in good condition. Should repairs be necessary, the County will address this issue.

Recommendation 3

That the County ensure visiting hours, dates, and contact information are always available to visitors, and to monitor and maintain the cemetery signage.

Response: The recommendation has not yet been implemented, but will be implemented in the future. When a long-term maintenance solution is identified, within the next 60 days, the County department in charge will be tasked with this recommendation.

Sincerely,



Pete Vander Poel, Chairman
Tulare County Board of Supervisors

CC: Tulare County Grand Jury

KAWEAH DELTA MENTAL HEALTH HOSPITAL

BACKGROUND

In December of 1999, Tulare County entered into an agreement with the Kaweah Delta Health Care District to provide mental health services to the residents of Tulare County.

The Tulare County Grand Jury of 2012-2013 investigated the operations and services of the Kaweah Delta Mental Health Hospital.

Kaweah Delta Mental Health Hospital appeared to be in compliance with the California Mental Health Services Act as the Tulare County Grand Jury found no serious issues to report on other than the need for psychologists and psychiatrists in Tulare County.

The following response will give key facts of the daily operations and activities of the Kaweah Delta Mental Health Hospital.

TULARE COUNTY GRAND JURY RESPONSE FROM THE KAWEAH DELTA HEALTH CARE DISTRICT RELATIVE TO ITS MAY 14, 2013 REPORT ON THE "KAWEAH DELTA MENTAL HEALTH HOSPITAL"

Findings

Finding 1: It appears that KDMH provides its patients adequate mental health services. There are additional mental health resources in Tulare County.

We agree with this finding. Kaweah Delta Mental Health Hospital has 63 licensed acute psychiatric beds and is currently staffed for 48 acute psychiatric beds. Kaweah Delta Mental Health Hospital has six full-time physicians, five in-patient physicians and one consultation liaison physician providing services. This number will soon grow to seven physicians with a full-time out-patient physician at the Exeter Rural Health Clinic.

Finding 2. KDMH provides psychiatric and counseling services, both individual and group sessions, for person 18 years of age and older.

We agree that Kaweah Delta Mental Health Hospital provides psychiatric and counseling services, both individual and group session, for persons 18 years of age and older.

Finding 3. The shortage of psychiatrists in Tulare County is a concern. Should KDMH become successful in implementing the training program as mentioned in fact number 9 above, the shortage of psychiatrists and psychologist should be alleviated.

We agree that the shortage of psychiatrists in Tulare County is a concern, however, the Kaweah Delta Graduate Medical Education Program (GME) will include a resident program for psychiatrists, not psychologists.

The Kaweah Delta Graduate Medical Education Psychiatric Residency Program received its accreditation from the Accreditation Council on Graduate Medical Education on April 17, 2013.

Barry Mills, MD is the Psychiatric GME Program Director. Dr. Mills noted that in July 2014 we will have a group of physicians coming to our community, who have recently graduated from medical school who have chosen to specialize in psychiatry. These physicians will complete their required four years residency at

the Kaweah Delta Mental Health Hospital.

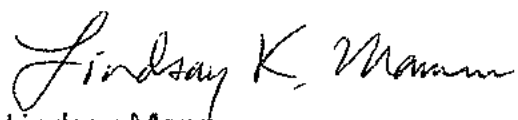
**TULARE COUNTY GRAND JURY RESPONSE FROM THE KAWEAH DELTA
HEALTH CARE DISTRICT RELATIVE TO ITS MAY 14, 2013 REPORT ON THE
"KAWEAH DELTA MENTAL HEALTH HOSPITAL"**

During their psychiatry residency these physician will have the ability to see patients under the supervision of current psychiatrists who serve at the Kaweah Delta Mental Health Hospital. The residency program will train and provide direct services to the patients. Dr. Mill has noted that studies have shown that physicians generally stay in the communities where they do their specialty training.

Recommendations:

1. Kaweah Delta Health Care District is actively moving forward in the implementation of the Graduate Medical Education Program for Psychiatry. At this time Kaweah Delta does not have any plans to become a training facility for psychologists.

If there is a desire for clarification relative to any of the points covered above or to discuss these issues further, Kaweah Delta Health Care District and its staff stand ready to respond to the Tulare County Grand Jury in this effort.


Lindsay Mann
Chief Executive Officer

RECEIVED
5-23-2013

HOLDING CELLS

BACKGROUND

Per Penal Code §919(b) the Grand Jury is mandated to inquire into to operations and management of all public prisons within the County. A report is not required.

The 2012-2013 Grand Jury reported on the County Sheriffs and incorporated cities' holding cells.

The Grand Jury found that six of the cities used city personnel to clean their holding cells. One city used a janitorial service, and one city used both city personnel and court ordered community service workers.

The Grand Jury also found most of the holding cells have an adequate number of security cameras installed for prisoner observation. There were three cities' facilities that either did not have security cameras or an insufficient number of cameras for adequate observation of prisoners.

The attached responses address the holding cell cleaning and security camera issues.

CITY of WOODLAKE
POLICE DEPARTMENT



MIKE MARQUEZ
CHIEF OF POLICE

March 11, 2013

Tulare County Grand Jury
5963 S. Mooney Blvd.
Visalia, CA 93277

Dear Tulare County Grand Jury,

The Woodlake Police Department is in receipt of the Tulare County Grand Jury report on Holding Cells. The Police Department acknowledges the findings made by the Tulare County Grand Jury, however, it should be noted that in section 10 d of the report where it states that once a week, city maintenance personnel will thoroughly clean the cell. It should be noted that this is indeed true. It should also be noted that although the cell is not used every day, when it is cleaned, maintenance personnel supervise court ordered community service citizens who perform the cleaning.

The Police Department agrees with using court ordered community service citizens for the daily cleaning of holding cells. The Police Department also agrees that it is financially beneficial to the local governments. The Police Department and the City of Woodlake will continue to implement the use of their services when the cell is in need of cleaning.

The Woodlake Police Department would like to thank you for taking time to inspect our site.

If you have any questions, please feel free to contact me at any time.

Sincerely,


Mike Marquez, Chief of Police
Woodlake Police Department

RECEIVED
3/14/13

Cc: Ramon Lara, City Administrator

THE CITY OF

WOODLAKE

350 NORTH VALENCIA BOULEVARD • WOODLAKE, CA 93286-1244

PHONE (559) 564-8055 • FAX (559) 564-8776

www.cityofwoodlake.com

March 8, 2013

Tulare County Grand Jury
5963 S Mooney Blvd.
Visalia, Ca. 93277

Dear Grand Jury:


The City of Woodlake is in receipt of the Tulare County Grand Jury report on Holding Cells. The City partially disagrees with the findings made by the Tulare County Grand Jury. Section 10. d states: once a week, city maintenance personnel will thoroughly clean the cell. The finding omits mentioning that City personnel are always accompanied by court ordered community service citizens, who need to be supervised at all times. Those citizens help with the maintenance of all City facilities.

There are three recommendations made on the report. Only recommendation number one applies to the City of Woodlake. The recommendation states: that all law enforcement facilities use court ordered community service citizens for daily cleaning of the holding cell areas and that not using city personnel as a janitorial service is financially beneficial to the local governments. The City agrees that using court ordered community service citizens to clean the holding cell areas is financially beneficial to the City and will continue to implement the use of their services.

The City of Woodlake, would like to thank you for taking the time to review this matter.

If you have any questions, please feel free to contact me at any time.

Sincerely,


Rudy Mendoza, Mayor
City of Woodlake

RECEIVED
3/14/13

Cc: Frances Ortiz, Vice Mayor
Jose Martinez, Council Member
Greg Gonzalez, Council Member
Raul Gonzales, Council Member



Exeter Police Department

100 N. C Street
Exeter, CA 93221
(559) 592-3103
Fax: (559) 592-3346

March 12, 2013

RECEIVED
3/20/13

TULARE COUNTY GRAND JURY
5963 S. Mooney Blvd.
Visalia, California 93277

Re: Response to Grand Jury Report dated 03/13/2013

This document represents the official response of Clifton Bush, Chief of Police for the City of Exeter, to the Grand Jury Report entitled "HOLDING CELLS" in the 2012-2013 Grand Jury Final report.

This response will be limited to following recommendation which was the only recommendation that pertains to the Exeter police department.

Recommendation:

"That all law enforcement facilities use court ordered community service citizens for daily cleaning of the holding cell areas. Not using city personnel as a janitorial service is financially beneficial to the local governments. However, the Grand Jury is aware that implementation of this recommendation may require meeting and conferring with the affected bargaining units."

Response:

With all due respect to the Foreman and to the members of the Grand Jury I disagree with the recommendation and will not be implementing such.

The Exeter police department has two small pre-booking cells which are used to detain arrested persons for short periods, while an officer completes any interview and the booking forms needed for booking an arrestee into the Tulare County Jail facility. Average time for a person sitting in the pre-booking area is less than 45 minutes.

The Exeter Police department contracts for building maintenance with a private janitorial service. The owner/employee of this service provides regular cleaning for the entire building, which includes the pre-booking room and cells. The department pays a flat contracted monthly rate for that service. The owner of the service is the only employee. The owner has passed a background check for criminal history. The pre-



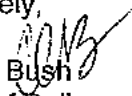
Exeter Police Department

100 N. C Street
Exeter, CA 93221
(559) 592-3103
Fax: (559) 592-3346

booking cells as well as the restroom and surrounding areas are cleaned three times per week. If additional cleaning is required the area is cleaned by the arresting officer. Eliminating the cleaning of this room from the janitorial service would not result in a reduction in our monthly rate.

Following the recommendation to utilize court ordered community service workers would require the assignment of a paid staff member to supervise the worker cleaning the cells. The cleaning of the cells, booking room and associated bathroom takes less than one hour. There would be no further janitorial or other work available for the court assigned worker to perform. A court assigned worker could not be allowed free access to the police building and thus would need to be supervised by a paid staff member. Due to the size and make up of our department, supervision would likely come from an on duty police officer or first line supervisor. This would remove the officer from his/her law enforcement duties during the period of time it took to clean the pre-booking facilities. This is would not be an acceptable use of that officers time and counterproductive to the intent of the recommendation made.

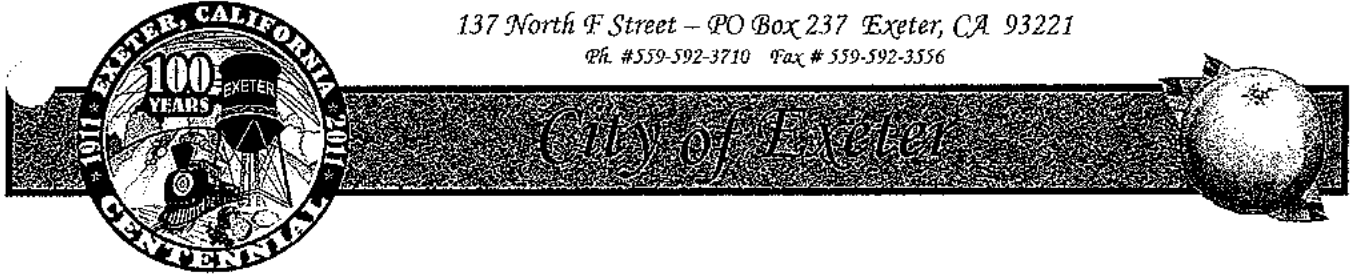
Sincerely,


Clifton Bush
Chief of Police

cc.
The Honorable Judge Gary Paden
Tulare County Board of Supervisors
Exeter City Council

Office of the Mayor

137 North F Street – PO Box 237 Exeter, CA 93221
Ph. #559-592-3710 Fax # 559-592-3556



March 27, 2013

Tulare County Grand Jury
5963 S. Mooney Blvd.
Visalia, California 93277

Re: Response to Grand Jury Report dated 03/13/2013

This document represents the official response of the Exeter City Council, presented by Mayor Robyn Stearns on behalf of the Council, in regard to the Tulare County Grand Jury Report entitled "HOLDING CELLS" in the 2012-2013 Grand Jury Final report.

Clifton Bush, Exeter Chief of Police, has already provided the required response from the Exeter Police Department. The Exeter City Council has discussed the matter, and concurs with Chief Bush's response in its entirety. This response from the Exeter City Council will be limited to the single Grand Jury recommendation (noted below) that involves the Exeter Police Department.

Grand Jury Recommendation:

"That all law enforcement facilities use court ordered community service citizens for daily cleaning of the holding cell areas. Not using city personnel as a janitorial service is financially beneficial to the local governments. However, the Grand Jury is aware that implementation of this recommendation may require meeting and conferring with the affected bargaining units."

Exeter City Council Response:

Based upon the findings of the Exeter Police Chief, and following discussion at the Exeter City Council, the City of Exeter respectfully disagrees with the recommendation and will not be implementing the recommendation, as we believe it is neither warranted nor operationally feasible.

The City Council agrees with the conclusion reached by Chief Bush, wherein he noted that the current arrangement for cleaning of the two Exeter police department pre-booking cells is efficient, effective, and secure. The introduction of a court-

RECEIVED
4-5-2013

appointed worker to the process would both compromise the security of the holding cell area (which in our police department is adjacent to the patrol officer daily work room as well as the property and evidence area) and create an unnecessary and costly burden for supervision of the employee. A court-appointed worker would have to be supervised during cleaning, and with our very small staff that would likely require a sworn officer to be pulled off of other work to monitor the employee. The current service provider has been screened through a background check, and has responsibility for cleaning of the entire building (in addition to City Hall.) This current process has been very satisfactory, and provides for regular cleaning and a safe and secure process.

We appreciate the concern expressed by the Grand Jury and recognize that every law enforcement agency has different resources and constraints, as well as different circumstances that must be addressed. In the case of the Exeter Police Department, we believe that the current process is sound and cost-effective, and that the holding cells are in fact maintained in a safe, secure, and sanitary manner.

Thank you for your communication on this matter.

Sincerely,



Robyn Stearns
Mayor

cc.

The Honorable Judge Gary Paden
Tulare County Board of Supervisors

Police Department

350 North "D" Street
Porterville, CA 93257
(559) 782-7400/FAX (559) 784-1070
www.PortervillePolice.com

Chuck McMillan

Chief of Police



April 8, 2013

Mr. David Serpa, Foreman
2012-2013 Tulare County Grand Jury
5963 South Mooney Boulevard
Visalia, CA 93277

Dear Mr. Serpa:

The Porterville Police Department is in receipt of the Grand Jury Report related to your investigation and review of local law enforcement holding cells. The notice we received is labeled *Holding Cells*.

In review of the report, it is our belief that utilizing city personnel to clean the custody area is one aspect of the person's duties. Our maintenance person is responsible for the entire facility, encompassing the inside and outside of our department, which requires a full-time person's attention. If the issue was strictly the holding facility, there may be merit to the recommendation, but maintenance and repair of daily issues far exceed the expectations of the court ordered community service offered.

Again, thank you for inspecting our facility we appreciate the service of the Tulare County Grand Jury, and the input and feedback that you provide. Please be assured of our continued cooperation on all matters of mutual interests and concerns.

Sincerely,

Chuck McMillan
Chief of Police

CM/kc

cc: Honorable Judge Gary Paden
Tulare County Board of Supervisors

RECEIVED
APR 11 2013

Porterville Police Department Mission Statement

The members of the Porterville Police Department are committed to the safety and security of the community while providing quality service with excellence, honesty and integrity.

City of Visalia



City Manager's Office

425 E. Oak Ave., Ste. 301, Visalia, CA 93291

Tel: (559) 713-4312 Fax: (559) 713-4800

April 24, 2013

Tulare County Grand Jury
5963 South Mooney Blvd
Visalia, CA 93277

RECEIVED
5-1-2013

To Whom It May Concern,

The City of Visalia hereby presents its response, consistent with California Penal Code section 933.05, to the recommendation contained in the 2012-2013 Tulare County Grand Jury Final Report on the topic of "Holding Cells".

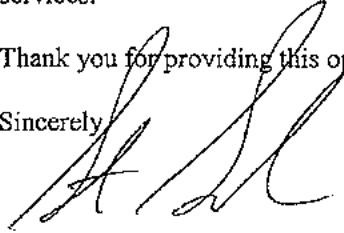
The City of Visalia agrees with the findings in the report to the extent they pertain to the City of Visalia. However, the City disagrees with the recommendation pertaining to it (Recommendation 1) and will not be implementing it, for the following reasons:

Recommendation 1 recommends that all law enforcement facilities use court ordered community service citizens for daily cleaning of the holding cell areas, and suggests that doing so will provide a financial benefit to the local governments. While the City of Visalia welcomes any idea that would result in cost savings, the Police Department projects that the use of individuals serving community service sentences would actually cost the City additional money, and would not result in a cost savings.

Holding cells must be secured according to strict protocol. Individuals cleaning the cells must either be fully cleared for security purposes or monitored directly by sworn police personnel. The City of Visalia currently has these services performed by cost-effective janitorial personnel, not sworn officers. Having these services performed instead by individuals sentenced to community service presents particular security concerns, which would require the presence of at least one sworn officer for the entire time that the cells are being cleaned. The costs to the city of a sworn officer are considerably more than the janitorial personnel currently performing the services.

Thank you for providing this opportunity to review the Grand Jury's report on this matter.

Sincerely,


Steve Salomon
City Manager

SS/kr

CC: The Honorable Judge Gary Paden
Tulare County Board of Supervisors
Visalia City Council
Chief Mestas, Visalia Chief of Police



City of Lindsay



P.O. Box 369 — Lindsay, California 93247 — 251 Honolulu Street
559-562-7103
559-562-7100 (fax)

April 29, 2013

Tulare County
Grand Jury
5963 South Mooney Blvd.
Visalia, CA 93277

The Honorable Gary Paden
County Civic Center, Room 303
221 South Mooney Blvd.
Visalia, CA 93291

Tulare County
Board of Supervisors
2404 W. Burrel Ave.
Visalia, CA 93291

Re: Lindsay Holding Cells

To the Honorable Gary Paden, Grand Jury Members and Board of Supervisors:

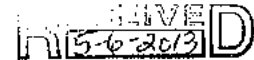
The following are submitted on behalf of the Lindsay City Council and the Lindsay Public Safety Director in response to inquiries received from the Tulare County Grand Jury relating to Holding Cells:

The Lindsay Department of Public Safety is in receipt of the 2012-2013 Report and Finding regarding the investigation conducted concerning the "Holding Cells" at the Lindsay Department of Public Safety. The Lindsay Department of Public Safety does not completely agree with the recommendations or findings released in this report, but will address and clarify those that were ambiguous or inaccurate.

FINDINGS 1: The Lindsay Department of Public Safety agrees. City personnel are utilized to keep the holding cell clean of trash and unsatisfactory conditions.

FINDING 3: The Lindsay Department of Public Safety agrees. Court ordered community service workers are utilized to clean the holding cells when they are available to City personnel. However, court ordered community service workers are not always available to provide this service every hour of every day. Therefore City personnel are required to keep the holding cells clean and free of debris.

LINDSAY...
THE FRIENDLY CITY



HEART OF CENTRAL CALIFORNIA ORANGE AREA

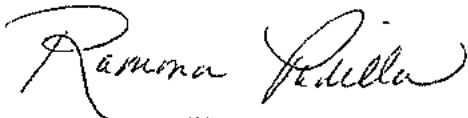
FINDINGS 4&5: The Lindsay Department of Public Safety agrees. The department has no security cameras in place to monitor the holding cell from inside the room.

RECOMMENDATIONS:

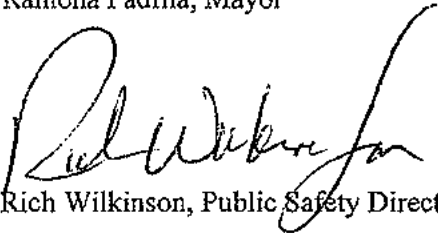
1. The Lindsay Department of Public Safety will continue to use court ordered community service workers to clean the holding cells when they are available to do so. However, City personnel will continue to be utilized to clean the holding cells as needed also. Court ordered community service workers are not available every hour of every day. It is unreasonable for City personnel to leave a dirty holding cell over night until a court ordered community service worker arrives the next day.
2. The Lindsay Department of Public Safety will not be installing security cameras in the holding cell. The installation of security cameras in the holding cell is an unnecessary cost and is not in the department's current budget. The department has only one holding cell. It is an 8' x 7' room with a door, which contains a window. Suspects are placed in the room and the arresting officer sits at a desk less than 10' away while the officer completes the booking or interview process prior to transporting the suspect to the Tulare County Jail. The officer monitors the suspect while they are in his/her custody.

Please do not hesitate to contact the City of Lindsay should you have any further questions regarding these matters.

Sincerely,



Ramona Padilla, Mayor



Rich Wilkinson, Public Safety Director

TUTTLE McCLOSKEY

A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW

ERNEST H. TUTTLE, III
DANIEL T. McCLOSKEY
KAY M. TUTTLE
JAMES F. McBREARTY
JOSHUA F. RICHTER

750 EAST BULLARD, SUITE 101
FRESNO, CALIFORNIA 93710

FAX: (559) 437-0150

PLEASANT HILL OFFICE:
2255 CONTRA COSTA BLVD., SUITE 202A
PLEASANT HILL, CALIFORNIA 94523
(925) 676-7663

Of Counsel
ERNEST H. TUTTLE, IV

TELEPHONE: (559) 437-1770

TOLL FREE: (866) 888-8533

May 2, 2013

David Serpa, Foreman
Tulare County Grand Jury
5963 S. Mooney Boulevard
Visalia, California 93277

**Re: City of Dinuba / Dinuba Police Department
Response to 2012-2013 Tulare County Grand Jury Final Report**

Dear Mr. Serpa:

Please be advised that Tuttle & McCloskey, a professional corporation, serves as the City Attorney for the City of Dinuba. In this respect, I have received a copy of your correspondence to the attention of Police Chief Devon Popovich regarding the City of Dinuba Police Department's response to the Grand Jury Report entitled "Holding Cells." Please accept this correspondence as the City of Dinuba Police Department's response under California Penal Code Section 933(c).

Pursuant to Penal Code Section 933.05, please accept the following responses:

PC §933.05(a)(1) -- The City agrees with the finding that City personnel are used for cleaning the holding cell facilities at the Dinuba Police Station.

PC §933(b) -- The City has the following response:

1. The City agrees substantially with the findings concerning the City's holding cells. The City would state that the cells are cleaned on daily basis, at least six days per week.

2. Use of court ordered community service citizens to clean the three holding cells would not be reasonable, nor is it warranted, in the City of Dinuba. The recommendation is not warranted because the cells are cleaned by City personnel as a normal function of their duties. If the City were to eliminate that duty, it does not allow the City then to eliminate the position. City personnel have already gone through the appropriate background checks and clearances in order to perform these functions. If the City personnel fail to perform their jobs appropriately, they can be

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5-7-2013

David Serpa, Foreman
Tulare County Grand Jury
May 2, 2013
Page 2

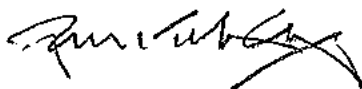
rehabilitated through the personnel process. Using court ordered community "citizens" does not guarantee that it will be done appropriately or properly.

3. The City does not agree with the premise that "not using city personnel as a janitorial service is financially beneficial to the local governments." Furthermore, the holding cells are kept clean through this process so it is not warranted to implement that recommendation.

Thank you for your interest in the City and the holding cells. If you should have any questions, please feel free to contact my office.

Very truly yours,

TUTTLE & McCLOSKEY
A PROFESSIONAL CORPORATION



DANIEL T. McCLOSKEY

DTM/sc

cc; Honorable Gary Paden
Tulare County Board of Supervisors
J. Edward Todd
Chief Devon Popvich



County of Tulare

June 4, 2013

BOARD OF SUPERVISORS

Allen R. Ishida
District One

Pete Vander Poel
District Two

Phillip A. Cox
District Three

J. Steven Worthley
District Four

Mike Ennis
District Five

✱

BOARD STAFF

Julieta Martinez

Allison Pierce

Tammie Weyker

✱

CLERK OF THE BOARD

Michelle Baldwin
Chief Clerk

✱

Administration Bldg.
2800 West Burrel
Visalia, CA 93291

TEL: (559) 636-5000
FAX: (559) 722-6800

The Honorable Judge Gary Paden
Tulare County Superior Court, Room 303
221 South Mooney Boulevard
Visalia, CA 93291

Dear Judge Paden:

On behalf of the Board of Supervisors, the following is the Board's responses to the findings and recommendations included in the 2012/2013 Tulare County Grand Jury Report titled *Holding Cells*. The Board of Supervisors has no independent basis by which to respond to the specific findings and recommendations therein. Therefore, we have consulted with the Sheriff's Department to assist with these responses.

Finding 1

City Personnel are used for cleaning six of the holding cell facilities; they are as follows. Dinuba, Lindsay, Porterville, Tulare, Visalia, Woodlake.

Response: This finding is not in the purview of the Tulare County Board of Supervisors.

Finding 2

Exeter uses a private janitorial service to clean on Monday, Wednesday, and Friday.

Response: This finding is not in the purview of the Tulare County Board of Supervisors.

Finding 3

In addition to using city personnel, Lindsay uses court ordered community service workers.

Response: This finding is not in the purview of the Tulare County Board of Supervisors.

RECEIVED
6-10-2013

Finding 4

Those facilities having security cameras are able to monitor detainees as needed.

Response: The Board of Supervisors partially agrees with this finding. At the Main Jail, the Sheriff's Department is able to monitor detainees. Facilities operated by other law enforcement jurisdictions are not in the purview of the Tulare County Board of Supervisors.

Finding 5

Three facilities, the Lindsay Police Department, Porterville Sheriff's Substation, and Pixley Sheriff's Substation do not have security cameras.

Response: The Board of Supervisors partially agrees with this finding. The Sheriff's Substations in Porterville and Pixley do not have security cameras in the holding cells. The Lindsay Police Department is not in the purview of the Tulare County Board of Supervisors.

Recommendation 1

That all law enforcement facilities use court ordered community service citizens for daily cleaning of the holding cell areas. Not using city personnel as a janitorial service is financially beneficial to the local governments. However, the Grand Jury is aware that the implementation of this recommendation may require meeting and conferring with the affected bargaining units.

Response: The recommendation has been implemented. The Sheriff's Department utilizes an inmate workforce within the jail facilities to clean jail facilities and utilizes Sheriff's Work Alternative Program (S.W.A.P.) participants to clean holding cell areas in substations.

Recommendation 2

That the Porterville Sheriff's Substation, Lindsay Police Department and Pixley Sheriff's Substation install security cameras.

Porterville Sheriff's Substation Response: The recommendation will not be implemented because it is not warranted. Detainees are held for a minimal amount of time. During their length of stay, there is a Duty Officer (Deputy/Correctional Deputy) that conducts regular and random checks on incarcerated persons.

Pixley Sheriff's Substation Response: The recommendation will not be implemented because it is not warranted. Detainees are kept for a minimal amount of time.

Recommendation 3

That to adequately view all of its detainees, the Tulare County Sheriff's Headquarters (Main Jail) should install additional security cameras.

TULARE COUNTY GRAND JURY REPORT 2013-2014

The recommendation requires further analysis. The Sheriff's Department is researching the possibility of adding additional cameras within the holding cells at the Main Jail. The Sheriff's Department is currently evaluating its operational needs and may propose a Digital Video Recording System for the Main Jail in its Fiscal Year 2013/14 Recommended Budget depending on overall operational priorities. The Sheriff's analysis will be conducted within the next six months.

Sincerely,



Pete Vander Poel, Chairman
Tulare County Board of Supervisors

CC: Tulare County Grand Jury

BEFORE THE BOARD OF SUPERVISORS
COUNTY OF TULARE, STATE OF CALIFORNIA

IN THE MATTER OF GRAND JURY)
RESPONSE) Resolution No. 2013-0346

UPON MOTION OF SUPERVISOR COX, SECONDED BY SUPERVISOR ENNIS, THE FOLLOWING WAS ADOPTED BY THE BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD JUNE 4, 2013, BY THE FOLLOWING VOTE:

AYES: SUPERVISORS ISHIDA, VANDER POEL, COX, WORTHLEY AND ENNIS
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE



ATTEST: JEAN M. ROUSSEAU
COUNTY ADMINISTRATIVE OFFICER/
CLERK, BOARD OF SUPERVISORS

BY: *Doris A. Ybarra*
Deputy Clerk

1. Considered, modified as needed, and approved the response to the Tulare County Grand Jury 2012/13 Final Report regarding the report entitled, "Holding Cells," and
2. Authorized the Chairman to sign the response letter.

CAO
Grand Jury

DAY
6/4/13



County of Tulare

Office of
Bill Wittman
Sheriff-Coroner
2404 W. Burrel
Visalia, CA 93291-4580
(559) 636-4716

Administration
(559) 636-4690

Detentions
(559) 735-1700

Investigations
(559) 735-1898

Operations
(559) 636-4625

March 25, 2013
The Honorable Gary Paden
Tulare County Superior Court Magistrate
County Civic Center, Room 303
221 S. Mooney Boulevard
Visalia, CA 93291



Re: Holding Cells

Honorable Judge Paden,

The following is my response concerning the findings and recommendations of the Grand Jury Report regarding the Tulare County Holding Cells.

Fact 4: Pixley Sheriff's Substation:

- a. *There is one holding cell.*
- b. *Detainees are normally transported within 30 minutes of arrival to the Porterville Sheriff's Substation, the Visalia Main Jail, or the BWDF.*
- c. *There is no security camera in the holding cell area.*

Fact 6: Porterville Sheriff's Substation:

- a. *There are six holding cells, and each cell has a three-person capacity.*
- b. *Detainees are responsible for cleaning the holding cells.*
- c. *The cells are used for detainees pending transport and court appearances.*
- d. *Detainees held for court appearances are provided a sack lunch.*
- e. *There are no security cameras in the cell area.*

Fact 8: Tulare County Sheriff's Headquarters (Main Jail)

- a. *There are seven holding cells: a three-in-one booking cage, a safe room (used to safeguard a detainee who may injure himself), a large cell*

- and two small cells.*
- b. The two small cells are used for detainees pending release or being held for pending court appearances.*
 - c. When booking cages are at capacity, the large cell and two smaller cells are used for these detainee awaiting the booking process.*
 - d. There are two security cameras: one is outside of and the facing the booking cage; the other is inside the large cell.*
 - e. The safety room has a thick rubber-like covering on the walls and a similar yet thinner covering on the floor.*
 - f. Detainees are responsible for daily cleaning of the cells.*
 - g. BWDF provides detainees breakfast and sack lunches every day.*

Findings/Recommendations:

- 2. That the Porterville Sheriff's Substation, Lindsay Police Department and Pixley Sheriff's Substation install security cameras.*

Pixley Sheriff's Substation: I agree with the finding. The recommendation will not be implemented because it is not warranted. Detainees are kept for a minimal amount of time. During that stay of duration there would not be any personnel in the station to watch or view a camera.

Porterville Sheriff's Substation: I agree with the finding. The recommendation will not be implemented because it is not warranted. Detainees are kept for a minimal amount of time. During their length of stay, there is a Duty Officer (Deputy / Correctional Deputy) that conducts regular and random checks on persons incarcerated.

- 3. That to adequately view all of its detainees, the Tulare County Sheriff's Headquarters (Main Jail) should install additional security cameras.*

Tulare County Sheriff's Headquarters (Main Jail): I agree with the finding. With the Main Jail building being built in 1963, technology upgrades can be challenging. Solid concrete walls and floors along with asbestos concerns are always present. I will have staff research the possibility of adding additional cameras within the cells at the Main Jail. We have proposed an updated Digital Video Recording System for the Main Jail in the Fiscal Year 2013/14 budget proposal.

TULARE COUNTY GRAND JURY REPORT 2013-2014

Sincerely,

Bill Wittman

BILL WITTMAN
Sheriff-Coroner

cc County Administrator, Jean Rouseau
Tulare County Board of Supervisors
Tulare County Grand Jury
Tulare County Council
Tulare County Public Defender



May 7, 2013

Mr. David Serpa, Foreman
Tulare County Grand Jury
5963 South Mooney Boulevard
Visalia, California 93277

Dear Foreman Serpa:

The City Council for the City of Porterville is in receipt of the Tulare County Grand Jury Report related to your review of holding cells in Tulare County, including the holding cells in the City of Porterville Police Department. As part of the Grand Jury's mandated inquiry into the conditions and management of the public prisons within the county, it is our understanding that the Grand Jury did not personally inspect the City facility. Please accept this correspondence as the required response on behalf of the City Council.

In response to the report, particularly to Recommendation #1, "that all law enforcement use court ordered community service citizens for daily cleaning of the holding cell areas," the City employs a building custodian whose responsibility it is to ensure the cleanliness and proper maintenance of both the interior and exterior of the Police Department facility, including the four holding cells. The City (and Police Department) do utilize court ordered community service citizens to augment the responsibility of its personnel, especially in the performance of building landscape maintenance and the washing of vehicles.

Thank you for your time and consideration in the inquiry into the conditions and management of holding cells in Tulare County, and the acceptance of this letter of response.

Sincerely,

Virginia R. Gurrola
Mayor

Cc: Honorable Judge Gary L. Paden
Tulare County Board of Supervisors

RECEIVED
5-14-2013

City Manager's Office
291 North Main Street, Porterville, California 93257
(559) 782-7466 Fax (559) 715-4013 Email: mgr-Office@ci.porterville.ca.us

TULARE COUNTY PROBATION JUVENILE DETENTION FACILITY

Per Penal Code §919(b) the Grand Jury is mandated to inquire into the operation and management of all public prisons within the County. A report is not required. Several past Grand Juries received numerous complaints from Bob Wiley inmates. Those complaints resulted in yearly reports and major improvements to the facility. The 2012-2013 Grand Jury turned its attention to the Juvenile Facility.

The Grand Jury found that the staff was adequate and that the needs of the juveniles were met.

Following an inspection of the kitchen area, the Grand Jury found that foods prepared in advance of a meal were not covered before placing them into the walk-in refrigerator. It was recommended that foods be covered to avoid contamination.

The attached response addresses what the Grand Jury found during its inspection and recommendation.

County of Tulare

221 S. MOONEY BLVD., RM. 206
VISALIA, CA 93291-4593
PHONE: (559) 713-2750
FAX: (559) 730-2626

CHIEF PROBATION OFFICER
CHRISTIE MYER



PROBATION DEPARTMENT

July 2, 2013

Tulare County Grand Jury
5693 South Mooney Boulevard
Visalia, CA 93277

The Honorable Lloyd Hicks
Presiding Judge of the Superior Court
County Civic Center, Room 303
221 S. Mooney Boulevard
Visalia, CA 93291

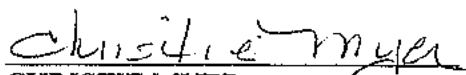
Tulare County Board of Supervisors
2404 West Burrell Avenue
Visalia, CA 93277

Dear Members of the Grand Jury,

The attached is my response concerning the findings and recommendations of the 2012/2013 Tulare County Grand Jury Final Report concerning the Tulare County Juvenile Detention Facility.

The Tulare County Probation Department appreciates the diligence of the Grand Jury in reviewing programs and providing findings and recommendations.

Sincerely,


CHRISTIE MYER
CHIEF PROBATION OFFICER

CM/cm

RECEIVED
7-8-2013

Responses to the 2012-2013 Tulare County Grand Jury Final Report

Findings:

- 1. The Juvenile Detention Facility appears to be well staffed and the needs of the juveniles are addressed adequately.**

Response: We agree with the finding.

- 2. Foods prepared in advance of a meal are at risk of contamination from dust, vermin, or other forms of contamination when that food is not properly stored. California Health & Safety Code 114047 (d) states food shall be protected from contamination by storing the food in a clean, dry location. Opening the cooler door may give the wayward fly an opportunity to land on the uncovered foods.**

Response: We agree with the finding on the date of issue.

Recommendation:

- 1. Prepare and store food in a manner that is compliant with state standards.**

In-service training is currently provided on a monthly basis to all food service staff by the Food and Laundry Service Manager who trains from a Hazard Analysis and Critical Control Points (HACCP) curriculum, established in cooperation with the Food and Drug Administration (FDA) and the United States Department of Agriculture (USDA). The Preventing Cross-Contamination during Storage and Preparation procedure was given on May 12, 2012. It was given again, as scheduled, on May 9, 2013, following the Grand Jury inspection.

We believe this to be an isolated incident. However, in an effort to ensure compliance with the highest of standards at all times, effective July 1, 2013, an assigned Supervising Probation Officer will complete monthly inspections, on random dates and times. The results of these inspections will be available upon request.



County of Tulare

BOARD OF SUPERVISORS

Allen R. Ishida
District One

Pete Vander Poel
District Two

Phillip A. Cox
District Three

J. Steven Worthley
District Four

Mike Ennis
District Five

✱

BOARD STAFF

Luljeta Martinez

Wilson Pierce

Tammie Weyker

✱

CLERK OF THE BOARD

Nichelle Baldwin
Chief Clerk

✱

Administration Bldg.
300 West Burrel
Visalia, CA 93291

TEL: (559) 636-5000
FAX: (559) 733-6898

July 23, 2013

The Honorable Judge Gary Paden
Tulare County Superior Court, Room 303
221 South Mooney Boulevard
Visalia, CA 93291

Dear Judge Paden:

On behalf of the Board of Supervisors, the following is the Board's responses to the findings and a recommendation included in the 2012/2013 Tulare County Grand Jury Report titled *Tulare County Juvenile Detention Facility*. The Board of Supervisors has no independent basis by which to respond to the specific findings and recommendations therein. Therefore, we have consulted with the Tulare County Probation Department to assist with these responses.

Finding 1

The Juvenile Detention Facility appears to be well staffed and the needs of the juveniles are addressed adequately.

Response: The Board of Supervisors agrees with the finding.

Finding 2

Foods prepared in advance of a meal are at risk of contamination from dust, vermin or other forms of contamination when that food is not properly stored. California Health & Safety Code 114047 (d) states food shall be protected from contamination by storing the food in a clean, dry location. Opening the cooler door may give the wayward fly an opportunity to land on the uncovered foods.

Response: The Board of Supervisors agrees with the finding.

Recommendation 1

Prepare and store food in a manner that is compliant with state standards.

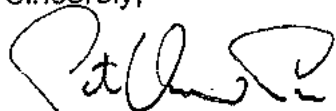
Response: The recommendation has been implemented. The Tulare County Probation Department's Food and Laundry Services Manager provides in-service training on a monthly basis to all food service staff. The Food and Laundry

TULARE COUNTY GRAND JURY REPORT 2013-2014

Services Manager provides training based on curriculum from Hazard Analysis and Critical Control Points (HACCP), which is established in cooperation with the Food and Drug Administration (FDA) and the United States Department of Agriculture (USDA).

In addition, effective July 1, 2013, the Probation Department has assigned a Supervising Probation Officer to complete monthly inspections, at random dates and times, to ensure compliance with the highest of food safety and other standards. The results of these inspections will be made available upon request.

Sincerely,



Pete Vander Poel, Chairman
Tulare County Board of Supervisors

CC: Tulare County Grand Jury

WAR OF THE HORSES

BACKGROUND

The Justice Committee of the 2012-2013 Grand Jury received several citizen complaints concerning neglected horses located within the boundaries of Porterville. These citizens' had contacted Tulare County Animal Control and Porterville Animal Control several times. The County and Porterville were both investigating the allegations of animal neglect; however, the citizens believed their concerns were being ignored.

The Grand Jury investigated and concluded that Porterville lacked jurisdiction in this Tulare County issue.

The attached response explains the unique circumstances surrounding the horses; they were on property located within the boundaries of both the County and Porterville.



March 13, 2013

David Serpa, Grand Jury Foreman
Tulare County Grand Jury
5963 South Mooney Boulevard
Visalia, California 93277

RECEIVED
MAR 26 2013

Dear Mr. Serpa

The City of Porterville and Porterville Police Department are in receipt of the Grand Jury Report related to your investigation and review of a citizen's complaint regarding concerns of horse neglect in the 700 block of East Worth in Porterville. Our notice from the Tulare County Grand Jury is labeled as *War of the Horses* for your reference.

Response:

In review of the report and its findings, the Police Department, which oversees the function of Animal Control, reviewed all calls for service related to this incident. The circumstances of this incident were unique in that the area which surrounded the fenced area where the horses were kept is *within* the incorporated area of the City of Porterville. The immediate area where the horses were located was determined to be within the jurisdiction of Tulare County. The address given in all complaints received was 720 East Worth, which is a city address. Our Police Department began receiving numerous complaints regarding the condition of the horses during the time of February 13, 2012, to April 10, 2012. The direction given to our personnel was to effect a resolution to the incident; receiving complaints for nearly two months with no closure was unacceptable and having a negative impact on our calls for service.

In every call received by our Police Department, the Tulare County Sheriff's Department was notified of the incident, along with the Tulare County Animal Control. Our personnel documented an incident report 12-3076 on April 10, 2012, and requested the Tulare County Sheriff's Department and Tulare County Animal Control to meet at the East Worth location. It was on this date that the owner of the horses was located and the incident resolved.

It is not, nor has it ever been, the position of the City of Porterville or its Police Department to provide our services outside our jurisdiction, but we do pride ourselves on responding to the needs of our community and providing quality service to our customers.

TULARE COUNTY GRAND JURY REPORT 2013-2014

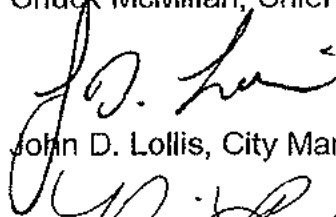
Mr. David Serpa
Page 2
March 13, 2013

We appreciate the service of the Tulare County Grand Jury, and the input and feedback that you provide. Please be assured of our continued cooperation on all matters of mutual interest and concern.

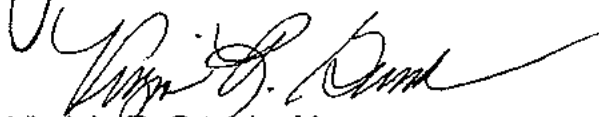
Sincerely,



Chuck McMillan, Chief of Police



John D. Lollis, City Manager



Virginia R. Gurrola, Mayor

Attachment: Map

Cc: Honorable Judge Gary Paden
Tulare County Board of Supervisors

**MEDICAL MARIJUANA
CITY ORDINANCES**

BACKGROUND

California Health and Safety Code §11362.5, also known as the California Compassionate Use Act allows a patient suffering from certain conditions, such as cancer, and his/her primary caregiver, the right to lawfully possess and grow marijuana if approved by a physician.

REASON FOR INVESTIGATION

Due to controversies between Federal Regulations and California Health and Safety Code § 1137.5, the 2012/2013 Grand Jury investigated and reported on Medical Marijuana Cultivation(farming) within the following incorporated cities:

Dinuba	Porterville
Exeter	Tulare
Farmersville	Visalia
Lindsay	Woodlake

FINDINGS

1. The Grand Jury found that Farmersville and Woodlake are the only two cities that have a Medical Marijuana Ordinance and permit requirement.
2. The Grand Jury also found that without a Medical Marijuana Ordinance and permit requirement, it was impossible for the cities to keep track of legal Medical Marijuana cultivation within their boundaries.

RECOMMENDATIONS

The Grand Jury recommended that all of the incorporated cities establish a uniform permit requirement and an ordinance for Medical Marijuana cultivation.

Attached to this report are the required responses to the Grand Jury’s Findings and Recommendations

THE CITY OF

WOODLAKE

350 NORTH VALENCIA BOULEVARD • WOODLAKE, CA 93286-1244

PHONE (559) 564-8055 • FAX (559) 564-8776

www.cityofwoodlake.com

March 8, 2013

Tulare County Grand Jury
5963 S Mooney Blvd.
Visalia, Ca. 93277

RECEIVED
3-14-13

Dear Grand Jury:

The City of Woodlake is in receipt of the Tulare County Grand Jury report on Medical Marijuana City Ordinances. The City concurs with the findings made by the Tulare County Grand Jury.

There are two recommendations made on the report. The first one states: that all incorporated cities within the County need a permit requirement and an ordinance covering medical marijuana cultivation. The City currently implements a permit requirement and an ordinance for medical marijuana cultivation. Both tools have proven to be vital in the City's ability to keep track of and abate legal and illegal medical marijuana cultivation.

The second recommendation states: that all of the cities need to establish a uniform medical marijuana cultivation ordinance. The City is willing to work with other cities in the County to look at the possibility of establishing a uniform ordinance. This recommendation will require further analysis and all the cities in the County working together. The goal of establishing a uniform ordinance will be difficult due to varied demands faced by the cities.

The City of Woodlake would like to thank you for taking the time to review this critical matter affecting Tulare County.

If you have any questions, please feel free to contact me at any time.

Sincerely,

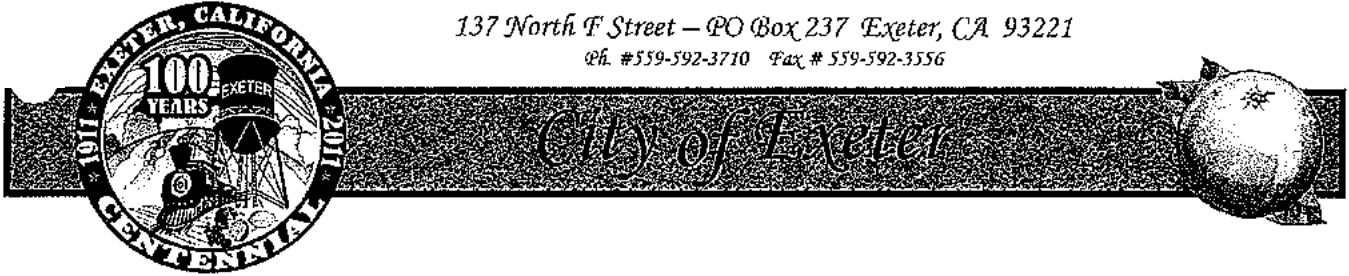


Rudy Mendoza, Mayor
City of Woodlake

Cc: Frances Ortiz, Vice Mayor
Jose Martinez, Council Member
Greg Gonzalez, Council Member
Raul Gonzales, Council Member

Office of the Mayor

137 North F Street – PO Box 237 Exeter, CA 93221
Ph. # 559-592-3710 Fax # 559-592-3556



March 28, 2013

Tulare County Grand Jury
5963 S. Mooney Blvd.
Visalia, California 93277

Re: Response to Grand Jury Report dated 03/13/2013

This document represents the official response of the Exeter City Council, presented by Mayor Robyn Stearns on behalf of the Council, in regard to the Tulare County Grand Jury Report entitled "MEDICAL MARIJUANA CITY ORDINANCES" in the 2012-2013 Grand Jury Final report.

As noted in your facts and findings, the City of Exeter does not have a standalone ordinance pertaining to medical marijuana. In regard to how we approach the cultivation of marijuana, we have relied upon federal law, which continues to classify marijuana as an illegal substance. The City of Exeter Zoning Ordinance contains a provision which, in essence, states that no land use shall be permitted which is in violation of state or federal law. The cultivation of marijuana on any land is therefore prohibited. This approach is somewhat generic – and focused on code enforcement, rather than law enforcement. We have dealt with instances of marijuana cultivation within the city limits, and we certainly believe that more exist that have not yet been identified or dealt with.

The City of Exeter continues to monitor the significant amount of litigation and evolving approaches and strategies in regard to the cultivation of medical marijuana and related issues. We do not necessarily feel that our current approach is the best answer, but there is such a volume of pending litigation and legislative work on the topic that it has not seemed prudent to pioneer a new effort when so many other jurisdictions are much farther along in their development, testing, and evaluation of other approaches.

Grand Jury Recommendation:

Your recommendation is for all cities to establish a uniform medical marijuana cultivation ordinance, and to have a permit requirement.

RECEIVED
4-5-2013

Exeter City Council Response:


We believe that this recommendation requires further analysis. More specifically, we believe that much work is being done across the state on this very topic, and that effective, sustainable, and defensible strategies are in fact being developed. We are willing to contemplate the use of a specific ordinance, but we feel that our best approach is to work collaboratively with our neighboring cities and the County as some of the emerging strategies become more solid. It is difficult to place a timeframe on this process, as so much hinges on the timing of the courts, the legislature, and other factors beyond our control.

While this response may not be as specific as was requested, we hope that by expressing our interest and willingness to work with other agencies as these matters become more clear, the intent of your request may be satisfied. We would note that it may not be feasible to establish a uniform ordinance that is appropriate for all jurisdictions. Every city has unique circumstances and environments that make a one-size-fits-all approach problematic, or perhaps impossible. But we agree that consistency – to the greatest degree possible – is an appropriate goal.

We appreciate the interest expressed by the Grand Jury and recognize that consistent and collaborative approaches are needed.

Thank you for your communication on this matter.

Sincerely,



Robyn Stearns
Mayor

cc.

The Honorable Judge Gary Paden
Tulare County Board of Supervisors



City of Farmersville

March 11, 2013

Tulare County Grand Jury
5963 S. Mooney Blvd.
Visalia, CA 93277

Dear Tulare County Grand Jury,

In response to the Grand Jury report titled Medical Marijuana City Ordinances and its recommendations, I have the following comments:

1. The City of Farmersville does have an active ordinance regarding Medical Marijuana cultivation. The ordinance prohibits, via zoning, the cultivation of any marijuana whether, outdoor or indoor, in a residential or commercial zoned property. Limited cultivation under specific guidelines is not prohibited and does have a registration process that is required prior to any cultivation. Violations are handled via a civil process through the City's Code Enforcement Office unless it is determined to be a criminal violation. In such cases, the police department takes over the investigation to pursue criminal prosecution.
2. I would agree that having a uniform process in all jurisdictions would make compliance and enforcement easier however, it is important to note that the issue is ever evolving. Case law related to medical marijuana dispensaries and medical marijuana cultivation changes frequently and seven years later, there is still no clear interpretation as to the uniform application of the law. In addition, the fact remains that marijuana, cultivated, sold, or used for any purpose is illegal under Federal Law. Federal Law trumps state law. States and local governments are prohibited from passing any laws that are in conflict with federal law. Until the Federal Government takes definitive action regarding existing state laws on marijuana, having consistent application and enforcement of local ordinances related to marijuana, whether medicinal or otherwise, will remain elusive.

Sincerely,

Mayor Leonel Benavides


Cc: Mike Farley, City Attorney

RECEIVED
4-9-2013

City of Tulare City Council

411 East Kern Avenue, Tulare, California 93274 AGRI-CENTER OF THE WORLD Tel: (559) 684-4200 Fax: (559) 685-2398

April 16, 2013



David Macedo Mayor

Craig Vejvoda Vice Mayor

Skip Barwick Councilmember

Shea Convin Councilmember

Carlton Jones Councilmember

The Honorable Judge Gary Paden Superior Court of California County of Tulare 221 S. Mooney Blvd. Visalia, CA 93291

RECEIVED 4-19-2013

SUBJECT: RESPONSE TO GRAND JURY REPORT – OUT OF SIGHT, OUT OF MIND: MEDICAL MARIJUANA

Dear Judge Paden:

The City Council has reviewed the June 5, 2012 Grand Jury report entitled "Medical Marijuana City ordinances" and have prepared the following responses to the findings and recommendations:

Response to Findings

Finding 1. Farmersville and Woodlake are the only cities to have both an ordinance for MM cultivation and a permit requirement.

Respondent agrees with the finding. The City of Tulare agrees, based on the facts provided in the report, that Farmersville and Woodlake are the only cities to have both an ordinance for MM cultivation and a permit requirement and that the City of Tulare does not have both an ordinance for MM cultivation and permit requirement.

Finding 2: Dinuba and Visalia are the only cities to have an ordinance only for MM cultivation

Respondent agrees with the finding. The City of Tulare agrees, based on the facts provided in the report, that Dinuba and Visalia are the only cities to specifically have an ordinance only for MM cultivation. The City of Tulare does reference MM cultivation in municipal Code Section 5.96.140(G), Operating Requirements [for medical marijuana dispensaries] where it states that "Any cultivation of medical marijuana or processing of medical marijuana conducted by the business shall at all times occur in a secure, locked and fully enclosed structure. No medical marijuana business may cultivate or process more than 99 marijuana plants, whether mature or immature". Additionally, the City of Tulare municipal code Section 7.48.040, Regulations Applicable to Individual Cultivation, states "In addition to any other applicable regulation under the Municipal Code, all cultivation of medical marijuana in the City of Tulare shall occur at all times in a secure, locked and fully enclosed structure".

Finding 3: The cities of Exeter, Lindsay and Portersville do not have a MM ordinance.

Respondent agrees in part with the finding. *The City of Tulare agrees, based on the facts provided in the report, that the cities of Exeter, Lindsay and Portersville do not have a MM ordinance. However, the City of Tulare also does not have a specific MM ordinance.*

Finding 4: The cities of Dinuba, Exeter, Portersville and Visalia do not have a MM permit requirement

Respondent agrees in part with the finding. *The City of Tulare agrees, based on the facts provided in the report, that the cities of Dinuba, Exeter, Portersville and Visalia do not have a MM permit requirement. However, the City of Tulare also does not have an MM permit requirement.*

Finding 5: Dinuba is unaware of the number of MM cultivations within its city. Without this knowledge, it is impossible to track those who are cultivating marijuana legally from those who are not.

Respondent disagrees with the finding. *The City of Tulare disagrees with the inferred conclusion that by knowing the number of MM cultivations within its city, it could track those who are cultivating marijuana legally from those who are not.*

Finding 6: Regardless of whether a city has an ordinance for MM cultivations, California Health and Safety Code §11362.5, allows patients and their caregivers to possess and grow Medical Marijuana.

Respondent agrees with the finding. *The City of Tulare agrees with this finding.*

Finding 7: Without a MM permit requirement and an MM cultivation ordinance, it is impossible for the cities to keep track of legal MM cultivations.

Respondent agrees in part with the finding. *The City of Tulare agrees that without a MM permit requirement and an MM cultivation ordinance, it is impossible to keep track of legal (emphasis added) MM cultivations.*

Response to Recommendations

Recommendation 1: All of the incorporated cities within the county need a permit requirement and an ordinance covering MM cultivation.

Respondent disagree with this recommendation. *The recommendation will not be implemented because it is not warranted. There has been no study demonstrating that requiring patients and their caregivers to obtain a permit to grow MM will enable the City of Tulare to keep track of those cultivating marijuana illegally. The City of Tulare finds no justification in mandating the adoption of an ordinance and subsequent enforcement of such an ordinance. Furthermore, without an identified source of funding for such a study or enforcement actions, the City has no plans to undertake such actions.*

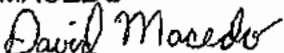
Recommendation 2: All of the cities need to establish a uniform MM cultivation ordinance.

Respondent disagrees with this recommendation. *The recommendation will not be implemented because it is not warranted.*

Please feel free to contact me should you have any questions or concerns regarding the responses contained herein.

Respectfully submitted,

DAVID MACEDO

Mayor 

cc: Tulare County Grand Jury
5963 S. Mooney Blvd.
Visalia, CA 93277

Tulare County Board of Supervisors
2800 W. Burrel Ave.
Visalia, CA 93291

City of Visalia

425 E. Oak Ave., Ste. 301, Visalia, CA 93291



City Manager's Office

Tel: (559) 713-4312 Fax: (559) 713-4800

April 24, 2013

RECEIVED
5-1-2013

Tulare County Grand Jury
5963 South Mooney Blvd
Visalia, CA 93277

To Whom It May Concern,

The City of Visalia hereby presents its response, consistent with California Penal Code section 933.05, to the recommendation contained in the 2012-2013 Tulare County Grand Jury Final Report on the topic of "Medical Marijuana City Ordinances".

The City of Visalia agrees with the findings in the report. However, the City disagrees with the recommendations, and will not be implementing them for the following reasons:

Recommendation 1 recommends that all of the cities within Tulare County adopt a permit requirement as part of an ordinance covering Medical Marijuana ("MM") cultivation. The City of Visalia, as noted in the report, has adopted an ordinance covering MM cultivation. The City expressly decided to not have a permit requirement as part of this ordinance for a number of reasons. First, a permit requirement would apply a level of government sanctioning to an activity that is still expressly illegal under federal law. It has been suggested that having a permit system that serves in some way to legalize marijuana cultivation may put the City in the position of being out of compliance with federal law. The City's cultivation ordinance avoids this by making certain activity in excess of defined limits unlawful within the City of Visalia, but does not declare the activity below such limits as "legal". If the ordinance featured a permit requirement, this approach would not be possible. Second, a permit system would be appropriate where complex or sophisticated growing operations are permitted under the ordinance. However, all such growing operations are simply illegal under the City of Visalia's ordinance. Instead, the ordinance allows only smaller scale growing activities (12 plants or fewer or 12 square feet or less), that must be conducted indoors and in an unobtrusive manner. A permit system is not warranted for such smaller scale activities. As long as these activities are kept within the stated maximums, there should be no need to track these activities.

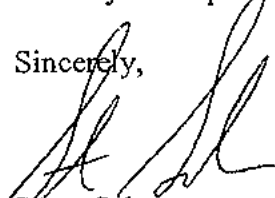
Recommendation 2 recommends that all cities need to establish a uniform MM cultivation ordinance. While a uniform cultivation ordinance may be desirable, it may also not be. The State Legislature in enacting the follow-up legislation to the Compassionate Use Act specifically reserved to the local governments the freedom to adopt tailored land use regulations. The limitations adopted by the City of Visalia may or may not be appropriate for other cities, particularly those much smaller than Visalia. Further, Visalia has had experience in enforcing its ordinances, and through this experience has made various modifications to its ordinance. Not all of the other cities have had the same experiences.

TULARE COUNTY GRAND JURY REPORT 2013-2014

At the same time, the City of Visalia's ordinance and the lessons learned by the code enforcement staff over the years, are available as a resource to any of the other cities within Tulare County. We believe the City has played a leading role in developing its ordinances in all areas of medical marijuana enforcement - not just cultivation - and the current ordinances may serve as a template for other cities, should they find a need for them.

Thank you for providing this opportunity to review the Grand Juries report on this matter.

Sincerely,



Steve Salomon
City Manager

SS/kr

CC: The Honorable Judge Gary Paden
Tulare County Board of Supervisors
Visalia City Council
Chief Mestas, Visalia Chief of Police



City of Lindsay



P.O. Box 369 — Lindsay, California 93247 — 251 Honolulu Street
559-562-7103
559-562-7100 (fax)

May 3, 2013

Tulare County
Grand Jury
5963 South Mooney Blvd.
Visalia, CA 93277

The Honorable Gary Paden
County Civic Center, Room 303
221 South Mooney Blvd.
Visalia, CA 93291

Tulare County
Board of Supervisors
2404 W. Burrel Ave.
Visalia, CA 93291

Re: City of Lindsay Medical Marijuana City Ordinances

To the Honorable Gary Paden, Grand Jury Members and Board of Supervisors:

The following are submitted on behalf of the Lindsay City Council and the Lindsay Public Safety Director in response to inquiries received from the Tulare County Grand Jury relating to Medical Marijuana City Ordinances:

FINDINGS

Respondents agree with the findings as stated, although it should be noted that per Lindsay Municipal Code Section 18.01.090, "No use of land, under this title, shall be permitted within the city limits if such use shall be in violation of any local, state, or federal laws."

RECOMMENDATIONS

- 1. All of the incorporated cities within the county need a permit requirement and an ordinance covering medical marijuana cultivation.

LINDSAY...
THE FRIENDLY CITY



RECEIVED
5-6-2013

HEART OF CENTRAL CALIFORNIA ORANGE AREA

As noted above the City does have a regulation that indirectly affects certain activities related to the cultivation, processing and distribution of medical marijuana. The Court of Appeals for the 2nd District, in *Pack v. Superior Court* (2011) 199 Cal.App.4th 1070, found that Long Beach's medical marijuana ordinance, which authorized (via a permit system) collective

cultivation/processing and distribution, was preempted by federal law. Although this case seemed to be helpful for cities that wished to ban collectives altogether, it muddied the waters as to whether cities could legally implement a permitting system for various types of medical marijuana activities, including cultivation. There are other cases on file with inconsistent rulings, and there are at least three California State Supreme Court cases pending with decisions due soon that will affect the extent to which cities may regulate various medical marijuana uses. The City is hoping that these decisions will provide greater clarity and guidance to an appropriate regulatory scheme. The City of Lindsay Planning Department, along with the City Council and the City Attorney will continue to explore available legal options with respect to adopting and implementing a regulatory process to track and gain compliance with cultivators of medical marijuana within our City limits.

2. *All of the cities need to establish a uniform medical marijuana ordinance.*

This recommendation has not been implemented but will be considered. First, the City believes it is premature to establish regulations given the status of the applicable law (as described above). Furthermore, individual cities may have concerns specific to the varying characteristics of their respective communities. That stated, the City welcomes collaboration between the other cities in the region, and it may be possible to develop certain standard regulations or criteria that could be appropriate County-wide.

Please do not hesitate to contact the City of Lindsay should you have any further questions regarding these matters.

Sincerely,



Ramona Padilla, Mayor



Rich Wilkinson, Public Safety Director

TUTTLE & McCLOSKEY

A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW

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TOLL FREE:

May 6, 2013

David Serpa, Foreman
Tulare County Grand Jury
5963 S. Mooney Boulevard
Visalia, California 93277

**Re: City of Dinuba/Medical Marijuana City Ordinance
Response to 2012-2013 Tulare County Grand Jury Final Report**

Dear Mr. Serpa:

Please be advised that I serve as the City Attorney for the City of Dinuba ("City"). I have been asked by the City Council of the City of Dinuba to respond to the Grand Jury report concerning the City of Dinuba Municipal Code ("DMC"), Chapter 5.80, regarding the cultivation of medical marijuana ("MM") and the Grand Jury request for a response. In response to the Grand Jury inquiry and pursuant to California Penal Code Section 933.05, the City responds as follows:

It is not reasonable, nor warranted, that the City embark on a permit-type system, requiring all medical marijuana qualified patients and caregivers, under the local ordinance, to have a permit to engage in the cultivation of MM.

Registration of MM cultivation sites within the City would not be warranted because the City has not allowed dispensaries and/or collectives (See DMC 5.70) and therefore, has no congregation of MM in a fixed location. Dinuba also provides for an ordinance regulating the cultivation of MM. The Grand Jury correctly notes the restrictions and requirements of the cultivation ordinance. The City forbids outdoor cultivation. (See DMC 5.80) The enforcement of these two chapters of the DMC has been successful to date, through a complaint basis enforcement type system. City has not seen any significant increase in complaints, and, after passage of the ordinance, complaints have not increased either.

Furthermore, in light of the pending California State Supreme Court decision in three MM cases, it would premature to amend the ordinance, because, there may be other issues that would have to be addressed after the Supreme Court rules on the pending matters involving MM and local regulations, which may require council to consider further amendments or undo what was done.

Practically, the City, like other local entities, school districts, counties and special districts, has no new revenue to implement another system of registration and the revenue that had been there has shrunk to the bare minimum. It is questionable whether or not the City could even charge the costs of implement the permit system to the MM users and caregivers.

The City has not seen any specific increase in crime or crime-related activity because of MM. The City has enforced its ordinance regarding MM on a complaint basis, and, has been successful in bringing residents into compliance with the zoning laws, building codes and the City's own ordinance.

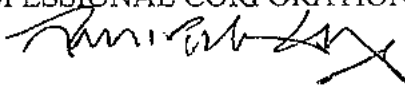
It is not reasonable for the City to put a permit type system in place at this time because, at best, the state of the law of MM in California is in fluctuation, and, no matter where one stands on the issue of MM, most everyone can agree that California's MM laws are uncertain. One of the purposes of the Compassionate Use Act was to "encourage the state and federal government to implement a plan to provide for the safe and affordable distribution of medical marijuana." That has not yet happened. While the California Supreme Court can provide needed guidance in the cases the Court will soon decide, the federal government has increased the enforcement of the federal prohibition against marijuana under the Controlled Substance Act (federal law) putting the future of California's existing marijuana law into question.

Until California and the federal government come to an understanding on MM, all California cities will continue to be caught in the middle of the conflicting federal and state law and policies. It is prudent for the City to wait to see what the Supreme Court rules prior to any future amendments. In the event the City experiences greater number of MM related events requiring police and City intervention then it would prudent to consider a permit type system to help with the regulation, currently, it does not present a problem that has not been adequately addressed by the City's staff. The council is prepared to revisit its policy on MM at its May 14, 2013 meeting. Members of the Grand Jury are invited to the meeting to discuss the proposed recommendation.

Thank you for your interest in the City, and, if you have any questions, please feel free to contact my office.

Very truly yours,

TUTTLE & McCLOSKEY
A PROFESSIONAL CORPORATION



DANIEL T. McCLOSKEY

DTM/sc

DINUBA/ORDINANCES/MEDICAL MARIJUANA/Grand Jury Response 5/3/13

cc: Mayor Janet Hinesly
J. Edward Todd, City Manager
Honorable Gary Paden
Tulare Board of Supervisors



June 4, 2013

**Tulare County
Grand Jury**
5963 South Mooney Blvd.
Visalia, CA 93277

The Honorable Gary Paden
County Civic Center, Room 303
221 South Mooney Blvd.
Visalia, CA 93291

Tulare County
Board of Supervisors
2404 W. Burrel Ave.
Visalia, CA 93291

Re: City of Porterville Medical Marijuana City Ordinances

To the Honorable Gary Paden, Grand Jury Members and Board of Supervisors:

The following are submitted on behalf of the Porterville City Council in response to inquiries received from the Tulare County Grand Jury relating to Medical Marijuana City Ordinances:

FINDINGS

Respondents agree in part with the findings as stated, as the City does not specifically address medical marijuana cultivation in its local regulations. It should be noted, however that pursuant to Porterville Municipal Code Sections 100.04.C.1, 614.03.A and 614.03.C, land uses that are not consistent with local, state, and federal laws are not permitted. Additionally, land uses are prohibited unless specifically permitted under the City's Development Code. Finally, in 2007 the City adopted an ordinance addressing regulation medical marijuana dispensaries (Municipal Code Chapter 15, Article VII), which would go into effect only upon a change in federal law that would expressly permit the legal operation of such facilities. These regulations address cultivation as part of the facilities' activities.

RECOMMENDATIONS

1. *All of the incorporated cities within the county need a permit requirement and an ordinance covering medical marijuana cultivation.*

As noted above the City does have a regulation that indirectly affects certain activities related to the cultivation, processing and distribution of medical marijuana. That stated, over the past several years the City Council has from time to time revisited whether to revise its current regulations to more specifically address the proliferation of marijuana

cultivation activities occurring within its boundaries. The numerous and varied appellate court opinions in this area have made the legal navigation of this area difficult, however. For example, the Court of Appeals for the 2nd District, in *Pack v. Superior Court* (2011) 199 Cal.App.4th 1070, found that Long Beach's medical marijuana ordinance, which authorized (via a permit system) collective cultivation/processing and distribution, was preempted by federal law. Although this case seemed to be helpful for cities that wished to ban collectives altogether, it muddied the waters as to whether cities could legally implement a permitting system for various types of medical marijuana activities, including cultivation. There are other cases on file with inconsistent rulings, and there are at least three California State Supreme Court cases pending with decisions due soon that will affect the extent to which cities may regulate various medical marijuana uses. An opinion has just been filed in one of those cases, *City of Riverside v. Inland Empire Patients Health and Wellness Center, Inc.* (2013) S198638.


In the *Riverside* case, the Court, in a unanimous opinion filed May 6, has just held that cities may regulate or even completely ban collective/cooperative cultivation and/or distribution activities. The Court found that cities have broad authority under the local police powers provisions of Article XI, Sec. 7 of the California Constitution to determine the appropriate uses of land within its jurisdictional borders, and that this power to restrict, or even prohibit, these activities is not preempted by the Compassionate Use Act or the Medical Marijuana Program act. The opinion is so broad that it could be interpreted to allow restrictions or prohibitions on individual cultivation of medical marijuana as well, though individual cultivation was not at issue in the case.

This decision provides greater clarity and guidance to an appropriate regulatory scheme. The City Council had already directed that the City's Community Development and Public Safety Departments, along with the City Attorney bring forward options, in light of the decisions in these pending actions, concerning a comprehensive regulatory process addressing medical marijuana activities within the City limits.

2. *All of the cities need to establish a uniform medical marijuana ordinance.*

This recommendation has not been implemented but can be considered. However, individual cities may have concerns specific to the characteristics of their respective communities. This is expressly underscored in the *Riverside* decision. The Court noted (at page 27), "The presumption against preemption is additionally supported by the existence of significant local interests that may vary from jurisdiction to jurisdiction." That noted the City welcomes collaboration between the other cities in the region. It may be possible to develop certain standard regulations or criteria, if the cities were to determine that those regulations/criteria serve the common interests of their communities.

Please do not hesitate to contact the City of Porterville should you have any further questions regarding these matters.


Virginia R. Gurrola, Mayor



POTHOLES

BACKGROUND

On November 7, 2006, Measure “R” was approved by the voters of Tulare County. The main impetus of the vote was the repair of potholes which many voters considered a necessity. This money, approximately \$652 million over thirty years, was to be divided by the Tulare County Association of Governments (TCAG) among various agencies in Tulare County involved in public transportation.

After investigation the Tulare County Grand Jury concluded that very little of the funds allocated to the program for maintenance of roads, which includes pothole repair, has been spent for that purpose. Potholes seem to have been given the lowest priority by local governments.

The attached responses explain the various agencies explanation for their use of Measure “R” money.



RESOURCE MANAGEMENT AGENCY

5961 SOUTH MOONEY BLVD
VISALIA, CA. 93277
PHONE (559) 624-7000
FAX (559) 730-2653

Michael C. Spata Planning
Britt L. Fussel Public Works
Roger Hunt Administration

JAKE RAPEL JR., AICP, DIRECTOR

July 18, 2013

The Honorable Lloyd Hicks
The Honorable Gary Paden
Tulare County Superior Court, Room 303
221 South Mooney Boulevard
Visalia, CA 93291



Subject: Grand Jury Report titled *Potholes*

Dear Judge Hicks and Judge Paden:

This is in response to the 2012/2013 Tulare County Grand Jury Report titled *Potholes*.

Finding 1

Tulare County and the City of Visalia receive a small percentage of Measure "R" funds.

Response: The Tulare County Resource Management Agency disagrees with this finding.

Measure R was approved by the Tulare County electorate on November 7, 2006. The Measure, as approved by the voters of Tulare County, identified four major categories of spending:

Regional Transportation Program	50%
Local Transportation Program	35%
Transit/Bikes/Environmental Mitigation Program	14%
Administration and Planning Program	1%

The Local Transportation Program is further distributed by formula to the eight incorporated cities and Tulare County:

Population	50%
Maintained Miles	25%
Vehicle Miles Traveled	25%

Based on this distribution, and utilizing fiscal year 2014 factors, the eight incorporated cities and the County receives the following percentage allocation of the Local Transportation Programs funding:

TULARE COUNTY GRAND JURY REPORT 2013-2014

Dinuba	3.59%	Tulare	9.92%
Exeter	1.74%	Visalia	22.98%
Farmersville	1.67%	Woodlake	1.04%
Lindsay	1.85%	Tulare County	48.22%
Porterville	8.98%		

As can be seen from the above table, Tulare County receives almost half (48.22%) and the city of Visalia receives almost one-quarter (22.98%) of the Local Transportation Program funding. Combined, the city of Visalia and Tulare County receive 71.20% of the available funding.

Finding 2

Apparently all monies received for the LTP are allocated to road lane construction, safety improvements, traffic lights, etc. Maintenance, which includes pothole repair of currently built infrastructures, has the lowest priority and continue to deteriorate.

Response: The Tulare County Resource Management Agency partially disagrees with this finding.

The Measure R Expenditure Plan identifies that the Local Transportation Program funds may be used for: Pothole repair; repave streets; bridge repair or replacement; traffic signals; add additional lanes to existing streets and roads; improve sidewalks; and separate street traffic from rail traffic. This use of this funding for road maintenance activities is discretionary to the local agencies i.e. local agencies know what their needs are and how best to address those needs. Therefore, Measure R does not direct the agencies as to what they shall do with Local Transportation Program funds.

Tulare County utilizes the Local Transportation Programs funds exclusively for road maintenance activities to include pothole repair and to repave streets. Tulare County has been very successful in securing federal funding for bridge repair and replacement and traffic signal construction. While Measure R Local Transportation Program funds may be used to match the federal funding received, the source of the match funds, for Tulare County projects, has been from the Regional Projects category and not from Tulare County's Local Transportation Program allocation.

Finding 3

Potholes appear to be of little import to local governments. Some of the potholes are deep enough to pose a safety hazard.

Response: The Tulare County Resource Management Agency disagrees with this finding.

Tulare County has a comprehensive road maintenance program which includes pothole patching. Approximately eight years ago, the Resource Management Agency purchased its first pothole patching truck. This truck is specifically designed to repair potholes and

allows them to be repaired effectively and efficiently. The Resource Management Agency found the pothole patching truck to be so effective and efficient that it purchased two additional trucks and now has three pothole patching trucks in its fleet. Potholes in need of repair are identified by field staff and are reported by the public. The public may report potholes by phoning the Resource Management Agency at (559) 624-7000 or by contacting the nearest County road yard. This information is available on the Resource Management Agency's web site at <http://www.tularecounty.ca.gov/rma/> under the "Report a Problem" tab. A report of a pothole may also be made to rmapublicrequest@co.tulare.ca.us

In addition to direct pothole patching, the Resource Management Agency Transportation Branch has undertaken an aggressive blade patching program for fiscal years 2013 and 2014. By redirecting road maintenance funding that would have gone to pavement overlays, the blade patching program is able to maintain more miles of roadway throughout the County. The blade patching program effectively deals with potholes by either dealing with them directly or by maintaining the roadway so that they don't develop.

Finding 4

Due to the severe state of Rd 40, driving the 15 mile per hour speed limit is dangerous. The potholes are bad enough that there is a high probability of severely damaging vehicles and could cause personal injury.

Response: The Tulare County Resource Management Agency partially disagrees with this finding. The posted speed limit of 15 mph was placed to insure that motorists travel at a safe speed, thus avoiding the potential for severely damaging their vehicle and to avoid personal injury. The potholes on Road 40 have been repaired.

Recommendation 1

While it is important to improve transportation and safety needs within the County and cities, of equal importance is rehabilitation and maintenance, which includes pothole repair, of aging infrastructure. Some monies should be allocated specifically for pothole repair.

Response: This recommendation has already been implemented. Please see the discussion for Finding 3 above.

Recommendation 2

Citizens of the County are urged to report potholes to their local road maintenance department.

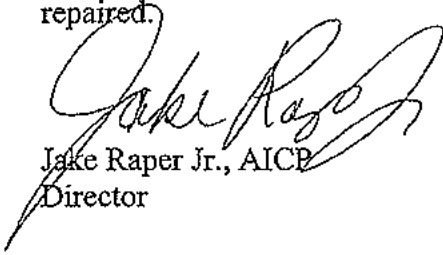
Response: This recommendation has already been implemented. The citizens of Tulare County can report potholes in the unincorporated county in numerous ways: By

contacting the Resource Management Agency at (559) 624-7000; By contacting the nearest road yard (a list of the road yards, their location and phone numbers is available from the Resource Management Agency's website at <http://www.tularecounty.ca.gov/rma/index.cfm/public-works/transportation/road-yard-locations/>); or by sending an email to rmapublicrequest@co.tulare.ca.us .

Recommendation 3

Rehabilitation and/or repairing the potholes to Rd 40 may not be feasible, as this appears to be a road rarely traveled. At the very least Rd 40 should be graded and topped with gravel.

Response: This recommendation has already been implemented. Road 40 has been repaired.



Jake Raper Jr., AICP
Director

cc: Tulare County Grand Jury
Tulare County Board of Supervisors
Jean Rousseau, CAO

TULARE COUNTY GRAND JURY REPORT 2013-2014



210 North Church St. Suite B.
Visalia, California 93291
Phone (559)623-0450
Fax (559)733-6720
www.tularecog.org

August 8, 2013

The Honorable Judge Gary Paden
County Civic Center, Room 303
221 S. Mooney Boulevard
Visalia, CA 93291



On behalf of the Tulare County Association of Governments, the following is the Association's response to the 2012/13 Grand Jury findings and recommendations regarding "Potholes."

Finding 1

Tulare County and the City of Visalia received a small percentage of Measure "R" funds.

Response: TCAG disagrees with this finding. The County of Tulare receives approximately 51% of the Measure R local Program funds, and the City of Visalia receives over 21% of Measure R local Program funds. The combined total of the two agencies is over 70% of all Measure R local funds.

Finding 2

Apparently all monies received for the LTP are allocated to road lane construction, safety improvements, traffic lights, etc. Maintenance, which includes pothole repair of currently built infrastructures, has the lowest priority and continue deteriorate.

Response: TCAG partially agrees with this finding. Based on quarterly reports submitted by the member agencies most LTP funding is used for road maintenance. For the County of Tulare most if not all LTP funding is used for maintenance. Each agency determines how to best use the funding it receives for maintenance.

Finding 3

Potholes appear to be of little import to local governments. Some of the potholes are deep enough to pose a safety hazard.

Response: TCAG partially agrees with this finding. Potholes pose a hazard. Based on quarterly reports submitted by the member agencies most LTP funding is used for road maintenance which includes pothole repair. For the County of Tulare most if not all LTP funding is used for maintenance which includes pothole repair. Each agency determines how to best use the funding it receives for maintenance.

Finding 4

Due to the severe state of Rd 40, driving the 15 mile per hour speed limit is dangerous. The potholes are bad enough that there is a high probability of severely damaging vehicles and could cause personal injury.

Response:

TCAG neither agrees nor disagrees to the findings. These findings are not in the purview of TCAG.

TULARE COUNTY GRAND JURY REPORT 2013-2014

Recommendations 1

While it is important to improve transportation and safety needs within the County and cities, of equal importance is rehabilitation and maintenance, which includes pothole repair, of aging infrastructure. Some monies should be allocated specifically for pothole repair.

Response: TCAG partially agrees with this recommendation. Member agencies should determine the cost effectiveness of pot-hole repair as compared to full road rehabilitation.

Recommendations 2

Citizens of the County are urged to report potholes to their local road maintenance department.

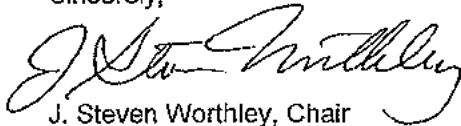
Response: TCAG agrees with this recommendation.

Recommendations 3

Rehabilitation and/or repairing the potholes to Rd 40 may not be feasible, as this appears to be a road rarely traveled. At the very least Rd 40 should be graded and topped with gravel.

Response: TCAG neither agrees nor disagrees with this recommendation. This recommendation is not in the purview of TCAG.

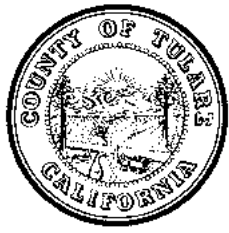
Sincerely,



J. Steven Worthley, Chair

Tulare County Association of Governments/Tulare County Transportation Authority

Cc: Tulare County Grand Jury ✓
Tulare County Board of Supervisors
City of Visalia



County of Tulare

August 13, 2013

BOARD OF SUPERVISORS

Allen R. Ishida
District One

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District Two

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J. Steven Worthley
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Chief Clerk

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Administration Bldg.
500 West Burr
Visalia, CA 93291

TEL: (559) 636-5000
FAX: (559) 733-6888

The Honorable Judge Gary Paden
Tulare County Superior Court, Room 303
221 South Mooney Boulevard
Visalia, CA 93291

Dear Judge Paden:

On behalf of the Board of Supervisors, the following is the Board's responses to the findings and recommendations included in the 2012/2013 Tulare County Grand Jury Report titled *Potholes*. The Board of Supervisors has no independent basis by which to respond to the specific findings and recommendations therein. Therefore, we have consulted with the Tulare County Resource Management Agency to assist with these responses.

Finding 1

Tulare County and the City of Visalia receive a small percentage of Measure "R" funds.

Response: The Board of Supervisors disagrees with this finding.

Measure R was approved by the Tulare County electorate on November 7, 2006. The Measure, as approved by the voters of Tulare County, identified four major categories of spending:

Regional Transportation Program	50%
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The Local Transportation Program is further distributed by formula to the eight incorporated cities and Tulare County:

Population	50%
Maintained Miles	25%
Vehicle Miles Traveled	25%



TULARE COUNTY GRAND JURY REPORT 2013-2014

Based on this distribution, and utilizing fiscal year 2014 factors, the eight incorporated cities and the County receives the following percentage allocation of the Local Transportation Programs funding:

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Farmersville	1.67%	Woodlake	1.04%
Lindsay	1.85%	Tulare County	48.22%
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As can be seen from the above table, Tulare County receives almost half (48.22%) and the City of Visalia receives almost one-quarter (22.98%) of the Local Transportation Program funding. Combined, the City of Visalia and Tulare County receive 71.20% of the available funding.

Finding 2

Apparently all monies received for the LTP are allocated to road lane construction, safety improvements, traffic lights, etc. Maintenance, which includes pothole repair of currently built infrastructures, has the lowest priority and continue to deteriorate.

Response: The Board of Supervisors partially disagrees with this finding.

The Measure R Expenditure Plan identifies that the Local Transportation Program funds may be used for: pothole repair; repave streets; bridge repair or replacement; traffic signals; add additional lanes to existing streets and roads; improve sidewalks; and separate street traffic from rail traffic. This use of this funding for road maintenance activities is discretionary to the local agencies i.e. local agencies know what their needs are and how best to address those needs. Therefore, Measure R does not direct the agencies as to what they shall do with Local Transportation Program funds.

Tulare County utilizes the Local Transportation Programs funds exclusively for road maintenance activities to include pothole repair and to repave streets. Tulare County has been very successful in securing federal funding for bridge repair and replacement and traffic signal construction. While Measure R Local Transportation Program funds may be used to match the federal funding received, the source of the match funds, for Tulare County projects, has been from the Regional Projects category and not from Tulare County's Local Transportation Program allocation.

Finding 3

Potholes appear to be of little import to local governments. Some of the potholes are deep enough to pose a safety hazard.

Response: The Board of Supervisors disagrees with this finding.

Tulare County has a comprehensive road maintenance program which includes pothole patching. Approximately eight years ago, the Resource Management Agency purchased its first pothole patching truck. This truck is specifically designed to repair potholes and allows them to be repaired effectively and efficiently. The Resource Management Agency found the pothole patching truck to be so effective and efficient that it purchased two additional trucks and now has three pothole patching trucks in its fleet. Potholes in need of repair are identified by field staff and are reported by the public. The public may report potholes by phoning the Resource Management Agency at (559) 624-7000 or by contacting the nearest County road yard. This information is available on the Resource Management Agency's web site at <http://www.tularecounty.ca.gov/rma/> under the "Report a Problem" tab. A report of a pothole may also be made to rmapublicrequest@co.tulare.ca.us

In addition to direct pothole patching, the Resource Management Agency Transportation Branch has undertaken an aggressive blade patching program for fiscal years 2013 and 2014. By redirecting road maintenance funding that would have gone to pavement overlays, the blade patching program is able to maintain more miles of roadway throughout the County. The blade patching program effectively deals with potholes by either dealing with them directly or by maintaining the roadway so that they don't develop.

Finding 4

Due to the severe state of Rd 40, driving the 15 mile per hour speed limit is dangerous. The potholes are bad enough that there is a high probability of severely damaging vehicles and could cause personal injury.

Response: The Board of Supervisors partially disagrees with this finding.

The posted speed limit of 15 m.p.h. was placed to insure that motorists travel at safe speeds, thus avoiding the potential for severely damaging their vehicle and to avoid personal injury. The potholes on Road 40 have been repaired.

Recommendation 1

While it is important to improve transportation and safety needs within the County and cities, of equal importance is rehabilitation and maintenance, which includes pothole repair, of aging infrastructure. Some monies should be allocated specifically for pothole repair.

Response: This recommendation has already been implemented.

Tulare County has a comprehensive road maintenance program which includes pothole patching. Approximately eight years ago, the Resource Management Agency purchased its first pothole patching truck. This truck is specifically designed to repair potholes and allows them to be repaired effectively and efficiently. The Resource Management Agency found the pothole patching truck to be so effective and efficient that it purchased two additional trucks and now has three pothole patching trucks in its fleet. Potholes in need of repair are identified by field staff and are reported by the public. The public may report potholes by phoning the

TULARE COUNTY GRAND JURY REPORT 2013-2014

Resource Management Agency at 559/624-7000 or by contacting the nearest County road yard. This information is available on the Resource Management Agency's web site at <http://www.tularecounty.ca.gov/rma/> under the "Report a Problem" tab. A report of a pothole may also be made to rmapublicrequest@co.tulare.ca.us

In addition to direct pothole patching, the Resource Management Agency Transportation Branch has undertaken an aggressive blade patching program for fiscal years 2013 and 2014. By redirecting road maintenance funding that would have gone to pavement overlays, the blade patching program is able to maintain more miles of roadway throughout the County. The blade patching program effectively deals with potholes by either dealing with them directly or by maintaining the roadway so that they don't develop.

Recommendation 2

Citizens of the County are urged to report potholes to their local road maintenance department.

Response: This recommendation has already been implemented.

Tulare County residents can report potholes in the unincorporated areas in several ways. First, residents can contact the Tulare County Resource Management Agency via phone at 559/624-700. Second, residents can send an email to the Resource Management Agency at: rmapublicrequest@co.tulare.ca.us. Last, residents can contact the nearest Resource Management Agency road yard. A list of road yards, along with contact information, is viewable at:

<http://www.tularecounty.ca.gov/rma/index.cfm/public-works/transportation/road-yard-locations/>

)

Recommendation 3

Rehabilitation and/or repairing the potholes to Rd 40 may not be feasible, as this appears to be a road rarely traveled. At the very least Rd 40 should be graded and topped with gravel.

Response: This recommendation has already been implemented. Road 40 has been repaired.

Sincerely,



Pete Vander Poel, Chairman
Tulare County Board of Supervisors

CC: Tulare County Grand Jury

City of Visalia



City Manager's Office

425 East Oak Avenue, Ste. 301, Visalia, CA 93291

Tel: (559) 713-4312 Fax: (559) 713-4800

August 20, 2013

RECEIVED
8/26/2013

Amy Shuklian
Mayor

The Honorable Judge Gary Paden
County Civic Center, Room 303
221 S. Mooney Boulevard
Visalia, CA 93291

Steven A. Nelsen
Vice Mayor

On behalf of the City of Visalia, the following is the City's response to the 2012/2013 Grand Jury facts, findings and recommendations regarding "Potholes".

Gregory F. Collins
Councilmember

Response to Facts #1 through #5 – The City of Visalia agrees with these facts.

E. Warren Gubler
Councilmember

Response to Fact #6 – The City of Visalia disagrees with this stated fact. The City of Visalia receives about \$1.9 million per year in LTP Measure R Funds, not \$3 million.

Bob Link
Councilmember

Response to Fact #7 – The City of Visalia disagrees with this stated fact. Although not Measure R funding, the City of Visalia has approximately \$65,000 per year specifically for pothole repair from Gas Tax funding. In addition, another \$500,000 of Gas Tax funding is designated for Dig Outs and Hot Patching. Both of these repairs include overall pavement failures which typically include potholes in the failed area. The City also spends approximately \$2.4M in Gas Tax funding on preventative and reconstructive pavement maintenance, including: 1) minor overlays, 2) major overlays, 3) cape seals, 4) chip seals, 5) thin skin patches, 6) slurry seals, 7) crack seals and 8) reclamite. All of these pavement maintenance methods are intended to prevent or repair potholes.

Response to Fact #8 – The City of Visalia disagrees with this stated fact. In regards to the City road repair crew, the City of Visalia currently has a seven-man street maintenance crew with one crew lead. The City also contracts out to private contractors over half of the annual street maintenance work.

Response to Fact #9 – The City of Visalia disagrees with this stated fact. The City of Visalia schedules the street maintenance crew for pothole repairs on a regular basis. These repairs include City staff identified repairs along with responding to customer service requests from the public.

Response to Fact #10 - The City of Visalia neither agrees nor disagrees with this stated fact. Road 40 does not fall within the jurisdiction of the City of Visalia.

Finding #1 – *Tulare County and the City of Visalia received a small percentage of Measure "R" funds.*

The City of Visalia disagrees with this finding. The City of Visalia receives approximately 21% of Measure R Local Program Funds and the County receives approximately 51%. This is over 70% of all of the Measure R Local Program Funds.

The City of Visalia agrees and already practices this recommendation. This is why the City budgets to provide a balance between maintenance, construction, widening and traffic safety issues as stated in the responses to Fact #7 and Finding #2 above. All of these items play an important role in balancing the needs of traffic within the City. However, the fact remains that there is not enough local funding to totally provide for the entire street infrastructure needs, which is another reason for having a portion of local funding available to attract outside grant funding. This issue is not limited to the local municipalities within the County of Tulare or San Joaquin Valley; it is becoming a growing concern across the entire nation. The condition of the country's infrastructure is deteriorating at an alarming rate and is anticipated to be a major problem in the future if changes are not implemented soon.

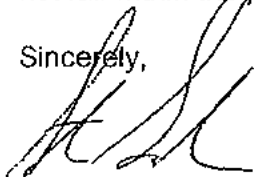
Recommendation #2 – *Citizens of the County are urged to report potholes to their local road maintenance department.*

The City of Visalia agrees with this recommendation. The City has a Pothole Hotline number for citizens to call, (559) 713-4428.

Recommendation #3 – *Rehabilitation and/or repairing the potholes to Rd 40 may not be feasible, as this appears to be a road rarely traveled. At the very least Rd 40 should be graded and topped with gravel.*

The City of Visalia neither agrees nor disagrees with this recommendation. Road 40 does not fall within the jurisdiction of the City of Visalia.

Sincerely,



Steve Salomon
City Manager

Cc: Tulare County Grand Jury
Tulare County Board of Supervisors
Tulare County Association of Governments
City Council
Mike Olmos, Assistant City Manager
Adam Ennis, Public Works Director

Attachment: Tulare County Grand Jury Final Report titled "POTHOLES"

FISCAL CONTROL OF REVOLVING ACCOUNTS

BACKGROUND

California Government Code §933.5 allows the 2012-2013 Tulare County Grand Jury (Grand Jury) to examine and report on the books and records of any special purpose or taxing district. Of particular concern to the Grand Jury is the possible misuse of public funds due to the lack of compliance with state law.

Past Grand Juries have published reports concerning financial aspects of some Tulare County Special Districts. This report discusses the existence of bank accounts held by some Special Districts in the County, which are in excess of statutory limits and are in apparent violation of state law.

The following responses are those received from five of the six agencies required to report.

TULARE COUNTY GRAND JURY REPORT 2013-2014

**AUDITOR-CONTROLLER/
TREASURER-TAX COLLECTOR**



**Rita A. Woodard
COUNTY OF TULARE**

221 South Mooney Blvd., Room 101-E Visalia, CA 93291-4593

DEBORAH PAOLINELLI, CPA
Assistant Auditor-Controller
(559) 636-5200
FAX (559) 730-2547

RITA A. WOODARD
Auditor-Controller
Treasurer-Tax Collector/
Registrar of Voters
(559) 636-5200
FAX (559) 730-2547

HILEY WALLIS
Chief Deputy Treasurer-Tax Collector
(559) 636-5250
FAX (559) 730-2532

June 21, 2013

The Honorable Judge Gary Paden
County Civic Center, Room 303
221 S. Mooney Blvd
Visalia, CA 93291

Tulare County Grand Jury
5963 S. Mooney Blvd.
Visalia, CA 93277

Tulare County Board of Supervisors
2800 S. Mooney Blvd.
Visalia, CA 93291

Subject: Response to the 2012-2013 Tulare County Grand Jury Final Report entitled, "Fiscal Control of Revolving Accounts".

Dear Sirs:

We are responding to the findings issued in your report dated May 28, 2013.

Finding 1:

It cannot be said why those special districts subject to this report maintained separate and independent accounts in excess of statutory limits. Nonetheless, the County Treasurer is and remains the sole legal repository of special district funds with the exceptions of the small revolving accounts provided for under state law.

Response:

Partially agree. Some special districts may have been given permission to have monies outside the Treasury many years ago; however, neither the District nor the County have those records on file.

RECEIVED
JUN 25 2013

Finding 2:

Under California Law, special district funds are held in separate accounts on behalf of each district by the County Treasurer. Special district funds are easily transferable to the special districts from the County Treasurer through the process of regular warrants (paper) or by electronic funds transfers (EFT or "Electronic Warrants"). This process may also further assist special districts in internal control procedures due to two separate accountings of district funds at county and district level, as well as significantly lessen the opportunity for fraud, misappropriation or embezzlement at the district level.

Response:

Agree.

Recommendation 1

That the Tulare County Board of Supervisors direct County Counsel to send an advisory statement of behalf the of the Tulare County Auditor/Treasurer to all special districts established within Tulare County requesting their compliance with state law regarding any independent and unauthorized banking. If necessary, appropriate measures should be taken to bring said special districts into compliance

Response:

This recommendation is for response by the Tulare County Board of Supervisors.

Recommendation 2

That the Tulare County Auditor/Treasurer establish training policies and procedures which facilitate the needs of the special districts and lessen problem's with day-to-day business expenses of the special districts.

Response:

Partially agree. Special Districts should hire personnel that have basic business knowledge and experience. It is not in the purview of the Auditor /Controller to train District staff in basic accounting and bookkeeping. Upon request we have given special districts one-on-one training on completing forms and reports necessary to process claims, deposits and budgets, and on Tulare County policies and procedures. With this training we offer suggestions that may or may not be implemented by the special districts. We have and will continue to participate in the Special District Training sessions held by County Counsel.

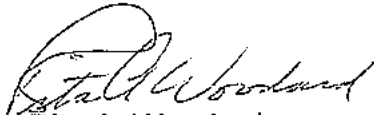
Recommendation 3

That members of the various governing boards of all special districts within Tulare County seek and receive additional instruction and training so as to avoid recurring violations of state law such as those described in this report.

Response:

Agree.

Sincerely,



Rita A, Woodard
Auditor-Controller/ Treasurer-Tax Collector/
Registrar of Voters

RAW:ns

- cc: Dinuba Memorial District
- South Tulare County Memorial District
- Sultana Community Service District
- Terra Bella Memorial District



County of Tulare

BOARD OF SUPERVISORS

August 13, 2013

RECEIVED
8-19-2013

Allen R. Ishida
District One

The Honorable Judge Gary Paden
Tulare County Superior Court, Room 303
221 South Mooney Boulevard
Visalia, CA 93291

Pete Vander Poel
District Two

Dear Judge Paden:

Phillip A. Cox
District Three

On behalf of the Board of Supervisors, the following is the Board's responses to the findings and recommendations included in the 2012/2013 Tulare County Grand Jury Report titled *Fiscal Control of Revolving Accounts*. The Board of Supervisors has no independent basis by which to respond to the specific findings and recommendations therein. Therefore, we have consulted with the Tulare County Auditor-Controller/Treasurer-Tax Collector to assist with these responses.

J. Steven Worthley
District Four

Finding 1

Mike Ennis
District Five

It cannot be said why those special districts subject to this report maintained separate and independent accounts in excess of statutory limits. Nonetheless, the County Treasurer is and remains the sole legal repository of special district funds with the exceptions of the small revolving accounts provided for under state law.

※

BOARD STAFF

Response: The Board of Supervisors agrees with the finding.

Julieta Martinez

Finding 2

Allison Pierce

Under California Law, special district funds are held in separate accounts on behalf of each district by the County Treasurer. Special district funds are easily transferrable to the special districts from the County Treasurer through the process of regular warrants (paper) or by electronic funds transfers (EFT or "Electronic Warrants"). This process may also further assist special districts in internal control procedures due to two separate accountings of district funds at county and district level, as well as significantly lessen the opportunity for fraud, misappropriation or embezzlement at the district level.

※

CLERK OF THE BOARD

Response: The Board of Supervisors agrees with the finding.

Michelle Baldwin
Chief Clerk

※

Administration Bldg.
800 West Burrel
Visalia, CA 93291

EL: (559) 636-5000
AX: (559) 733-6898

Recommendation 1

That the Tulare County Board of Supervisors direct County Council to send an advisory statement on behalf of the Tulare County Auditor/Treasurer to all special districts established with Tulare County requesting their compliance with state law regarding any independent and unauthorized banking. If necessary, appropriate measures should be taken to bring said special districts into compliance.

Response: The recommendation will not be implemented because the Board of Supervisors does not have authority or jurisdiction over special districts.

Recommendation 2

That the Tulare County Auditor/Treasurer establish training policies and procedures which facilitate the needs of the special districts and lessen problems with day-to-day business expenses of the special districts.

Response: This recommendation will not be implemented because the Board of Supervisors does not have authority or jurisdiction over special districts. However, staff from Tulare County Counsel and the Auditor-Controller's offices does provide training to special districts upon request.

Recommendation 3

That members of the various governing boards of all special districts within Tulare County seek and receive additional instruction and training as to avoid recurring violations of state law such as those described in this report.

Response: This recommendation will not be implemented because the Board of Supervisors does not have authority or jurisdiction over special districts. However, the Board of Supervisors has provided an annual training session, free of charge, for any interested special district board member in order to improve special district functioning throughout Tulare County.

Sincerely,



Pete Vander Poel, Chairman
Tulare County Board of Supervisors

CC: Tulare County Grand Jury

South Tulare County Memorial District

P.O. Box 10148 • Earlimart, CA 93219-0148

Phone# (661) 849-2663 • Fax (661) 849-2690

DISTRICT BUILDINGS AT:

Alpaugh
Earlimart
Pixley
Richgrove
Tipton

Mail All
Correspondence and Invoices To:
P.O. Box 10148
Earlimart, CA 93219-0148

August 26, 2013

TULARE COUNTY GRAND JURY
5963 S. MOONEY BOULEVARD
VISALIA, CA 93291

RE: 2013 RESPONSE TO THE GRAND JURY OF TULARE COUNTY
FISCAL CONTROL FOR REVOLVING FUNDS:

THE SOUTH TULARE COUNTY MEMORIAL DISTRICT IS COMPRISED OF FIVE (5) DIFFERENT BUILDINGS. THE TIPTON MEMORIAL BUILDING, PIXLEY MEMORIAL BUILDING, EARLIMART MEMORIAL BUILDING, RICHGROVE MEMORIAL BUILDING, AND ALPAUGH MEMORIAL BUILDING. IN ANY GIVEN MONTH THE UTILITIES ON ONLY ONE BUILDING WOULD BE OVER THE ONE THOUSAND DOLLAR (\$1,000.00) LIMIT COMPRISED IN THE CA. GOV. CODE 53952(A). IN ADDITION IT WOULD BE NICE IF AT ANY TIME THE COUNTY COULD INFORM THE DISTRICT OF A VIOLATION AND THEN GIVE A TIME FRAME FOR INFORMATION GATHERING AND CORRECTING OF IMPROPER PROCEDURES. THE COPY OF MILITARY CODE FOR THE MEMORIAL DISTRICTS THAT HAS BEEN GIVEN OUT IN THE PAST IS SO CONFUSING WITH ALL OF THE MARKED OUT AND CHANGED BY LAWS AS TO BE INCOMPREHENSIBLE. AS TO THE CHARGE THAT THE DISTRICT HAD OVERDRAWN IT'S ACCOUNT AND BORROWED FROM THE COUNTY, THE COUNTY CHANGED THEIR SYSTEM OVER TO A NEW PROGRAM THAT WAS CONFUSING NOT ONLY TO THE DISTRICT BUT TO THE COUNTY, WHO HAD NO IDEA HOW MUCH MONEY WAS EVEN IN OUR ACCOUNT, AFTER NUMEROUS INQUIRIES TO STRAIGHTEN OUT THIS PROBLEM THE DISTRICT BORROWED ENOUGH TO KEEP GOING FOR TWO OR THREE MONTHS AND THEN WHEN OUR FUNDS BECAME AVAILABLE WE PAID IT BACK AND TOOK MEASURES TO INSURE THAT OUR BILLS WOULD ALWAYS BE PAID ON TIME WHETHER OR NOT THE COUNTY HAD ACCURATE RECORDS. IT HAS BEEN OUR EXPERIENCE THAT THE COUNTY IN PROCESSING WARRANTS HAS ALLOWED THAT CERTAIN BILLS DO NOT GET PAID ON TIME AND THOSE UTILITIES HAVE INDEED BEEN SHUT OFF. IF WE WERE IN THE WRONG IT HAS BEEN UNDER THE GUIDANCE OF A REPUTABLE ACCOUNTING FIRM AND WITH YEARLY AUDITS OF OUR RECORDS, WE HAVE NEVER KEPT ANY RECORDS FROM PUBLIC ACCESS. THE FIRM WE HAVE USED FOR THE SEVERAL YEARS IS M. GREEN AND COMPANY.

TULARE COUNTY GRAND JURY REPORT 2013-2014

WE HAVE CURRENTLY BROUGHT OUR REVOLVING FUND UNDER COMPLIANCE AND IT IS UNDER AN APPROVED RESOLUTION. WE DO HOWEVER STILL QUESTION HOW THIS WAS ALL BROUGHT TO OUR

ATTENTION, AS WHEN WE WERE INFORMED THE PERSON AT THE COUNTY COULD NOT OR WOULD NOT OR EVEN WAS UNABLE TO ANSWER OUR QUESTIONS AS TO WHAT TO DO TO CORRECT THE SITUATION. IT APPEARS, THE COUNTY COULD ALSO USE TRAINING AND PROTOCOL FOR THESE VARIOUS SITUATIONS. THERE IS NO DISRESPECT INTENDED BUT, IN CENSORSHIP THERE SHOULD BE EQUALITY.

SINCERELY,



FLOYD A. FIELDS, PRESIDENT TO THE
BOARD OF DIRECTORS

RECEIVED
4-16-2013

TULARE COUNTY GRAND JURY REPORT 2013-2014

SULTANA COMMUNITY SERVICE DISTRICT
PO BOX 158
SULTANA CA 93666
559.730.8035

April 1, 2014

The Honorable Judge Gary Paden
Tulare County Superior Court, Room 303
221 South Mooney Boulevard
Visalia Ca 93291

Tulare County Grand Jury
5963 S Mooney Blvd
Visalia CA 93277

Tulare County Board of Supervisors
2800 S Mooney Blvd
Visalia CA 93291

Dear Judge Paden:

On behalf of the Sultana Community Services District, the following is the responses to the findings and recommendation included in the 2012-2013 Tulare County Grand Jury Final Report entitled "Fiscal Control of Revolving Accounts".

Finding 1

It cannot be said why those special districts subject to this report maintained separate and independent accounts in excess of statutory limits. Nonetheless, the County Treasurer is and remains the sole legal repository of special district funds with the exceptions of the small revolving accounts provided for under state law.

Response: Agree

Finding 2:

Under California Law, special district funds are held in separate accounts on behalf of each district by the County Treasurer. Special district funds are easily transferable to the special districts from the County Treasurer through the process of regular warrants (paper) or by electronic funds transfers (EFT or "Electronic Warrants". This process may also further assist special districts in internal control procedures due to two separate accountings of district funds at county and district level, as well as significantly lessen the opportunity for fraud, misappropriation or embezzlement at the district level.

Response: Agree

RECEIVED
4-15-2014

Recommendation 1

That the Tulare County Board of Supervisors direct County Counsel to send an advisory statement of behalf the of the Tulare County Auditor/Treasurer to all special districts established within Tulare County requesting their compliance with state law regarding any independent and unauthorized banking. If necessary, appropriate measures should be taken to bring said special districts into compliance

Response: N/A

Recommendation 2

That the Tulare County Auditor/Treasurer establish training policies and procedures which facilitate the needs of the special districts and lessen problems with day-to-day business expenses of the special districts.

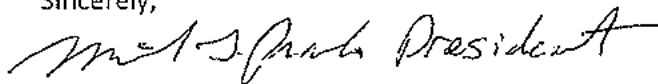
Response: N/A

Recommendation 3

That members of the various governing boards of all special districts within Tulare County seek and receive additional instruction and training so as to avoid recurring violations of state law such as those described in this report.

Response: Agree. The District welcomes training and will attend as it becomes available. Two Board members and the office secretary attended training presented by Tulare County Counsel on "Special Districts: Government 105" topics included AB-1234 (Ethics Training), What to Look For and Do to Stop Fraud and Embezzlement of District funds, and New Banking Options for Special Districts in December 2013 and will continue to seek out and attend additional training.

Sincerely,



Michael Prado, President
Sultana Community Service District

Dinuba
**VETERANS MEMORIAL
BUILDING**

249 S ALTA AVE. P.O. BOX 545
Dinuba, California 93618

May 12, 2014

Tulare County Grand Jury
2404 W Burrell Ave
Visalia, CA 93291

RECEIVED
MAY 13 2014

Dear Tulare County Grand Jury

This is in response to the 2012-2013 Tulare County Grand Jury Final Report.

Finding 1

It cannot be said why those special districts subject to this report maintained separate and independent accounts in excess of statutory limits. Nonetheless, the County Treasurer is and remains the sole legal repository of special district funds with the exceptions of the small revolving accounts provided for under state law.

Response:

1. The Board agrees with the finding.

Finding 2

Under California Law, special district funds are held in separate accounts on behalf of each district by the County Treasurer. Special district funds are easily transferrable to the special districts from the County Treasurer through the process of regular warrants (paper) or by electronic funds transfer *EFT or "Electronic Warrants"). This process may also further assist special districts in internal control procedures due to two separate accountings of district funds at county and district level, as well as significantly lessen the opportunity for fraud, misappropriation or embezzlement at the district level.

TULARE COUNTY GRAND JURY REPORT 2013-2014

Response:

2. The Board agrees with the finding.

Recommendation 1:

That the Tulare County Board of Supervisors direct County Counsel to send an advisory statement on behalf of the Tulare County Auditor/Treasurer to all special districts established within Tulare County requesting their compliance with state law regarding any independent and unauthorized banking. If necessary, appropriate measures should be taken to bring said special districts into compliance.

Response:

Has not been implemented, but will be implemented by July 1, 2014

Recommendation 2:

That the Tulare County Auditor/Treasurer establish training policies and procedures which facilitate the needs of the special districts and lessen problems with day-to-day business expenses of the special districts.

Response:

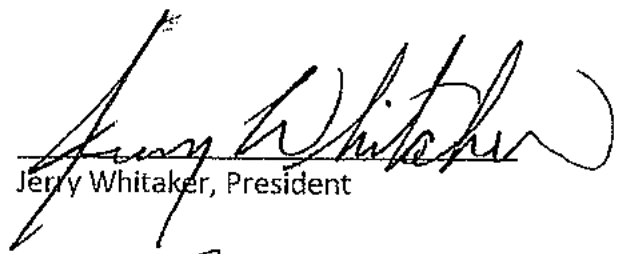
Has been implemented.

Recommendation 3:

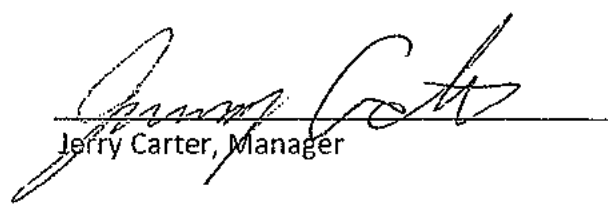
That members of the various governing boards of all special districts within Tulare County seek and receive additional instruction and training so as to avoid recurring violations of state law such as those described in this report.

Response:

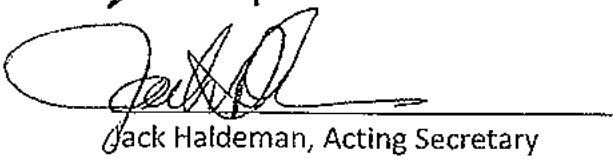
Has been implemented, attended the special districts government 105.



Jerry Whitaker, President



Jerry Carter, Manager



Jack Haldeman, Acting Secretary



Robert Olivas, Board Member



Joe Rivera, Board Member

CHARTER SCHOOLS

BACKGROUND:

A charter school is an independently operated public school granted greater flexibility in its operations, in return for greater accountability for performance. The “charter” establishing each school is a performance contract detailing the school’s mission, programs, students served, performance goals, and methods of assessment.

REASON FOR INVESTIGATION:

The Tulare County Grand Jury was interested in charter schools and their functions.

PROCEDURES FOLLOWED:

1. The Tulare County Grand Jury visited Eleanor Roosevelt Community Learning Center, University Preparatory High School, Visalia Technical Early College (VTEC) and Harmony Magnet Academy.
2. Interviewed relevant witnesses
3. Reviewed relevant documents

UNIVERSITY PREPARATORY HIGH SCHOOL

FACTS:

1. The Tulare County Office of Education, in partnership with the College of the Sequoias, has established a high-performance secondary school on the college campus. University Preparatory High School is a free, public high school chartered by the Tulare County Board of Education. The school opened in fall 2009.
2. University Preparatory High School serves grades 9 – 12.
3. University Preparatory High School has sixteen full time certificated teachers and an Average Daily Attendance (ADA) of 209 students.
4. The Academic Performance Index score is 836.
5. The Revenue Limit per ADA is \$6,649 with a Total Revenue Limit of \$1,389,641.
6. University Preparatory High School welcomes highly-motivated students looking for an accelerated and rigorous academic program that prepares them for college success.
7. University Preparatory High School students experience their high school years in a college environment, participate in college classes and earn college credits.
8. Board meetings are scheduled for the second Wednesday of each month.

TULARE COUNTY GRAND JURY REPORT 2013-2014

9. School Board Agendas are posted on the school web site.
10. The Student Handbook is available in English only.
11. A Safe School Plan and Preparedness Plan are available.
12. The Tulare County Office of Education provides support services to the school.
13. University Preparatory High School is accredited by the Western Association of Schools and Colleges.
14. Tulare County Office of Education sponsors University Preparatory High School.
15. A Parent Agreement Contract, a document requiring parent support, is required to enroll a student in school.
16. The student graduation rate is 100%.
17. All classrooms at the University Preparatory High School are equipped with computers.
18. Students participate in clubs, college readiness, leadership activities, and Cyber Quest, a critical thinking competition.
19. Students are expected to earn twenty college units for graduation.
20. Student demographics consist of the following:
 - a. Latinos – 41%
 - b. Black – .02%
 - c. Asian – 0.26%
 - d. White – 48%
 - e. American Indian – .015%
 - f. Filipino - .01%
 - g. Native Hawaiian or Pacific Islander – .036%

FINDINGS:

1. A student that earns twenty college units to graduate will have attained one-third of the credits for an Associate Degree.

RECOMMENDATIONS:

1. The Tulare County Grand Jury recommends University Preparatory High School have Student Handbooks available in English and Spanish.

REQUIRED RESPONSES:

1. University Preparatory High School

VISALIA TECHNICAL EARLY COLLEGE

FACTS:

1. Visalia Technical Early College (VTEC) is a dependent charter high school of the Visalia Unified School District, currently serving grades 10 through 12.
2. There are six full time certificated teachers and an Average Daily Attendance (ADA) of 150 students.
3. The Revenue Limit per ADA is \$6,242 and the Total Revenue Limit is \$932,492.
4. The Academic Performance Index is 682.
5. VTEC was created to give students the opportunity to complete the requirements for a high school diploma while pursuing an early college and career related program.
6. VTEC was created by members of the Visalia Unified School District and the community, along with representatives from local industries and the College of the Sequoias.
7. Students attend classes in specific career fields offering hands-on training in veterinary science, agricultural system technology, and environmental horticulture or food science.
8. As an early college program, VTEC works closely with the College of The Sequoias and requires students to enroll concurrently upon enrollment at VTEC.
9. Board meetings are scheduled for the second and fourth Tuesday of the month.
10. The Student Handbook is available in English only.
11. A Safe School Plan and Emergency Preparedness Plan are available.
12. The Tulare County Office of Education provides support services to the school.
13. VTEC is accredited by the Western Association of School and Colleges.
14. The Visalia Unified School District sponsors VTEC.
15. The School Board Agenda is available on their web site.
16. A parent agreement is required to enroll their child in school.
17. The student graduation rate is 98%.
18. All classrooms at VTEC are equipped with computers.
19. Transportation is provided through Visalia City Coach.
20. The Tulare County Office of Education provides ongoing staff development training to VTEC employees.

21. Students are required to participate in the Future Farmers of America (FFA) program.
22. Student demographics consist of the following:
 - a. Black – 1%
 - b. Hispanic – 56%
 - c. White – 39%
 - d. American Indian or Alaskan Native – 1%
 - e. Two or More Races – 1%
 - f. Not Reported – 1%
 - g. Native Hawaiian or Pacific Islander – 1%

FINDINGS:

1. VTEC is an early college, career technical school, offering hands-on education to students.
2. VTEC provides a smaller learning environment in the classroom.
3. In addition to the academic core classes, VTEC offers students hands-on assignments.

RECOMMENDATIONS:

1. The Tulare County Grand Jury recommends Visalia Technical Early College have Student Handbooks available in English and Spanish.

REQUIRED RESPONSES:

1. Visalia Technical Early College

ELEANOR ROOSEVELT COMMUNITY LEARNING CENTER

FACTS:

1. Eleanor Roosevelt Community Learning Center is a public charter school designed to support families that are home schooling their children.
2. Each family is assigned a fully credentialed education coordinator to develop an appropriate program for the support of the home schooled student.
3. The school's enrichment program includes choir/band, foreign language classes, drama, art, film making, gardening, archery and physical education.
4. Eleanor Roosevelt Community Learning Center is a single school district serving grades K-12.
5. There are eleven certificated teachers and an Average Daily Attendance (ADA) of 250 students
6. The Revenue Limit per ADA is \$5,000 and a Total Revenue Limit is \$1,936,799.
7. The Academic Performance Index score is 735.

TULARE COUNTY GRAND JURY REPORT 2013-2014

8. Board meetings are scheduled for the second Tuesday of the month.
9. The School Board Agenda is available on its web site.
10. The Student Handbook is available in English only.
11. A Safe School Plan and Emergency Preparedness plan are available.
12. The Tulare County Office of Education provides support services to the school.
13. Eleanor Roosevelt Community Learning Center is not an accredited school.
14. The Tulare County Office of Education sponsors Eleanor Roosevelt Community Learning Center.
15. Parents complete a Parent Agreement Contract when they register their student.
16. Parents volunteer to assist teachers in the classroom.
17. All classrooms are equipped with computers.
18. The District is financially solvent to carry out its responsibilities.
19. The Tulare County Office of Education provides ongoing staff and parent training with the Common Core.
20. Student demographics consists of the following:
 - a. Black – 5%
 - b. Hispanic – 25%
 - c. White – 70%

FINDINGS:

1. All staff provide students and parents support with curriculum and instruction.
2. Parent involvement and participation in the classroom was evident during our visit.

RECOMMENDATIONS:

1. The Tulare County Grand Jury recommends Eleanor Roosevelt Community Learning Center pursue Western Association of Schools and Colleges (WASC) accreditation so students qualify for CSU or UC campuses.
2. The Tulare County Grand Jury recommends Eleanor Roosevelt Community Learning Center provide their Student Handbooks in English and Spanish.

REQUIRED RESPONSES:

1. Eleanor Roosevelt Community Learning Center

HARMONY MAGNET ACADEMY

FACTS:

1. Harmony Magnet Academy is one of six high schools in the Porterville Unified School District serving grades 9-12.
2. The school has twenty-three credentialed teachers and an ADA of approximately 500 students.
3. The Revenue Limit per ADA is \$7,815 with a Total Revenue Limit of \$2,931,751.
4. Harmony Magnet Academy has an Academic Performance Index of 876, the highest in Tulare County.
5. The school has a statewide Academic Performance Index rank of 10 which means that the school has an API score in the highest 10% of all schools in the state.
6. A Safe School Plan is available.
7. The school specializes in two programs: the Academy of Performing Arts and the Academy of Engineering.
8. The Academy of Performing Arts offers courses such as guitar, keyboarding, dance elements and interpretation, video and audio production and graphic arts.
9. The Academy of Engineering offers courses such as engineering design, principles of engineering, digital electronics and biotechnical engineering.
10. In order to meet college requirements and career paths established for Harmony students, the school has added an additional instructional period to the school day and has increased the graduation requirement to 260 credits, an increase of forty credits.
11. Parents and guardians are always welcome on campus and are encouraged to support their student's with the following activities:
 - a. Monitoring school attendance
 - b. Participating in extra-curricular activities
 - c. Monitoring and regulating television viewing and other electronic distractions
 - d. Planning and participating in activities at home that are supportive of classroom activities
 - e. Volunteering at school
 - f. Participating in decision-making processes by attending Parent Organization and Western Association of Schools and Colleges (WASC) Focus Group meetings.
12. Harmony Magnet Academy was completed in August of 2008 and was the only site in California to receive a small high school construction grant.
13. The school is one of thirteen in the nation to be selected as a pilot site for the National Academy Foundation's (NAF) Academy of Engineering initiative.
14. In 2013, the school was recognized as the only National Academy of Engineering "Distinguished" Academy of Engineering school in the country.

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15. The school is comprised of 23 classrooms, a multipurpose room/cafeteria, library, staff lounge and four computer labs.
16. The school's solar system accounts for approximately 92% of its electricity.
17. Student demographics consists of the following:
 - a. Black – 0.8%
 - b. Hispanic or Latino – 62%
 - c. White – 27.1%
 - d. Asian – 2.1%
 - e. Filipino – 2.1%
 - f. Native Hawaiian or Pacific Islander – 0.4%
 - g. Two or More Races – 1.4%

FINDINGS/CONCLUSIONS:

1. Harmony Magnet Academy increased graduation requirements by its variety improved student opportunities for success in colleges and universities.

RECOMMENDATIONS:

None

RESPONSES REQUIRED:

None

CLASSROOM BENEATH THE STARS

BACKGROUND:

Charles Rich was a man who loved nature and was deeply committed to conserving and protecting natural resources. He believed all youngsters should be taught about science and nature and should learn to respect and preserve our natural resources. He felt the best way for students to learn about the environment and its protection should come not from a classroom and books, but from the environment itself. Mr. Rich wanted to take students out-of-doors where they could experience nature and see it at work. But where could the students go? Most importantly, from where was the funding going to come?

Mr. Rich found the perfect spot in Bear Creek Valley, a mile and a half off the old Balch Park Road, near the point where the Rancheria and Bear Creeks meet. The land was part of a 67,000 acre cattle ranch and belonged to Clemmie Gill. In 1958, Mr. Rich met with Mrs. Gill and explained to her how important an environmental education would be for students and how it would impact their lives. Mrs. Gill was impressed with the ideas presented to her and donated 35 acres to the Tulare County Schools for educational purposes. SCICON had a home and Mr. Rich's dream became a reality.

Dr. Rudolph Weyland, music coordinator for the Tulare County Department of Education, donated a water-cooled generator to SCICON. The generator was put to immediate use by trading it to Clemmie Gill's son-in-law for five acres that were attached to the acreage donated by Mrs. Gill.

In 1972, an organization named "The Friends of SCICON" sponsored a successful fund drive, "Acres for SCICON," and purchased 1,100 acres previously intended for development. This purchase ensured an environmental classroom for future generations.

School districts, communities and dedicated individuals rolled up their sleeves and went to work building student cabins, roads, hiking trails, instructional areas and a dining facility.

SCICON is located eight miles above Springville in the foothills east of Porterville at elevations between 2,000 and 3,500 feet. There are many miles of hiking trails, a museum of natural history, a planetarium, an observatory, a raptor center, and an amphitheater for evening activities. There are more than twenty cabins for students, teachers, and staff. Meals are served in a community dining hall.

REASON FOR INVESTIGATION:

The 2010-2011 Tulare County Grand Jury published a report titled *SCICON: A NATURE EXPERIENCE*. Because of recent growth and expansion at SCICON the Grand Jury decided to issue this additional report.

PROCEDURES FOLLOWED:

1. Some information in the "**BACKGROUND**" in this report was taken from the book *SCICON MEMORIES, "An anecdotal history of THE CLEMMIE GILL SCHOOL OF SCIENCE AND CONSERVATION"*, Compiled by *THE FRIENDS of SCICON*.
2. Toured SCICON
3. Interviewed relevant witnesses

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4. The 2010-2011 Grand Jury Report on SCICON was reviewed.

FACTS:

1. The Tulare County Board of Education and Tulare County Superintendent of Schools operate and manage SCICON.
2. SCICON has two advisory boards made up of educators and citizens of Tulare County; these boards are the SCICON Administrative Board and The Friends of SCICON Board of Directors.
3. A SCICON Program Administrator oversees the programs with the assistance of approximately thirty additional on-site staff, which includes instructional, clerical, maintenance and food service personnel.
4. The Lead Teacher is a fully credentialed professional who specializes in outdoor education. This teacher provides leadership to the SCICON instructional team, conducts environmental studies and provides curriculum and program organization.
5. SCICON has a ten month internship program that assists students from Tulare County, other counties, states and countries in completing their conservation degrees.
6. A full time nurse is on site at all times. Medications brought by students are kept in a secured area and dispensed as prescribed. In the event that major illness or injury occurs, an ambulance may be dispatched from Springville, approximately fifteen miles away.
7. The Department of Forestry has a facility located on site. In addition, members of the department who are trained paramedics are available for medical emergencies.
8. Between August and June of each school year, Tulare County fifth graders attend SCICON for one school day; additionally, sixth graders attend SCICON for five school days.
9. Whenever necessary and within an hour's notice, buses from Springville can evacuate all the students and personnel from SCICON.
10. There are a number of student safety measures at SCICON:
 - a. Locking and unlocking the entrance/exit gate
 - b. Students travel in pairs using the "buddy system"
 - c. Student groups hike designated trails accompanied by an assigned counselor.
 - d. All students are accounted for at meals. This is accomplished through assigned table and designated seating.
 - e. Students are accounted for at the start of and at the conclusion of all activities.
11. SCICON is located in a wilderness area and has a gate at the front entrance (left open during the day). It does not have cameras on the premises and does not have a safety officer. All SCICON staff personnel communicate with each other by using a hand held communication device.
12. Cabins have a designated number of students and an assigned cabin counselor for accountability. Cabins may house up to eleven students

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13. The Cabin Counselors are selected high school students from throughout the County. They are instructed in rules of conduct and safety for the students. Counselors sleep in the student cabins and accompany them on all trail walks.
14. There are two cabins specifically designed for physically disabled students. In addition, there is a wheelchair accessible nature walk.
15. SCICON has only one building that was built as a result of a financial grant. All of the remaining buildings, i.e. cabins, cafeteria, etc., were built from donated supplies, labor, and fundraisers. Additional funds are generated from weekend and summer use by organizations such as church groups or activities such as weddings.
16. "Friends of SCICON" are in charge of all fundraising activities. An annual fundraising barbeque lunch is hosted every April.
17. Large arbors were donated and built by various service clubs. These arbors are equipped with sound systems, bench tables, fans and a cooking area. During bad weather, heavy tarps are used to enclose the arbors. An installed heating system keeps the students warm on cold days and evenings.
18. Presently, SCICON accommodates up to three-hundred students.
19. With an ever increasing population of children within Tulare County, SCICON needed to expand. An anonymous donor gave SCICON \$800,000. Construction on a new facility, named Eagle Point, began east of the present facility. Once completed, it will be a mirror image of the original facility. The two sites combined will accommodate six-hundred students.
20. During meal time, the students learn table manners such as asking politely to pass an item to them and saying "Please" or "Thank You." There are two crystal table awards given to the students showing the best behavior.
21. Select students, both boys and girls, are taught how to clean up after meals. Cleanup consists of table clearing, cleaning the tables and washing the dishes. Cleanup activities are rotated so both boys and girls learn proper cleaning procedures.
22. As part of the students' participation at SCICON, they learn to socialize with students from other communities.
23. SCICON students learn about nature from nature itself. They are taught about a variety of subjects from composting to the mating habits of salamanders.
24. A recently expanded museum has wild animals preserved in their natural state by a taxidermist, in addition to natural stones/rocks, Native American displays, live insects and reptiles, and more. The museum houses a small planetarium that rotates the stars and planets. Students are able to use telescopes to study the night sky.
25. At one time, SCICON had a rehabilitation program for injured or sick wildlife. This program is no longer available; however, a birds of prey sanctuary continues to be maintained for those birds unable to be released back into the wild. Birds from this program are used to educate the students and are taken for visits to various schools.

FINDINGS:

1. School districts, communities and dedicated individuals rolled up their sleeves and went to work building student cabins, roads, hiking trails, instructional areas and a dining facility. Learning not from a book but from nature itself gives students a better understanding of the importance of nature, their environment and their world.
2. Students from Tulare County not only learn about nature; they learn to socialize and interact with students from other communities.

RECOMMENDATIONS:

1. The Tulare County Grand Jury recommends SCICON's organizations, directors and volunteers continue their extraordinary programs and activities on behalf of the youth of Tulare County.
2. The Tulare County Grand Jury recommends SCICON implement additional safety measures such as cameras within the village and security personnel.

REQUIRED RESPONSES:

1. SCICON
2. Tulare County Office of Education

SMALL SCHOOL DISTRICTS

BACKGROUND:

Education is the backbone of the United States. A well educated population can only be to the benefit of any country or entity. Education of youth is a critical responsibility of American society. In its attempt to meet this responsibility, society has organized education into many diverse components: curriculum, grade levels, textbooks, teacher education and credentialing, physical education, etc. The intricacies of education are nearly limitless.

The Tulare County Office of Education exists to serve, support, encourage, develop and consistently improve educational opportunities for over 90,000 students in the forty-five school districts of Tulare County.

REASON FOR INVESTIGATION:

The Tulare County Grand Juries have over the years, written several reports on the large school districts in Tulare County. The 2013-2014 Grand Jury chose to investigate and report on the small school districts of Tulare County. Frequently attention is centered on larger and therefore noticeable schools and school districts. In this report, the Tulare County Grand Jury will examine some important aspects of the education phenomenon and will inquire into and report on small school districts.

PROCEDURES FOLLOWED:

1. The Tulare County Grand Jury decided to focus on those school districts with an Average Daily Attendance (ADA) of from one to one-thousand students. There are thirty-three school districts in Tulare County meeting that criteria.
2. In order to achieve a random sample, the names of the school districts were printed on slips of paper. The Grand Jury then randomly selected fifteen of the thirty-three school districts.
3. The Grand Jury organized into teams of two members each. These teams each investigated three schools by attending board meetings and visiting school campuses.
4. Reviewed relevant documents
5. Interviewed relevant personnel

FACTS:

1. There are thirty-three schools in Tulare County with Average Daily Attendance (ADA) of between one and one thousand students.
2. Average Daily Attendance figures were obtained from the 2014 Tulare County Schools Directory.
3. The small school districts in Tulare County along with their reported ADA as of 2014 are as follows:
 - a. Allensworth School District – ADA 77
 - b. Alpaugh Unified School District – ADA 539
 - c. Alta Vista School District – ADA 526
 - d. Buena Vista School District – ADA 189

- e. Citrus South Tule School District – ADA 47
 - f. Columbine School District – ADA 176
 - g. Ducor Union School District – ADA 177
 - h. Hope School District – ADA 198
 - i. Hot Springs School District – ADA 13
 - j. Kings River Union School District – ADA 433
 - k. Liberty School District – ADA 312
 - l. Monson-Sultana Joint Union School District – ADA 433
 - m. Oak Valley Union School District – ADA 433
 - n. Outside Creek School District – ADA 103
 - o. Palo Verde Union School District – ADA 512
 - p. Pleasant View School District – ADA 546
 - q. Richgrove School District – ADA 660
 - r. Rockford School District – ADA 388
 - s. Saucelito School District – ADA 83
 - t. Sequoia Union School District – ADA 296
 - u. Springville Union School District – ADA 305
 - v. Stone Corral School District – ADA 130
 - w. Strathmore Union School District – ADA 806
 - x. Sundale Union School District – ADA 771
 - y. Sunnyside Union School District – ADA 349
 - z. Terra Bella Union School District – ADA 902
 - aa. Three Rivers Union School District – ADA 137
 - bb. Tipton School District – ADA 581
 - cc. Traver Joint School District – ADA 215
 - dd. Waukena Joint Union School District – ADA 253
 - ee. Woodville Union School District – ADA 478
4. Schools randomly chosen for this investigation are as follows:
- a. Buena Vista School District
 - b. Citrus South Tule School District
 - c. Columbine School District
 - d. Liberty School District
 - e. Monson-Sultana Joint Union School District
 - f. Palo Verde Union School District
 - g. Rockford School District
 - h. Stone Corral School District
 - i. Sundale Union School District
 - j. Terra Bella Union School District
 - k. Three Rivers Union School District
 - l. Tipton School District
 - m. Traver Joint School District
 - n. Waukena Joint Union School District
 - o. Woodville Union School District
5. “Common Core” is a federal mandated, state overseen program of Educational Standards. Each school district develops individual programs to meet the needs of their students. The designers of Common Core Standards state it is to provide a consistent, clear understanding of what students are expected to learn at each grade level

so teachers and parents know what they need to do to help them learn. These Federal standards are designed to be relevant to the real world, reflecting the knowledge and skills that young people need for success. Full implementation of Common Core Standards may take several years, but all school districts are endeavoring to develop programs that will benefit all students.

6. The Academic Performance Index is a measurement of academic performance and progress of individual schools. The Academic Performance Index range is 200 – 1000. The target for schools in California is 800.
7. The Revenue Limit is a formula developed by the state to fund school districts based on the number of students attending school.

BUENA VISTA SCHOOL DISTRICT

FACTS:

1. Buena Vista School District has one school serving grades K – 8.
2. There are nine certificated teachers with an ADA of 193.
3. The Academic Performance Index is 785.
4. The Revenue Limit per pupil is \$6,418 and there is a Total Revenue Limit of \$971,908.
5. Board meetings are scheduled for the second Wednesday of each month.
6. Student handbooks are available in English and Spanish.
7. The school utilizes solar power which accounts for about a third of their electricity.
8. Buena Vista School has a safety plan in place and works closely with the Sheriff's Department in the event of an emergency.
9. There is a surveillance system with cameras on the playgrounds, outside of the buildings and in the hallways of the school.
10. A tall chain-linked fence surrounds the school, but the entrance gate remains open during school hours.
11. The school has gone to an outside source for its water needs as the well is contaminated.
12. The School District spends approximately \$7,000 annually of General Fund monies for bottled water.

FINDINGS:

1. General Funds are being used to purchase bottled water.

RECOMMENDATIONS:

1. The Tulare County Grand Jury recommends that all gates be locked during the day in order to further insure the safety of students and faculty.
2. The Tulare County Grand Jury recommends Buena Vista School District apply for funding under Prop 84, Safe Drinking Water Bond Act, for a new well as other school districts have done.

RESPONSES:

1. Buena Vista School District

CITRUS SOUTH TULE ELEMENTARY SCHOOL DISTRICT

FACTS:

1. Citrus South Tule School District has one school serving grades K– 6.
2. There are four certificated teachers, one of whom is the lead teacher and an ADA of 48.
3. The Academic Performance Index is 620, an increase of fifty-six points from the previous year.
4. The Revenue Limit per ADA is \$7,430 and there is a Total Revenue Limit of \$351,460.
5. Board meetings are scheduled for the second Thursday of each month.
6. The Student handbook was available only in English.
7. The majority of students live on the Tule River Indian Reservation.
8. The District provides transportation to and from school to the Towanits Education Center on the Tule River Indian Reservation.
9. A Safe School Plan is available.
10. Citrus South Tule School District does not have the financial means to maintain adequate technology resources needed for the students. They have minimal and outdated computers available which are inadequate for taking the common core assessment tests.
11. The School does not have an after school program; however, the school does work closely with the Towanits Education Center Staff to assist the students with extra help, homework and school projects.

FINDINGS:

1. Citrus South Tule School District is in need of new technology equipment, but lacks the financial resources for computers and materials.
2. The school district does not have an after school program for the students.

RECOMMENDATIONS:

1. The Tulare County Grand Jury recommends the Citrus South Tule School District look for community volunteers to assist with an after school program.
2. The Tulare County Grand Jury recommends the Citrus South Tule School District solicit grant writing services from the Tulare County Office of Education to seek funding for improvements in technology.

RESPONSES:

1. Citrus South Tule School District

COLUMBINE SCHOOL DISTRICT

FACTS:

1. Columbine School District has one school serving grades K – 8.
2. There are nine certificated teachers and an ADA of 184 students.
3. The Academic Performance Index is 868, a decrease of twenty-four points from the previous year.
4. The Revenue Limit per ADA is \$6,404 and there is a Total Revenue Limit of \$993,947.
5. School Board meetings are held on the second Wednesday of each month.
6. The student handbook is available only in English.
7. The District has one large bus and one small back-up bus for transportation.
8. Fifty-Three percent of Students qualify for the National Free or Reduced Lunch Program.
9. Ten percent of students are English Language Learners.
10. A Safe Schools Plan is available.
11. Columbine School does not have an after school program; however, a volunteer teacher is available after school hours.
12. The school administration office did not have an office sign posted.
13. The school participates in Odyssey of the Mind, an international academic competition, and has a Science Olympiad Team, which participates in a science, oriented national competition.
14. The school has a sports team that competes against other small schools.
15. Columbine School District has new classroom computers available that are pending installation and are required for the Common Core testing.

16. The Columbine School District lacks sufficient funds to satisfy both computer and textbook needs.

FINDINGS:

1. Installation of classroom computers is pending.
2. Finding the school administration office was difficult because no office sign was posted.
3. The School does not provide an after school program, but allows students to stay after school to get onsite tutoring by a teacher for a short period of time.

RECOMMENDATIONS:

1. The Tulare County Grand Jury recommends Columbine School District work collaboratively with the Tulare County Office of Education on an action plan that will help provide the District with the ability to receive funding for supplemental textbook resources.
2. The Tulare County Grand Jury recommends Columbine School District contract with the Tulare County Office of Education to obtain an Information Technology Technician to provide services to the District.
3. The Tulare County Grand Jury recommends Columbine School District post a visible “office” sign that will let visitors or parents know where the office is located.
4. The Tulare County Grand Jury recommends Columbine School District solicit for volunteers to create an after school program that is designed to not only help students with homework but to help students with club activities or provide an after school activity in general for the students.
5. The Tulare County Grand Jury recommends Columbine School District provide their Student Handbook in both English and Spanish.

RESPONSES:

1. Columbine School District

LIBERTY SCHOOL DISTRICT

FACTS:

1. The Liberty School District has one school serving grades K – 8.
2. There are sixteen certificated teachers and an ADA of 325.
3. The Academic Performance Index is 741, a decrease of nineteen points from the previous year.
4. The Revenue Limit per ADA is \$6,492 and there is a Total Revenue Limit of \$1,580,709.
5. Board meetings are scheduled on the second Tuesday of each month.

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6. The Student Handbook is available only in English.
7. A Safe Schools Plan is available.
8. The School District does not have a Special Education Program.
9. Computers are located in a computer lab and in the library; additionally, there are three to four in each classroom.
10. The Liberty School District moved from Ave 264 in the City of Visalia to Pacific Avenue to the City of Tulare in 2013.
11. The School District utilized Prop 39 funding (The Clean Air Act) for a solar project.
12. The School District participates in the National Free or Reduced Lunch Program.
13. The School District is contracted with the Visalia Unified School District for its lunch services.
14. City of Tulare water services are not linked to the School District.
15. There is a Liberty Parent Teacher Club which plans a variety of extracurricular activities for the students and fundraising projects for the school.

FINDINGS:

1. The School District continues to use Visalia Unified School District for its lunch program after its move to the City of Tulare.
2. The City of Tulare has not linked the School District to the City water supply forcing the School District to use costly well water.

RECOMMENDATIONS:

1. The Tulare County Grand Jury recommends Liberty School District contract with the Tulare City School District lunch services when the Visalia Unified School District contract is completed.
2. The Tulare County Grand Jury recommends Liberty School District continue to pursue linking their water supply to the City of Tulare and discontinuing the use of well water.

RESPONSES:

1. Liberty School District

MONSON SULTANA JOINT UNION ELEMENTARY SCHOOL DISTRICT

FACTS:

1. The Monson Sultana Joint Union Elementary School District has one school serving grades K – 8.

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2. There are nineteen certificated teachers and an ADA of 435.
3. The Academic Performance Index is 787, an increase of twenty-two points from the previous year.
4. The Revenue Limit per ADA is \$6,490 and there is a Total Revenue Limit of \$2,224,539.
5. The school board meeting is scheduled for the second Tuesday of each month.
6. Student and Parent Handbooks are available in English and Spanish.
7. A Safe School Plan is available.
8. There are computers in the science lab.
9. Monson Sultana School has implemented a SMART Program. This program promotes the following five basic core values for digital learning:
 - a. Safety and Security Online
 - b. Manners and Cyber-citizenship
 - c. Authentic Learning and Creativity
 - d. Research and Information Fluency
 - e. Twenty-First Century Challenges
10. Much of the infrastructure relating to technology hardware was relocated from the main office to a server room specially constructed to house electrical components.
11. During the 2012 - 2013 school-year, significant upgrades to campus security were completed.
12. The School District has an award winning music program consisting of the following choral activities:
 - a. Men's chorus
 - b. Women's chorus
 - c. Tone Chime Choir

FINDINGS:

1. The implementation of the SMART Program and improved teaching has paved the way for an increase in the digital fluency of the students.

RECOMMENDATIONS:

None

RESPONSES:

None

PALO VERDE UNION SCHOOL DISTRICT

FACTS:

1. Palo Verde School District has one school serving grades K – 8.
2. There are twenty-four certificated teachers and an ADA of 520.
3. The Academic Performance Index is 809.
4. The Revenue Limit per ADA is \$6,088 and there is a Total Revenue Limit of \$2,130,481.
5. School board meetings are scheduled for the second Wednesday of each month.
6. Student Handbooks are available in English and Spanish.
7. School technology is increasing with the addition of two new computer labs with twenty-five computers in each lab.
8. The Palo Verde School District is committed to spending \$106,000 on technology in the next two years.
9. The School has a new building entitled the East Wing, which houses the computer lab and science lab.
10. The Palo Verde School District purchased 9.55 adjacent acres of land for new athletic facilities.
11. A new 13,000 square foot gymnasium/multipurpose room is being built with a completion date of May 2014.
12. The School has an asbestos and lead problem in the office and in some of the older classrooms.
13. The School Accountability Report Card is available on the Palo Verde School District website.

FINDINGS:

1. One building with asbestos and lead is being repaired with several more to be done.

RECOMMENDATIONS:

1. The Tulare County Grand Jury recommends Palo Verde Union School District continue to secure modernization funds to improve school buildings and infrastructure including asbestos abatement.
2. The Tulare County Grand Jury recommends Palo Verde Union School District continue to work closely with the Tulare County Office of Education for services that are beneficial to the School's needs.

RESPONSES:

1. Palo Verde Union School District

ROCKFORD SCHOOL DISTRICT

FACTS:

1. Rockford School District has one school serving grades K – 8.
2. Rockford School District has eighteen certificated teachers and an ADA of 409.
3. The Academic Performance Index is 837.
4. The Revenue Limit per ADA is \$6,396 and there is a Total Revenue Limit of \$1,944,452.
5. Board meetings are scheduled at 6:00 a.m. on the second Thursday of each month.
6. Student Handbooks are available in English and Spanish.
7. The school utilizes solar power which accounts for about one-third of its electricity.
8. A Safe School Plan is available.
9. Students are not allowed on campus until 8:00 am because school grounds are not supervised until that time.
10. There are several computers in each classroom and a computer lab on campus.
11. Independent study programs are available upon request for 4th – 8th grade students who may have to miss school for an extended length of time.
12. The school offers a Child Abuse Primary Prevention Program with parents having the right of refusal to send their children to the class.
13. The school provides information regarding Type 2 Diabetes to the parents or guardians of incoming 7th grade students.
14. The School Site Council is comprised of the administration, teachers, parents, and community members; it helps develop programs responsive to the needs of every student.
15. Sixty percent of Rockford's students are inter-district transfers.
16. Rockford School is one of three schools in Tulare County to be selected by the State Department of Education as a California 2010 Distinguished School.
17. A three way pledge is signed by the parents, teachers and students as a commitment to work together to help the students do their best academically.
18. As an annual fundraiser for SCICON and for other student needs, parents, students and staff all work together in sponsoring the annual Spring Chicken Dinner. The dinner serves as a bridge to unite the school and community.

FINDINGS:

1. Parents are actively involved with school activities and functions throughout the year.

RECOMMENDATIONS:

1. The Tulare County Grand Jury recommends Rockford School District change the time of the board meetings from 6:00 a.m. to 6:00 p.m. to afford more parents the opportunity to attend meetings.

RESPONSES:

1. Rockford School District

STONE CORRAL SCHOOL DISTRICT

FACTS:

1. Stone Corral School District has one school serving grades K – 8.
2. There are sixteen certificated teachers and an ADA of 130.
3. The Academic Performance Index is 561, a decrease of sixty-eight points from the previous year.
4. The Revenue Limit per ADA is \$6,474 and there is a Total Revenue Limit of \$675,099.
5. Parent and Student Handbooks are available only in English.
6. A Safe School Plan is available.
7. Instructions in preparation for the Common Core curriculum were posted in classrooms.
8. There is a computer lab and at least three additional computers in each classroom.
9. There are several combination grade level classes.
10. The school Superintendent teaches class all day and has no time for management duties.
11. The Library is well organized with ongoing student use.
12. Students must drink bottle water due to high levels of nitrate in the school's well water.
13. Stone Corral District Policy requires daily learning objectives be posted in classrooms.
14. The school board meetings are scheduled for the second Thursday of each month.
15. Stone Corral has three members on its school board.

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16. For the last 23 board meetings, one particular board member was physically present four meetings (17.4%), attended via speaker phone for ten meetings (43.5%), and was physically absent for eighteen meetings (78.3%).
17. The Stone Corral board meetings are not being conducted in compliance with the Roberts Rules of Order and the Brown Act, including inadequate posting of school board agendas and minutes being unavailable.
18. Board minutes indicated that some school board meetings involved parent controversy with the school board members.

FINDINGS:

1. Stone Corral School students are limited in computers and internet access is needed for Common Core testing.
2. Stone Corral could benefit from more service support from the Tulare County Office of Education.
3. Stone Corral has a major school board attendance problem.
4. Even though learning was taking place during the Grand Jury visit, daily lesson objectives, in some cases, were not posted as required.

RECOMMENDATIONS:

1. The Tulare County Grand Jury recommends Stone Corral Elementary School District continue to solicit support services from Tulare County Office of Education.
2. The Tulare County Grand Jury recommends Parent and Student Handbooks be available in both English and Spanish.
3. The Tulare County Grand Jury recommends Stone Corral Elementary School District School Board review the terms of the Superintendents contract to allow more time for school management.
4. The Tulare County Grand Jury recommends Stone Corral Elementary School District solicit more parent support relative to raising the Academic Performance Index scores.
5. The Tulare County Grand Jury recommends Stone Corral Elementary School District solicit the support of the Tulare County Office of Education to create an action plan that would help improve the Academic Performance Index score.
6. The Tulare County Grand Jury recommends all Stone Corral Elementary School District Board agendas and minutes be typed and available to the public.
7. The Tulare County Grand Jury recommends all Stone Corral Elementary School District Board members physically attend all board meetings.
8. The Tulare County Grand Jury recommends all Stone Corral Elementary School District Board meetings be tape recorded for accountability and transparency.
9. The Tulare County Grand Jury recommends all Stone Corral Elementary School District Board members receive additional training in the Brown Act and Robert's Rules of Order.

RESPONSES:

1. Stone Corral Elementary School District

SUNDALE UNION SCHOOL DISTRICT

FACTS:

1. The Sundale School District has one school serving grades K – 8.
2. There are thirty-one teachers and an ADA of 771.
3. The Academic Performance Index is 860.
4. The Revenue Limit per ADA is \$6,414 and there is a Total Revenue Limit of \$3,914,881.
5. Board meetings are scheduled for the second and fourth Tuesday of each month.
6. Student Handbooks are available in English and Spanish.
7. A Safe School Plan and Emergency Preparedness Plan are available.
8. The Sundale Union School District pays for a Special Education Specialist, a Resource Specialist and two Instructional Aides.
9. There is an agreement with the Tulare County Office of Education to provide the services of a psychologist and a social worker during school hours.
10. A School Board Meeting was attended by Grand Jurors and was found to be on time and Brown Act procedures were followed.
11. A School Board agenda is available on its web site.
12. Instruction in preparation for the Common Core curriculum were posted in the classrooms.
13. Student were observed participating in numerous school activities.
14. The Sundale School District is financially able to meet school obligations.
15. The school has thirty-five computers in each of two computer labs, 120 laptops in the middle school, and 250 I-pads in grades K – 8.
16. There are two science labs for grades K – 5 and one science lab for grades 6 – 8.
17. Sundale School offers a ceramics program which includes four potter's wheels and three kilns.
18. In grades 6 – 8, a different career development program is offered every trimester to aid the students in examining a variety of future prospects.

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19. The school has a gymnasium with fold-out tables and it doubles as the cafeteria. The gymnasium has two basketball hoops and a full size stage with overhead lighting.
20. The school has a music program consisting of the history of music for grades 3 – 5 and the marching band for grades 5 – 8.
21. Sundale School has a Gifted and Talented Education Program for grades 3 – 8. To enter the program all applicants must pass a complex intelligence test. Approximately 3% of the school’s population is in the program.
22. Sundale School has an Agricultural Science Program which consists of the following:
 - a. A Farmer’s Market Program
 - b. Work in the School’s Farmer’s Market Store on campus
 - c. Herb garden products and garden flowers for arrangements are sold in the Farmer’s Market Store.
 - d. Students raise chickens and rabbits. Eggs are sold in the Farmer’s Market Store.
 - e. A garden section for grades K – 3
 - f. A garden section for grades 3 – 8
 - g. The cafeteria uses oranges, pomegranates, and persimmons as well as the vegetables grown in the garden.
 - h. During the Annual Farm Show in Tulare, the agricultural students work each day selling what they have raised at the school. Their profit averages \$50,000 to \$60,000 each year.
 - i. A portion of the profits from the Farm Show go to support the Band, the Art Program, and scholarships in Agricultural Science. The balance of the profits go to the Sundale Foundation, an after school and childcare program.

FINDINGS:

1. An Academic Performance Index test score of 860 indicates students are meeting grade level expectations and teachers are providing a high quality educational program.
2. Sundale Union School District has several extraordinary programs for students.

RECOMMENDATIONS:

None

RESPONSES:

None

TERRA BELLA UNION SCHOOL DISTRICT

FACTS:

1. The Terra Bella Union School District has two schools. The Terra Bella Elementary School serves grades K – 5, and Carl F. Smith Middle School serves grades 6 – 8.
2. There are thirty-three full time certificated teachers at Terra Bella Elementary School and eleven full time certificated teachers at Carl F. Smith Middle School, and a combined ADA of 901.

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3. The Terra Bella Elementary School Academic Performance Index is 692, a decrease of twenty-one points from the previous year.
4. The Carl Smith Middle School Academic Performance Index is 685, a decrease of forty-six points from the previous year.
5. The Revenue Limit per ADA is \$6,418 and there is a Total Revenue Limit of \$4,559,484.
6. Board meetings are scheduled on the second Thursday of each month.
7. Student Handbooks are available in English and Spanish.
8. A Safe School Plan is available.
9. Curriculum and instruction which prepare students for the Common Core was observed in classrooms.
10. There are computers in most classrooms.
11. Terra Bella Elementary School has a new computer science lab that provides state of the art lab programs.
12. The School District contracts with the Family Health Care Network to provide low cost health and dental care to students.
13. The Terra Bella School District is financially able to meet school obligations.
14. Ninety-three percent of students in the District are part of the National Free or Reduced School Lunch Program.
15. The Terra Bella School District has a District Technology Plan in place that brings members of the community in to help shape the school's future and provides technology integrated with core curriculum.

FINDINGS:

1. Terra Bella School District contracted with Family Healthcare for a community health clinic.

RECOMMENDATIONS:

1. The Tulare County Grand Jury recommends Terra Bella Union School solicit the Tulare County Office of Education for an action plan that would help improve the Academic Performance Index of Terra Bella School.

RESPONSES:

1. Terra Bella Union School District

THREE RIVERS UNION SCHOOL DISTRICT

FACTS:

1. Three Rivers School District has one school serving grades K – 8.

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2. There are six certificated teachers and an ADA of 137.
3. The Academic Performance Index is 806, a decrease of thirty two points from the previous year.
4. The Revenue Limit per pupil is \$ 6,404 and there is a Total Revenue Limit of \$685,661.
5. School board meetings are scheduled for the first Wednesday of each month.
6. Student handbooks are available in English only.
7. Independent study is offered to students who will be unavailable for class for five or more days.
8. The Three Rivers School is an open campus.
9. For the past nine years the school has had a Visiting Artist Program for all students. It has been coordinated by a volunteer every year.
10. Every classroom at the Three Rivers School is equipped with at least one computer with internet access.
11. There is an after school child care program named the Latch-key Program.
12. Students in grades 4 – 8 participate in student council activities.
13. The Three Rivers Recreation Committee is a group of individuals who work to provide seasonal after hours sports activities for the youth and adults in the community.

FINDINGS:

1. Open campuses are a potential safety issue.

RECOMMENDATIONS:

1. The Tulare County Grand Jury recommends Three Rivers Union School District review their open campus policy.
2. The Tulare County Grand Jury recommends Three Rivers Union School District have the Student Handbook in both English and Spanish.
3. The Tulare County Grand Jury recommends the Three Rivers Union School District solicit the Tulare County Office of Education for an action plan that would resist additional loss of Academic Performance Index points.

RESPONSES:

1. Three Rivers Union School District

TIPTON ELEMENTARY SCHOOL DISTRICT

FACTS:

1. Tipton School District has one school serving grades K – 8.
2. There are thirty-six credentialed teachers and an ADA of 630.
3. The school Academic Performance Index is 790.
4. The Revenue Limit per pupil is \$6,406 and there is a Total Revenue Limit of \$3,075,757.
5. Board Meetings are scheduled on the first Tuesday of each month.
6. A Student Handbook is available in English and Spanish.
7. The District utilizes both personal computer (PC) and Apple based products. The District also has portable iPads available on rolling carts for various activities.
8. School Board agendas are available at the board meetings and on the website, as well as a variety of other documentation.
9. A plan for Solar Power using Prop 39 funding is in the works with groundbreaking to take place within the next five years.
10. The Tipton School District is financially sound and able to meet all obligations.
11. The school has a student dress and appearance code.
12. School safety and security is a priority. All visitors prior to entering the campus are buzzed in through a gate after proper identification.
13. Each hallway in Tipton School is named for one of the Character Counts Pillars, which are based on the following six ethical values: respect, responsibility, caring, trustworthiness, fairness, and citizenship.
14. The school holds a barbecue each month to recognize students that excel academically and in the Character Counts program.
15. There is a parent partnership program in place designed to aid parents in working with their children at home, and it encourages parents to be more active in school related activities.

FINDINGS:

1. Parents are active and supportive of the school staff and administration.
2. The school district takes advantage of funds available to better equip the needs of the district.

RECOMMENDATIONS:

1. The Tulare County Grand Jury recommends Tipton Elementary School District perform regular updates of the school website.

RESPONSES:

1. Tipton Elementary School District

TRAVER JOINT SCHOOL DISTRICT

FACTS:

1. Traver School District has one school serving grades K – 8.
2. There are twelve certificated teachers and an ADA of 215.
3. The Academic Performance Index is 749.
4. The Revenue Limit per ADA is \$6,414 and there is a Total Revenue Limit of \$1,087,380.
5. Board meetings are scheduled on the second Tuesday of each month.
6. The Student Handbooks are written in English and Spanish.
7. A Safe School Plan is available.
8. Instructions in preparation for the Common Core curriculum were posted in classrooms.
9. Every classroom has at least six computers, but no computer lab is available at this time.
10. There is student involvement in school activities such as sports and a band program.
11. The School District is financially solvent to carry out its responsibilities.
12. The School has a Red Wagon Program. During the first fifteen minutes of each day a red wagon is dispatched to classrooms to provide breakfast to students.
13. All teachers participate in the athletic programs at Traver School.
14. The Gymnasium has 8,000 square feet with bleachers and a full size stage with overhead stage lighting. The stage retracts for regulation high school basketball court size.
15. The Mustang logo matches the type and quality used by universities and pro teams. The logo on the outside of the building can be seen from Highway 99.
16. The District provides a free yearbook for every student each year. Many sponsors support the yearbook project.

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17. The District has a 1st Five Program which has been in operation for ten years. Currently there are twelve – three year olds and fifteen – four year olds enrolled.
18. Traver School has both Transitional and Regular Kindergarten classes.
19. Traver School lacks sidewalks around the school perimeter. Funding is needed for safe sidewalks.
20. Traver School at this time does not have funding to provide for after school tutoring program.
21. Traver School at this time does not have funding to provide facilities for a computer lab.
22. Traver School has a Performing Band consisting of the following:
 - a. There are eighty-two students from the 7th and 8th grades.
 - b. There are only twelve students in the 7th and 8th grades that are not in the band.
 - c. Students are given a brand new instrument when they start the program, with the agreement that when they leave Traver School, they get to keep the instrument and continue to provide some assistance to the band as student teachers.
 - d. The School raises \$40,000 to \$50,000 per year for the band program with a portion going for scholarships.
 - e. The Traver Performing Band is a nationally award winning program.

FINDINGS:

1. The school performing band and afterschool sports programs motivate students to do well in school academically.
2. The school needs funding for an after school tutorial program.
3. The school needs facilities and funding for a computer lab.

RECOMMENDATIONS:

1. The Tulare County Grand Jury recommends Traver Joint School District pursue Measure R funds for construction of sidewalks around the school perimeter.

RESPONSES:

1. Traver Joint School District

WAUKENA JOINT UNION SCHOOL DISTRICT

FACTS:

1. Waukena School District has one school serving grades K – 8.
2. There are twelve certificated teachers and an ADA of 253.

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3. The Academic Performance Index is 795.
4. The Revenue Limit per ADA is \$6,410 and there is a Total Revenue Limit of \$1,337,176.
5. The School Board meetings are scheduled on the second Monday of each month.
6. Student Handbooks are available in English and Spanish.
7. A Safe School Plan is available.
8. Instructions in preparation for the Common Core curriculum were posted in classrooms
9. There are two computers available in each primary grade and four in each upper grade.
10. Waukena School uses the Lexia Computer Program for the English Learning Program.
11. Internet access is not reliable at the school.
12. One third of Waukena's students are transfers from other school districts.
13. There are several combination classes.
14. Data analyses of student's test scores were posted in each classroom.
15. Waukena spends \$10,000 to \$15,000 annually for bottled water because of high nitrates and uranium in the school's well water. Money for the purchased water comes out of the school's General Fund. They have applied for Prop 84, Safe Drinking Water Bond Act funds.
16. Waukena School District does not have sufficient funding to support a full-time Resource Specialist.
17. Cafeteria budget averages over \$70,000 a year in the black at the end of the year.
18. At the end of the school year, the 8th grade students go on a three day educational trip to Sacramento and San Francisco at no cost to the student. It is all done via fundraisers and sponsors.

FINDINGS:

1. It is evident that data tracking and test scores, in relation to student performance, is an important component in the school.
2. Limited computers for students and limited internet access deprive students from developing their technology skills and ability to complete Common Core testing.
3. Waukena School District is on the waiting list for Prop 84 funding.

RECOMMENDATIONS:

1. The Tulare County Grand Jury recommends Waukena Joint Union School District continue to work closely with Tulare County Office of Education for technology support and staff development.
2. The Tulare County Grand Jury recommends Waukena Joint Union School District install fiber optics lines for stable internet access for Common Core testing capabilities.
3. The Tulare County Grand Jury recommends Waukena Joint Union School District negotiate with Tulare County Office of Education for a full-time Resource Specialist to meet the needs of the students.

RESPONSES:

1. Waukena Joint Union School District

WOODVILLE SCHOOL DISTRICT

FACTS:

1. Woodville School District has one school serving grades K – 8.
2. There are twenty nine certificated teachers and an ADA of 490.
3. The Academic Performance Index is 663.
4. The Revenue Limit per pupil is \$6,418 and there is a Total Revenue Limit of \$2,432,880.
5. Board meetings are scheduled for the second Monday of each month.
6. Student Handbooks are available in English and Spanish.
7. The board meeting attended by the Tulare County Grand Jury was not conducted in an orderly manner nor according to Roberts Rules of Order.
8. Independent study is offered as an optional alternative for qualifying students.
9. Woodville School has two computer labs. There are thirty-three computers in the 6th – 8th grade classrooms and twenty-three computers in the K – 5th grade classrooms.
10. Instructions are given to all students about how to respond to an emergency situation, evacuation, or lockdown while on campus.
11. Woodville School maintains a closed campus during instructional hours. All gates to the campus remain locked for security purposes.

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FINDINGS:

1. Woodville School board meeting attended was not held in accordance with Roberts Rules of Order and board members were not knowledgeable of how to conduct a meeting.

RECOMMENDATIONS:

1. The Tulare County Grand Jury recommends Woodville School District take advantage of any Tulare County Office of Education training in the area of conducting meetings.

RESPONSES:

1. Woodville School District

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FOSTER CARE

BACKGROUND:

In 1825 states enacted laws giving social-welfare agencies the right to remove neglected and abused children from their parents and from the streets. These children were placed in almshouses, orphanages and with other families. In 1835 the Humane Society founded the National Federation of Child Rescues agencies modeled after existing animal protection organizations. These were developed to investigate reports of child maltreatment, present cases in court and advocate for child welfare legislation.

In 1974, the “Child Abuse Prevention and Treatment Act” (P.L. 93-247) provided federal funds for wide-ranging federal and state child-maltreatment research and services.

The Tulare County Board of Supervisors oversees Child Welfare Services. Child Welfare Services include the Public Health Department, the Mental Health Department, Regional Centers, Probation Department and some community based-agencies.

REASON FOR INVESTIGATION:

Children’s health and welfare are a vital concern in Tulare County. The Grand Jury sought information on how the Child Welfare Services, previously called Child Protective Services, determines placement, how tracking is conducted and who is accountable for monitoring the available services.

PROCEDURES FOLLOWED:

1. Interviewed relevant witnesses
2. Researched relevant documents
3. Attended community conferences

FACTS:

1. A person may call Child Welfare Services Hotline, (800-331-1585) 24-hours a day to report a possible abused or neglected child.
2. Foster care parent requirements include the following:
 - Be 18 years of age or older
 - Be financially self-supporting
 - Receive a criminal record clearance and have no criminal record involving violent crimes or crimes against children
 - Obtain a CPR and First Aid certification
 - Have a home that meets basic safety requirements
 - Complete the nine week course of Parent Resources for Information Development & Education Training (PRIDE).
3. A child is removed from a home if the child is in immediate danger or has been severely injured.

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4. Law enforcement and Child Welfare Services may interview a child to determine the allegation of child abuse or neglect.
5. During fiscal year 2012 / 2013 in Tulare County, 53.24% of children in foster care were Hispanic, 39.33% were white and 4.48% were Black.
6. During fiscal year 2012 / 2013 in Tulare County, 39.67% of children in foster care were zero to five years of age, 18.87% were six to nine, 19.77% were ten to fourteen and 21.6% were fifteen and older.
7. In Tulare County during fiscal year 2012 / 2013, 18% of foster children were in care for less than one year, 37% of placements were in place between twelve and twenty-four months and 67% were in care for twenty-four months or longer.
8. Tulare County had twenty- six youth on formal probation and eight youth on informal probation in foster care.
9. Under Tulare County Probation Regulations Division 31, §31.320, Subsection .414; Probation is required to visit youth in out of home placement once a month.
10. Children are referred to the foster care system by the Court, which receives a recommendation from the Probation Department after a thorough investigation into the lives of the youth.
11. In 2012 Tulare County Probation Department records show that twenty-six minors received dispositions of group home, foster home or suitable relative.
12. In 2013 Tulare County Probation Department records show that twenty-three minors received dispositions of group home, foster home or suitable relative.
13. Once the child is ward of Tulare County Child Welfare Services, a series of steps are taken on a case by case basis to determine placement, programs and a strategy towards family unification if there is kinship participating.
14. A team is developed which may include the social worker, Team Decision Making facilitator, the parent, the child and the foster parent, therapist, clergyman and any other person who is felt may contribute to a team decision for the child's best interest. This provides for practice transparency and serves as the eyes ears, support and care of the Child Welfare System. This team is comprised of those individuals who care most for the child's future success. This team determines what goals and objectives are in the best interest of the child after it is determined the child can no longer remain in the home. Programs and services available are selected as a group as needed for the child.
15. The Team Decision Making theory is new and successful in the communities' efforts to work collaboratively towards the same goals towards family unification as it emulates the "raising its children together" or "it takes a village" concept. Tulare was the 27th county to implement this program. There are several programs and services available such as Displaced Family Support, Parent-Child Interaction Therapy, Domestic Violence, Health, Counseling, Early Childhood Mental Health Services to name a few.
16. Notable is a new innovative law, known as Assembly Bill 12 (AB 12) which was placed into law on January 1, 2012. This law allows for otherwise emancipated 18 year old foster children to remain under the court's jurisdiction and participate in an independent living opportunity. This is a funded program affording the "non-minor dependent" up to the age of twenty-one, time to develop skills needed for their future.

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17. Foster children have the right to stay in their own school. Rather than make a child change school when moved to a new home, the foster parent is responsible for getting the child to his/her own school.
18. A foster child has a right to attend a church of his/her own religion. It is a responsibility of the foster parent to make sure church attendance is available.

FINDINGS:

1. There are several instances where a child becomes the responsibility of the county and a placement determination is needed. There are situations where the child may be a victim of physical child abuse. From time to time the child may be a victim of general child neglect. Other times, a child may be subjected to emotional abuse. On occasion, children become the victims of sexual abuse. There are even situations where the caregiver was absent or incapacitated. Ultimately, all these cases end up in the Child Welfare System.
2. Child Welfare and Probation Departments both have the objective of family unification as a pre-placement goal within one year.

RECOMMENDATIONS:

1. None

REQUIRED RESPONSES:

1. None

SENIOR SERVICES

BACKGROUND:

The Kings Tulare Area Agency on Aging traditionally provided services for senior citizens in Tulare County. During fiscal year 2012/2013, (July-June) several factors were identified that resulted in the contracting out of services provided in Title III and Title VII-B, Older Americans Act. These acts provide federal funds for an array of senior services which include programs such as the senior centers, home delivered meals, disease prevention/health promotion services and elder abuse prevention. Community Services Employment Training was the selected contractor to execute these services. Their selection was in large part due to their ability to supplement the existing funding for the senior program, considering that an additional five to ten percent in funding cuts was pending. On July 1, 2013, Community Services Employment Training, working together with Kings Tulare Area Agency on Aging, began the unprecedented transition of contracting senior services traditionally provided exclusively by the county.

REASON FOR INVESTIGATION:

The Tulare County Grand Jury sought to determine whether or not senior services would be adversely impacted as a result of the contracting out of senior services.

PROCEDURES FOLLOWED:

1. Interviewed relevant witnesses
2. Conducted site visits to the following Senior Centers:
 - a. Cutler – Orosi
 - b. Earlimart
 - c. Goshen
 - d. Woodlake
3. Visited Tulare County Health and Human Services Agency.
4. Reviewed relevant documentation

FACTS:

1. Community Services Employment Training has been exploring more creative ways of increasing their financial capabilities by combining funding and accessing partnerships which may not otherwise be available to County agencies.
2. Community Services Employment Training's community education (Title III-B) goal was to provide 134 activities for the seniors by the end of the year. Kings Tulare Area Agency on Aging provided one activity per quarter during fiscal year 2012/2013. In the first quarter of transition, Community Services Employment Training had in fact provided thirteen activities, twelve more than Kings Tulare Area Agency on Aging had in the same time frame during fiscal year 2012/2013.
3. Community Services Employment Training's information and assistance (Title III-B) goal was to provide 3,760 contacts by the end of fiscal year 2013/2014. At the time of this report Community Services Employment Training has met 16% of the goal with 585 contacts, which is a 34% increase from last year at the same time. Kings Tulare Area Agency on Aging provided 437 average contacts in each quarter of fiscal year 2012/2013.

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4. Community Services Employment Training's legal assistance (Title III-B) goal was to provide 1,086 hours of legal assistance by the end of fiscal year 2013/2014. In the first quarter Community Services Employment Training has successfully provided 360 legal casework hours, which is 24% more than last year and 33% of their projected annual goal. Kings Tulare Area Agency on Aging provided 291 average hours in each quarter of fiscal year 2012/13.
5. Community Services Employment Training's outreach (Title III-B) goal was to provide 3,760 contacts by the end of fiscal year 2013/2014. In the first quarter of fiscal year 2013/2014, Community Services Employment Training hyper exceeded the quarterly goal with 2,387 contacts, a 197% increase from last year at the same time, which is 63% of their fiscal year goal. Kings Tulare Area Agency on Aging provided 804 contacts on the average per quarter of fiscal year 2012/2013.
6. Community Services Employment Training's senior center activities (Title III-B) goal was to provide 30,951 hours by the end of fiscal year 2013/2014. Community Services Employment Training successfully provided 36% of their projected goal in the first quarter of fiscal year 2013/2014. Kings Tulare Area Agency on Aging provided 8,673 average hours in each quarter of fiscal year 2012/2013.
7. Community Services Employment Training's telephone reassurance (Title III-B) goal was to provide 724 hours by the end of the fiscal year. In the first quarter of fiscal year 2013/2014, Community Services Employment Training made 292 telephone reassurance contacts. This is a 23% decrease, although it is 40% of Community Services Employment Training's goal for fiscal year 2013/2014. Kings Tulare Area Agency on Aging completed 378 average quarterly hours in fiscal year 2012/13. *Note: Due to an American Association of Retired Persons work experience position that was dedicated primarily to this service during the second and third quarters of fiscal year 2012/2013, Kings Tulare Area Agency on Aging exceeded their goal by 189%. This position is no longer available.*
8. Community Services Employment Training's transportation (Title III-B) goal was to provide 564 bus tokens by the end of fiscal year 2013/2014. During the first quarter Community Services Employment Training provided 99 bus tokens, which is a 68% increase from the same time last year and meets 18% of this year's goal. Kings Tulare Area Agency on Aging provided an average of 59 bus tokens per quarter for fiscal year 2012/2013.
9. Community Services Employment Training's visiting (Title III-B) goal is 58 hours for fiscal year 2013/2014. Community Services Employment Training has met six hours of home visiting, which is a 25% decrease from the same time last year; however, it meets 10% of their goal for fiscal year 2013/2014. Kings Tulare Area Agency on Aging provided eight average quarterly hours for fiscal year 2012/2013.
10. Community Services Employment Training's congregate meals (Title III-C1) goal is to serve 36,650 congregate meals (meals served in group settings) by the end of fiscal year 2013/2014. Community Services Employment Training served 7,960 congregate meals in the first quarter. Although this represents a 15% decrease, it is 22% of their goal. Kings Tulare Area Agency on Aging served 9,386 average meals per quarter in fiscal year 2012/2013. *Note: Community Services Employment Training's projected goal of 36,650 meals includes a mass serving at an annual senior citizen's picnic in the Spring of 2014.*
11. Community Services Employment Training's home delivered meals (Title III-C2) goal is to serve 38,180 home delivered meals by the end of fiscal year 2013/2014. Community Services Employment Training served 10,460 meals. While a 3.5% decrease, this is still 27% of their goal for fiscal year 2013/2014. Kings Tulare Area Agency on Aging served 10,845 average meals per quarter in fiscal year 2012/2013.

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12. Title III-C, the nutrition program, includes special events such as Senior Day that will provide an increase in meals served to the seniors in our communities. Senior Day in the Park which occurs in May 2014 will increase participation numbers.
13. Community Services Employment Training's elder abuse prevention educational materials distribution (Title VII-B) goal is to distribute 6,419 abuse educational materials by the end of fiscal year 2013/2014. Community Services Employment Training has successfully distributed 946 abuse education materials, an 8.5% decrease. This is 15% of their fiscal year 2013/2014 goal. Kings Tulare Area Agency on Aging distributed an average of 1,035 quarterly abuse education materials last year at the same time. *Note: May 2014 at Senior Day in the Park, Community Services Employment Training will have an opportunity to distribute approximately 1,500 abuse education materials, which Kings Tulare Area Agency on Aging did the previous year.*
14. The evaluation of programs which have demonstrated a decrease have not had the benefit of a full fiscal year. The numbers on average are not a true reflection of how the program is doing, but rather where it is to date. Several programs and events such as Senior Day at the Park and the Volunteer Income Tax Assistance Program have yet to occur, so all of the numbers are not available.
15. Community Services Employment Training's prevention, education and training (Title VII-B) goal is four training sessions by the end of fiscal year 2013/2014. Kings Tulare Area Agency on Aging conducted two training sessions during the first quarter of fiscal year 2012/2013. Community Services Employment Training will be partnering with the District Attorney's office to meet Community Services Employment Training's goal of offering four training sessions. This training will address the programs for the prevention, detection, assessment, treatment and response to elder abuse, neglect and exploitation, inclusive of financial exploitation.
16. The Senior Centers have experienced a great deal of change as a result of the transition from Kings Tulare Area Agency on Aging to Community Services Employment Training.
17. The challenge of retrofitting resulted in a relocation of sites for Goshen. The change in site location resulted in the following difficulties: transportation, accessibility due to narrow halls, difficulty for wheelchairs and walkers, and limited movement.
18. The participation at the Cutler–Orosi Senior Center has more than doubled in both attendance and number of meals served.
19. The Earlimart Senior Center is accessible for wheelchairs and walkers. Seniors, volunteers and guests participate in many activities such as games, physical fitness and art.
20. Woodlake Senior Center is open 8:30 a.m. to 1:30 p.m. all week but closed on Thursday. The center offers lunch and table games. It is anticipated that the center will begin to operate for additional hours. This center provides tokens for the city bus, facilitating senior transportation needs. The Health Prevention Program recently offered flu vaccinations and it is planning to utilize the electronic Nintendo Wii system for an exercise program.
21. The transition to Community Services Employment Training provides for grant writing which is projected to expand current services and to recoup services that were lost due to the decrease in financial resources under Kings Tulare Area Agency on Aging. The transition to Community Services Employment Training has resulted in three new services for fiscal year 2013/2014: Cash/Material Aid, Personal Affair Assistance and Public Information added under New Title III-B Services.

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FINDINGS:

1. The Grand Jury found that all services previously available prior to the contract implementation are still in place. As a result of the increase in financial resources, the Community Services Employment Training has been able to increase and expand the services available to seniors in the community.
2. Approximately 1,300 meals will be served on Senior Day thanks to the continued financial security which comes as a result of the transition from Kings Tulare Area Agency on Aging to Community Services Employment Training.
3. Difficulties at the Goshen Senior Center will be resolved once the prior site is retrofitted. The newly retrofitted center will preclude the problems of accessibility and the transportation issue. Once the original Senior Center reopens, the activities will not be limited to two days per week.
4. The new Community Services Employment Training management is very active and involved in the development of the Cutler-Orosi Senior Center and making sure that the seniors are aware of programs that are readily available to them. The participating seniors are extremely enthusiastic over new programs such as computer research, computer repair and income tax services.
5. At the time of the Grand Jury's visit, the Earlimart Senior Center was lively; the participants were all active in art work, table games, and physical fitness activities. Engaging in conversation is always encouraged and provides for an exchange of thoughts and ideas.

RECOMMENDATIONS:

1. The Tulare County Grand Jury recommends that the Kings Tulare Area Agency on Aging require an increase in the hours of service and increase in activity by the end of the fiscal year 2013/2014 as a condition of the contract with Community Services Employment Training.

REQUIRED RESPONSES:

1. Kings Tulare Area Agency on Aging

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DOMESTIC VIOLENCE

BACKGROUND:

Members of the 2013-2014 Tulare County Grand Jury were in attendance at a local Tulare County sponsored fair where many found the topic of victims of domestic violence awareness very informative. A subsequent investigation provided a whirlwind of information not known to this body. It is a civic responsibility to inform the men, women, and children who have been victimized, of the services available in Tulare County. The investigation and reporting of this subject matter has, to the knowledge of this body, not been previously reported by any other Tulare County Grand Jury.

REASON FOR INVESTIGATION:

To inform and provide the public with awareness of domestic violence and of the various support services and programs available and how they can be accessed by the victim.

PROCEDURES FOLLOWED:

1. Attendance at community sponsored forums on domestic violence awareness
2. Attendance at a community fair on services specific to domestic violence.
3. Researched documents and materials on domestic violence.
4. Collected statistics on domestic violence provided by the following cities:
 - a. Dinuba
 - b. Farmersville
 - c. Porterville
 - d. Tulare
 - e. Visalia
 - f. Woodlake

FACTS:

1. California Penal Code §13700(a) states, “Abuse” means intentionally or recklessly causing or attempting to cause bodily injury, or placing another person in reasonable apprehension of imminent serious bodily injury to himself or herself, or another.
2. California Penal Code §13700(b) states, “Domestic violence” means abuse committed against an adult or a minor who is a spouse, former spouse, cohabitant, former cohabitant, or person with whom the suspect has had a child or is having or has had a dating or engagement relationship. For purposes of this subdivision, “cohabitant” means two unrelated adult persons living together for a substantial period of time, resulting in some permanency of relationship. Factors that may determine whether persons are cohabiting include, but are not limited to, (1) sexual relations between the parties while sharing the same living quarters, (2) sharing of income or expenses, (3) joint use or ownership of property, (4) whether the parties hold themselves out as husband and wife, (5) the continuity of the relationship, and (6) the length of the relationship.

3. Domestic violence is a learned behavior, a conscious choice, and it is found in every level of society.

4. Domestic violence facts:
 - a. Alcohol and drug use does not cause domestic violence.
 - b. Stress, such as financial difficulties, does not cause abusive incidents.
 - c. Domestic violence is not just a family problem.
 - d. Abusive incidents should not be blamed on the victim.
 - e. Leaving an abusive relationship may be complicated and difficult for the abused partner.

5. A person may contact the National Domestic Violence Hotline by calling 800-799-7233 or TTY¹ 800-787-3224 for help and/or for obtaining the following information:
 - a. Help guides for the following:
 - I. Types of safety plans
 - (1). Safety while living with an abuser
 - (2). Safety planning with children
 - (3). Safety planning with pets
 - (4). Safety planning during pregnancy
 - II. Leaving a relationship
 - (1). Preparing to leave
 - (2). When leaving
 - (3). After leaving
 - III. Legal information
 - (1). Calling 911
 - (2). Restraining orders
 - IV. Getting help
 - (1). Helping friends and family
 - (2). Helping co-workers
 - (3). Helping teens
 - (4). Helping survivors
 - V. Finding closure after abuse
 - (1). Cut off contact with abuser
 - (2). Surround yourself with support
 - (3). Consider counseling

¹A TTY is a special device that lets people who are deaf, hard of hearing, or speech-impaired use the telephone to communicate, by allowing them to type text messages. A TTY is required at both ends of the conversation in order to communicate. It can be used with both land lines and cell phones. Unlike text messaging, it is designed for synchronous conversation, like a text version of a phone call. A modern digital cell phone must support a special digital TTY mode in order to be compatible with a TTY device.

6. The United States Department of Justice describes some domestic violence behaviors as follows:
 - a. Physical abuse may consist of hitting, slapping, grabbing, pinching, biting, hair pulling, and food or sleep deprivation, reckless driving, denying a partner medical care, forcing alcohol or drug use and murder.
 - b. Sexual abuse may consist of sexual contact or behavior without consent, rape, marital rape, attack on sexual parts of the body, sexual name calling, denying the use of contraception, withholding sex and affection as a punishment, forcing sex after physical violence has occurred and treatment in a sexually demeaning manner.
 - c. Emotional abuse may consist of undermining an individual's sense of self-worth or self-esteem, constant criticism, diminishing one's abilities, public humiliation or degradation, name-calling, damaging relationship with one's children, threatening violence or harm and threatening to kidnap/take custody of children or pets and ignoring feelings.
 - d. Economic abuse may consist of making an individual financially dependent by maintaining total control over financial resources, refusing to work and forcing partner to support the family, running up credit cards in partner's name, withholding access to money and forbidding employment or access to school.
 - e. Psychological abuse may consist of causing fear by intimidation, threatening physical harm to self, partner, children, partner's family or friends, destruction of pets, property, forcing isolation from family, friends, work/school, denying previous abusive incidents and denying commitments made previously.
 - f. Spiritual abuse may consist of denying freedom to worship, ridiculing religion and destroying religious icons.
 - g. Stalking may consist of cyber stalking, harassment, following the victim, appearing at residence or workplace, remaining on private property, repeatedly contacting or threatening by telephone, mail, e-mail, text message or social network, monitoring computer use and identity theft.
7. United States Department of Justice reports domestic violence can happen to anyone regardless of race, age, sexual orientation, religion and gender.
8. United States Department of Justice identifies effects of domestic violence on the following: victim, abuser, partner, family members, friends, co-workers, witnesses and the community at large.
9. An Equality Wheel is used to explain the dynamics of a healthy relationship. It has eight parts: economic partnership, negotiation and fairness, non-threatening behavior, respect, trust and support, honesty and accountability, responsible parenting and shared responsibility.
10. October is National Domestic Violence Awareness Month.
11. The cycle of domestic violence has four stages: calm, tension building, abuse and reconciliation.
12. In 1990 California was the first state to criminalize stalking.
13. In California, more than 500,000 women are reported stalked by an intimate partner each year.
14. In California, 85-95% of all domestic violence victims are female.
15. In California, an estimated 1,200 women are killed annually by an intimate partner.
16. In 2012 in Tulare County, five babies and one fetus were the murder victims of domestic violence.

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17. In 2014, in Tulare County, there were thirty-eight murder cases being prosecuted against fifty-five defendants. Thirteen involve domestic violence (six by shooting, two by stabbing, four by beatings/strangulation and one by scalding).
18. In Tulare County there are three local domestic violence resources:
 - a. Tulare County Superior Court- www.tularesuperiorcourt.ca.gov
 - b. Self Help Center - 3400 W. Mineral King, Ste. C, Visalia, CA, phone number 559-737-4422
 - c. Central California Crisis Center - 770 N. Main St., Porterville, CA phone number 559-781-7462. www.ccfamilycrisis.org
19. The California Peace Officer Association provides Peace Officer Standards and Training for certification on domestic violence procedures to custody staffs in Tulare County who are currently working with domestic violence victims or are assigned to specialized domestic violence units.
20. Healthcare providers and educators are mandated to report suspected cases of abuse to law enforcement or Social Services.
21. Agencies that del with domestic violence provide services such as clothing, food, case management, counseling, support groups, crisis intervention, education, trained legal domestic violence advocates, a twenty-four hour hotline and service referrals.
22. The Victim's Bill of Rights, known as Marsy's Law, is a measure to provide all victims with rights and due process.
23. Shelters for domestic violence victims have protected addresses.
24. According to the California Department of Justice, Tulare County reported the following domestic violence calls for law enforcement assistance in 2010. The numbers of these reports and the weapons involved (if any) are shown below:

Area	Calls	Weapons
Sheriff's Department (un-incorporated)	590	206
Dinuba	116	27
Exeter	36	35
Farmersville	44	20
Lindsay	80	48
Porterville	224	34
Tulare	434	81
Woodlake	32	0
College of the Sequoias	5	5

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25. Tulare County and its incorporated cities reported to the Grand Jury the following domestic violence statistics for 2012 and 2013:

	Porterville		Visalia		Farmersville		Tulare		Woodlake		Dinuba	
	2012	2013	2012	2013	2012	2013	2012	2013	2012	2013	2012	2013
Calls	229	279	6,439	6,709	51	51	421	421	38	44	126	132
Investigated Cases	152	186	889	765	51	51	421	421	0	0	126	132
Arrests	106	130	312	299	31	35	212	228	25	28	82	93
Arrest of Dual Parties	8	0	10	6	1	1	5	4	1	2	1	4
Protection Orders, etc.	0	0	0	0	26	26	0	0	8	10	0	0
Referral to Prosecutor	152	186	0	0	51	51	399	396	9	8	44	39

FINDINGS/CONCLUSIONS:

1. The County of Tulare and city law enforcement, provide critical, valuable and available educational and awareness resources relating to domestic violence.
2. Domestic Violence Awareness is recognized annually and nationwide.
3. Legislation is in place to address the needs of victims affected by domestic violence.

RECOMMENDATIONS:

1. The Tulare County Grand Jury recommends the Office of the District Attorney apply for any grants that may be available for providing services to the victims of domestic violence.

RESPONSES REQUIRED:

1. Tulare County District Attorney

PUBLIC DEFENDER

BACKGROUND

The United States Constitution guarantees its citizens the right to a speedy trial. The Sixth Amendment states “In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witness against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense.”

Clara Shortridge Folz, who was California’s first female attorney, proposed the establishment of a Public Defender’s office to balance the Office of the Public Prosecutor at the 1893 Chicago’s World Fair. The nation’s first public defender agency was founded in Los Angeles in 1913.

REASON FOR INVESTIGATION

The Tulare County Grand Jury is the “watchdog” of all public offices within the County. The 2013-2014 Tulare County Grand Jury chose to investigate the workings of the Office of Public Defender. This particular County department had not been examined by the Grand Jury prior to this report.

PROCEDURES FOLLOWED:

1. Interviewed relevant personnel
2. Reviewed relevant documents

FACTS:

1. As of 2013, the Tulare County Public Defender Office had approximately forty-five attorneys and nine investigators.
2. The American Bar Association recommends no more than an annual caseload of 400 misdemeanor and 150 felony cases for each public defender attorney.
3. The Tulare County Public Defender’s Office had 16,800 new cases in 2013.
4. In 2013, there were approximately 37,270 clients, 59,364 cases and 98,132 hearings in the Tulare County Public Defender’s Office.
5. The Public Defender is appointed by the Tulare County Board of Supervisors.
6. Attorneys for the Tulare County Public Defender’s Office represent adults accused of misdemeanor and felony crimes, juveniles in delinquency cases, mentally disabled individuals facing involuntary mental health commitments and defendants facing incarceration for contempt for court cases.
7. The Tulare County Public Defender’s Office is considered an integral part of the Justice system for Tulare County.

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8. Caseloads are set by the United States Department of Justice on Standards for Indigent Defense Systems as 150 Felony and 400 Misdemeanor cases per Public Defender.
9. Each attorney has a caseload of approximately 600 Misdemeanor cases and 175 Felony cases.
10. The Tulare County Public Defender's Office had approximately thirty active murder cases in 2013.
11. Requirements to become a public defender vary from state to state and county to county. The Public Defender is required to have a law degree and license from state of residence, several years of trial experience and professional supervisory experience. Other requirements include the ability to read, understand and write reports, present information and answer questions posed by judges, other attorneys, county officials and the general public, some mathematical skills, and considerable reasoning ability.
12. The Tulare County Public Defender earns between \$128,232 and \$192,348 annually. These earnings are consistent with the salary of the Tulare County District Attorney.
13. The Assistant Public Defender earns between \$99,735 and \$149,604 annually.
14. At the time of the writing of this report all Tulare County Deputy Public Defenders had reached their maximum pay scale level. Some Deputy Public Defenders have not received a pay increase since 2006.
15. The Tulare County Public Defender's Office had a budget of \$8.5 million in 2013.
16. In order to qualify for the services of a public defender, a person must be considered "indigent," (unable to afford an attorney). A defendant must request that the court appoint a public defender and provide details about his/her financial situation.

FINDINGS:

1. The Tulare County Public Defender's Office exceeds the standards set by the United States Department of Justice on Standards for both Felony and Misdemeanor caseloads per attorney.
2. The current pay scale has not been increased for several years.

RECOMMENDATIONS:

1. Despite the additional burden of 200 Misdemeanor cases, there is no evidence that the Public Defender may not adequately represent their clients; however, the Tulare County Grand Jury recommends that staff be hired to accommodate the additional case loads.
2. The Tulare County Grand Jury recommends that the current pay scale be increased.

RESPONSES REQUIRED:

1. Tulare County Public Defender's Office
2. Tulare County Board of Supervisors

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SOLAR ENERGY

BACKGROUND:

In 1882, Thomas Alva Edison started the Edison Electric Light Company and the first power system. It was the forerunner to today's power grid. In 1954, Bell Laboratory patented a method of making electricity directly from sunlight using silicon based solar cells.

By the mid 1960s electrical efficiency, or useful power output divided by the electrical power consumed, was nearing ten percent. Subsequent federal government provisions, upgrades, and deregulation within the solar industry was designed to stimulate market demand for renewable energy systems that met certain eligibility requirements, by offering rebates to reduce the initial cost of the system to the customer.

Solar panels provide electricity, either as stand-alone arrays or augmenting other power supplies by integration into an existing electrical grid. The Grid refers to the main or national electrical grid. The effects of solar panels are financial and environmental, and can be as easily noticeable as a reduction in power bills or as subtle as a gradual lowering of the greenhouse gases present in the Earth's atmosphere.

All energy used on our planet can be traced back to its source – the Sun.

The State of California is encouraging solar power that is connected to the electrical grid to avoid the use of toxic lead acid batteries for night time storage. Grid-tie systems are generally less expensive than off-grid systems due to the lack of additional equipment like charge controllers and batteries. However, some systems may mitigate this difference by using old car batteries that can no longer supply enough current to start a car.

REASON FOR INVESTIGATION:

The 2013 – 2014 Tulare County Grand Jury has chosen to investigate solar energy in Tulare County.

PROCEDURES FOLLOWED:

1. Toured the Southern California Edison Education Center
2. Interviewed relevant witnesses
3. Researched relevant documents

FACTS:

1. State Senate Bill 1X-2 enacts a 33% renewable portfolio standard for energy savings.
2. Solar energy comes from the rays of the Sun. As the rays of the Sun reach the earth, they can be converted into thermal energy and electricity. Thermal energy can heat water and spaces, while solar cells and solar power plants can convert solar energy into electricity.
3. Solar radiation can be absorbed only during the daytime, but the demand for the energy it generates is continuous day and night.

4. Solar energy systems use two different types of solar modules. They are as follows:
 - a. Photovoltaic Cells (PV) – Converts sunlight into electricity. The cells harvest the sun’s energy and convert it into electricity that can be used to power lights, appliances and other electrical devices.
 - b. Concentrating Solar Thermal Plants (CSP) – Converts sunlight into electricity. The cells also harvest the sun’s energy, but the highly concentrated energy generated primarily by the larger solar fields is used by large industries.

5. Environmental impacts can vary greatly depending on the technology which includes two categories: photovoltaic solar cells or concentrating solar thermal plants. The impacts are as follows:
 - a. Land Use – Larger utility scale solar facilities can raise concerns about land degradation and habitat loss. Land use can vary from 3.5 to 10 acres per megawatt for photovoltaic solar cell systems or from 4 to 16.5 acres per megawatt for concentrating solar thermal plant systems.
 - b. Water Use – Solar photovoltaic cells do not use water for generating electricity, but water is used to manufacture some of the components. Concentrating solar thermal plants require water for cooling. The water use depends on the plant design, location and type of cooling system and use between 600 and 650 gallons of water per megawatt-hour of electricity produced.
 - c. Hazardous Materials – A solar panel is made of pure silicon, a hard metalloid with a metallic luster that is basically harmless. The manufacturing process may involve toxic chemicals, solvents, alcohol and strong acids and bases. These substances are harmless if safety contained and not released to the environment, but they may pose risk. Inhaling silicon dust can cause harm to the respiratory system and may result in silicosis, which are scars that form on lung tissue and interfere with oxygen transport. A study by the People’s Union for Civil Liberties in Shakapur Village, Khambat, Gryarat in India found that nearly twenty-five people died from silicosis.

6. The process of using solar energy as a heating unit involves storing heat energy in water contained in a storage unit. The unit consists of systems engineered to store solar energy to heat water and aid in household use. Solar heat systems use solar collectors that generate chemicals that can pose risks to chemically sensitive individuals who are constantly exposed to them.

7. Health risks associated with using solar energy as a thermal energy system are connected to the storage units, where allergenic molds and fungi may thrive if the materials used for the storage units are not ideal for the purpose.

8. The United States Energy Information Administration states that large solar thermal power plants could harm the environment and ecology if they are not managed properly. Animals such as insects and birds may die if they fly over an area that contains a concentrated beam of sunlight coming from a solar power tower.

9. The goal of solar power procurement and use is to protect against rising energy costs and increased demands on the grid. Other reasons are as follows:
 - a. It’s clean – Solar energy has no negative impact on the global climate; whereas, energy generated by conventional power plants produce carbon dioxide emissions that scientists state are serious threats to the planet.
 - b. It’s renewable – Wherever there is sunlight, electricity can be generated. Nonrenewable energy resources such as oil, gas and coal are increasingly scarce.
 - c. It’s self reliant – The more sunlight that is captured, the less electricity is needed from the grid.

10. There are two primary types of solar systems:
 - a. Grid-tied Photovoltaic Cells Systems – Excess electricity produced by solar systems can be fed back to the grid through a process known as net-metering. When electricity from the grid is used the meter spins forward. The less electricity used from the grid, the slower the meter spins. When feeding electricity back to the grid, the meter spins backwards.
 - b. Stand alone Photovoltaic Cell Systems – This is also called an “off the grid” or “off-grid” system, and it operates independently from the utility grid, providing all of the electricity needed at the site.
11. Going off-grid (no use of electricity) can be done for environmental reasons. It is often done to residential buildings only occasionally occupied, such as vacation cabins. Returning to the grid is usually more expensive because of inefficiencies of the components.
12. The top two of seven reasons for going off-grid according to Nick Rosen’s book “How to Live Off-Grid” are saving money and reducing the carbon footprint.

AGRICULTURE PART I

FACTS:

1. Farming and ranching are energy intensive practices. A majority of the operating costs go to electricity.
2. Having a stable energy source is necessary in agribusiness.
3. The following number of applications have been approved for agricultural solar construction permits:
 - a. 2011 – Six fruit and nut agriculture companies
 - b. 2012 – One fruit agriculture company
 - c. 2013 – Six fruit and nut agriculture companies
 - d. January through March 2014 – Five fruit and nut agriculture companies
4. One of the oldest applications of solar energy in agriculture is using the sun to dry crops and grains. Solar drying equipment can dry crops faster and more evenly than leaving them in the field after harvest. A solar dryer can consist of an enclosure or shed, screened drying trays or racks, and a solar collector, i.e., a south window to let the sun shine into a shed.
5. Commercial greenhouses rely on the sun for lighting and rely on gas or oil heaters to maintain constant temperatures. A solar greenhouse generally faces south, while its northern side is well insulated, with few or no windows.
6. Solar water heaters can provide hot water for dairy operations such as cleaning equipment and pens and for warming and stimulating cows’ udders for milk production.
7. Solar use at a farm located in Tulare County:
 - a. In the summer of 2013, an established farm, installed a one megawatt solar tracking system.
 - b. The unit is capable of producing two million kilowatt hours, the equivalent of powering 186 average homes annually.
 - c. The solar unit is projected to provide ninety-five percent of the electricity required at the dairy.
 - d. The three reasons for installing the solar unit were reductions in energy costs, cost of installation and reduced taxes.

8. Solar use at a vineyard located in Tulare County:
 - a. In January 2014, an established vineyard broke ground for a 1.13 megawatt solar system.
 - b. They have projected to produce 1.7 million kilowatt hours annually, offsetting ninety-one percent of the company's energy needs for the cold storage facility.
 - c. Over the next twenty-five years, the system is projected to save the facility \$5.7 million in electricity costs.
 - d. The use of solar energy at the vineyard is equivalent to preserving 24,000 acres of forests and removing 30,000 metric tons of carbon dioxide from the atmosphere.

9. Solar use at an established dairy located in Tulare County:
 - a. An established family owned dairy operates with 3,200 head of dairy cows. With the drop in milk prices and rise in operation costs, a solar power system was the right solution to provide stability and energy security for the dairy today and for generations to come.
 - b. A contractor installed a 719 kilowatt, \$2.9 million solar system on three and a half acres of land that could not be used for feed production or to house animals. This solar system is among the largest of a handful of dairy solar units in the United States.
 - c. The solar tracking system is ground mounted and automatically follows the sun through the course of the day, improving solar production by twenty-five percent.
 - d. The solar tracking system supplies a minimum of 85% of the dairy's electricity needs with an annual savings of \$145,000.
 - e. The solar power system produces over 1.4 million kilowatt hours annually, providing energy during peak hours of the day, when electricity loads and prices are the highest.
 - f. The system will reduce greenhouse gas emissions by 27,000 tons which is equivalent to permanently removing 192 gasoline powered cars.
 - g. The solar facility produces enough electricity to power up to 130 homes annually.
 - h. The solar installation not only reduces daily operating costs, but it also provides a long-term hedge against rising electricity costs and a strategy toward sustainable energy production.
 - i. In December 2013, the dairy was selected as a Pacific Southwest Region 2013 Environmental Champion, recognition from the Environmental Protection Agency acknowledging the dairy's significant contribution to protect the environment and support communities.
 - j. This particular dairy was the only agribusiness awarded the 'Environmental Protection Agency Environmental Champion.' The Environmental Protection Agency recognized six other projects in California, Arizona, Nevada and Hawaii.

SCHOOLS PART II

FACTS:

1. Visalia Unified School District will be installing solar panels on newly constructed shade structures over playgrounds and carports. There will be no roof mounted solar panels due to permitting and structural roof challenges at the following schools:
 - a. Crowley Elementary School
 - b. Fairview Elementary School
 - c. Green Acres Middle School
 - d. Highland Elementary School
 - e. Houston Elementary School
 - f. Ivanhoe Elementary School

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- g. Linwood Elementary School
 - h. Pinkham Elementary School
 - i. Redwood High School
 - j. Veva Blunt Elementary School
 - k. Willow Glen Elementary School
2. Visalia Unified School District will realize cost savings the first year of operation.
 3. Visalia Unified School District projects an average savings per year of \$454,141 and a twenty-five year lifetime total cost savings of \$11,353,530 with total estimated project costs of \$10,735,610.
 4. Of the 3,316,146 kilowatts to be used by the Visalia Unified School District 3,150,329 kilowatts will be provided by solar energy.
 5. The solar facilities will be designed and sized such that the District's energy bills are reduced, but excess power will occur through a process called Net Energy Metering.
 6. The Visalia Unified School District will own the solar facilities. However, the District will contract with the solar provider for maintenance and service of the solar facilities with the assistance of District maintenance staff.
 7. The District will receive \$2,152,233 in solar rebates paid over five years by the California Solar Initiative.
 8. The following school districts within the Tulare County Office of Education either have solar facilities or have plans in the future for solar facilities:
 - a. Buena Vista School District – existing solar project built in 2004 and no plans for expansion
 - b. Burton School District – in the bid process
 - c. Farmersville Unified School District – existing solar farm with no plans for expansion
 - d. Liberty School District – exploring future solar projects
 - e. Pixley Union School District – conducting inquiries for the elementary and middle school sites
 - f. Pleasant View School District – in planning stages at either Pleasant View West or Pleasant View Elementary School
 - g. Porterville Unified School District – existing solar facilities at six sites and under contract for ten additional sites
 - h. Richgrove School District – existing solar facilities and no plans for expansion
 - i. Sundale Union School District – in planning stages
 - j. Tipton School District – in process of implementation of solar project
 - k. Tulare City School District – working on implementing solar project at fourteen of fifteen sites
 - l. Waukena Joint Union School District – in planning stages
 - m. Woodlake Unified School District – existing solar facilities with no plans for expansion

FINDINGS:

1. There are many benefits to solar energy such as lower energy costs, environmental, renewal resources and clean energy.
2. The schools are doing their part to become more energy efficient.

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RECOMMENDATIONS:

None

REQUIRED RESPONSES:

None

WATER PLEASE!

BACKGROUND:

“No local economy existed before water and none will be able to survive without it.” This is a quote by a former Visalia City Manager on September 10, 2013, which appeared in the *Visalia Times Delta*.

In the late 1800s, Tulare County obtained its water entirely from rain and floods. Before development of improved water delivery systems, most of the recharge to the Central Valley aquifer system was from rain and mountain snowmelt. Because of the location of the mountains, the discharge was to rivers and marshes near the valley center.

The first wells were Artesian wells which bubbled from beneath the ground. Due to drought conditions in the 1880s, wells began to be developed. At that time, there were more wells in California than the rest of the United States. There were three to four hundred documented wells in the San Joaquin Valley. Wells could only be drilled twenty to thirty feet deep due to the Monterey Shale, a rocky formation beneath the ground’s surface. Those wells did not last beyond 1910. Eventually, development of the centrifugal pump in the early 1900s eliminated the problem of drilling past the Monterey Shale.

The Tulare Irrigation District was formed in 1889. The controversial raising of a \$500,000 water bond for this district (equivalent to \$25 million in 2013) caused many problems: lawsuits, need for Pinkerton Guards, and exporting water.

During the 1940s – 1950s, the Central Valley Project, a state project, provided water to Tulare County from the Sacramento Delta.

Rain and snowmelt flow into channels and basins and become surface water which percolates into the ground. In wet years, surface water flows into cities’ rivers and channels, then into storage basins percolating into the water table, recharging groundwater supplies.

There was a period of stability for water availability from 1971-1976, when due to several very wet years, large scale projects came on-line and surface water was utilized instead of groundwater.

Since the mid 1970s, the use of groundwater has exceeded the ability of the aquifer to replenish itself.

REASON FOR INVESTIGATION:

The 2013-2014 Tulare County Grand Jury initiated an investigation into city and County water wells, the current depth of those wells, the County’s water table, and how the cities and the County plan to sustain water resources for future population growth.

PROCEDURES FOLLOWED:

1. Interviewed relevant witnesses.
2. Researched relevant documents.

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FACTS:

1. An acre-foot of water is equivalent to enough water to cover one acre of ground to a depth of one foot. An acre-foot of water is sufficient water to provide for two four person families for one year. The population of Tulare County was 449,253 as of July 2011 according to the United States Census Bureau.
2. The rate of formulation for percolation for recharge basins has an accepted standard formula: A Good rating equals $\frac{3}{4}$ acre foot per day; and a Marginal rating equals $\frac{1}{2}$ acre foot per day and absence of percolation. The percolation ranking for recharge basins in Tulare County varies from one to another and none of the basins are less than marginal.
3. The drinking water for the City of Visalia is obtained solely from groundwater wells. Groundwater for Visalia is obtained from the Kaweah basin, in which the city is located.
4. In Tulare County, more than ninety percent of the groundwater is utilized by agriculture.
5. Water conservation provides a one-to-one direct benefit. An acre-foot not pumped is an acre-foot saved. The Visalia City Council enacted Visalia's Water Conservation Ordinance in 1989. Because the majority of the city's water was being used for landscape irrigation and because of the decline in water levels, the City Council in 2000 implemented Stage 3 which restricted outdoor irrigation, daily watering and other outside water use.
6. The City of Visalia is undertaking a \$140 million upgrade of its Water Conservation Plant to produce advanced treated recycled water which can be used with restriction for agricultural irrigation. A portion will be utilized to irrigate facilities on the west side of Visalia, but a majority will be traded with the Tulare Irrigation District for surface water to be used for recharge on the east side of Visalia. A new piping infrastructure will deliver recycled water to irrigate Plaza Park, Valley Oaks Golf Course and the Visalia Municipal Airport so that wells can be turned off at these facilities. The City and Kaweah Delta Water Conservation District are working together to install structures in the Packwood Creek area, which will enable the pooling of water into nearby basins and channels to increase recharge.
7. Visalia has 4.5 miles of aging pipelines that are over one hundred years of age. Replacing these pipelines could cost in excess of \$6 million.
8. In the City of Tulare, which has thirty networked wells, the water table has dropped more than seventy feet since January 2013. When Tulare has a wet year, excess water flows into groundwater recharge basins. Tulare's goal is to accumulate 10,000 acre-feet per year in the groundwater recharge basins. Unfortunately, the City is using 17,000 acre-feet of groundwater recharge per year. Consequently 7,000 acre-feet of reserve is being depleted each year.
9. The City of Tulare has two wastewater treatment plants: one for people and another for dairies. Three thousand two hundred acres are watered with treated waste water in Tulare.
10. The City of Tulare added water meters in 2006 and the water use decreased fifteen percent, but when the rates were increased gradually to increase the water fund, the residents reduced the amount of water they were using, which reduced the amount of revenue for the water fund. Currently, approximately 150 meters have been placed throughout the city parks.

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11. The City of Tulare has one elevated water storage facility with 150,000 gallon capacity which helps to reduce water pressure problems.
12. The City of Tulare is faced with over \$200,000 of water projects which include repairs for two backup generators, repairs to the water pumping facility, and potential treatment of the water due to high arsenic levels.
13. The winter of 2012 was one of the driest winters on record since 1920. The year 2013 will be the sixth driest year on record in 109 years.
14. The Kaweah Delta Conservation District's customer's water allotment was forty-four percent of normal yearly rainfall. The allotment for 2013 was set at forty percent of average yearly rainfall. They began receiving twenty-eight percent of their average yearly allotment in April 2013.
15. The City of Lindsay's water rates are among the highest for municipal customers in Tulare County. Lindsay is also considered to be a disadvantaged community and has an average household water bill of 1.8 percent of the annual median household income of approximately \$30,000.
16. Lindsay receives approximately sixty percent of its water through surface contracts with the United States Bureau of Reclamation. The contract allows Lindsay to receive as much as 2,500 acre-feet per year. The United States Bureau of Reclamation maintains the right to reduce Lindsay's annual allocation based on climate conditions and the amount of water permitted to flow to the San Joaquin River. Between 1977 and 2006 the average allotment was ninety-eight percent, but between 2007 and 2013 the average allocation dropped to eighty-one percent.
17. In Lindsay, water well number fourteen has exceeded maximum contaminant levels, and the city needs to install a treatment system to reduce the contaminants. Water well number fifteen has been tested and resulted in a "boil water" (a requirement that water be boiled to be made usable for consumption) advisory for all users. Water well number eleven is inactive due to having exceeded the safety levels for percolate; this well is available for emergency use only. There are several contaminants that may cause critical health concerns in the near future because Lindsay has low water pressure during high-flow conditions in the summer.
18. In the Matheny Tract, a residential area, beginning approximately ten years ago, water pressure began to decline, while arsenic levels began to rise, gradually making the water unsafe for human consumption. The California Department of Health Services limits arsenic levels to ten or fewer micrograms per liter. According to the Rural Community Assistance Corporation, Matheny Tract's arsenic level in 2013 was, on the average, seventeen micrograms per liter. Construction to extend the City of Tulare's water system to Matheny Tract began in October 2013 and is pending completion. This project will allow the residents to connect to a municipal source, a much cleaner and reliable provider. Initial work on a new delivery system has also begun. The residents will be metered and the city of Tulare will take care of the maintenance and operation of the system as well as the billing. Self Help Enterprises and Rural Community Assistance Corporation assisted with the application for funding for the project.
19. Residents of Allensworth and Alpaugh, both rural unincorporated communities in Tulare County, have water with elevated arsenic levels. They have advanced a proposal to resolve the water issues in their communities. Under the plan, the Community Service Districts, a group of community service organizations, would combine with the Angiola Water District, which sells water for irrigation, would deliver drinking water for residents. The proposal received approximately \$420,000 in grants to research its feasibility. This proposal is unique

in that it combines a remote rural community water district and an irrigation water district. The arrangement could serve as a model for other rural communities. The proposal has the support of the Tulare County Board of Supervisors, which submitted the application to the California Strategic Growth Council.

20. Research shows there are an estimated 1.8 million Californians live in low-income, unincorporated communities and many lack potable water and other basic infrastructure. In the Tulare Lake Basin, there are approximately 370 of these communities.
21. According to surveys, residents of some low income, unincorporated communities spend up to ten percent of their income on bottled water.
22. An environmental research study found that between 2005 and 2008, approximately 1.3 million San Joaquin Valley residents drank water with unhealthy levels of nitrates, which can lead to severe illness and even death among infants.
23. Contamination threatens the water supplies of 250,000 people in rural towns in Tulare County.
24. In 2008, the Legislature passed the Clean Air Act that directed \$829 million in bonds to water projects throughout the state. Two million dollars would go to Tulare, Fresno, Kern and other San Joaquin Valley counties to develop integrated water quality and wastewater treatment programs for disadvantaged communities. A proposal has been submitted to the Tulare County Board of Supervisors that includes a feasibility study exploring whether the small north county water districts of East Oroshi, Sultana, Seville and Yettem would be able to tie into the Oroshi Public Utilities District. A plan calls for water to come from the Alta Irrigation District, replacing the nitrate contaminated wells that deliver water to many of the smaller districts in the area. The study would look at water demand, water rights, surface water treatment plant capacity and infrastructure costs to tie the whole system together.
25. The California Department of Public Works announced a plan to hasten the stream of federal money to drinking water projects that could benefit poor Valley towns with contamination problems such as Tooleville, Seville and Yettem. This results from an order of the United States Environmental Protection Agency which scolded the state for leaving safe drinking water funds unspent instead of investing the money in communities where drinking water supplies are contaminated.
26. As of August 2013 and at least two months before the first winter storms are due in the San Joaquin Valley, Lake Kaweah was at fifty-three percent of average water level and Lake Success was at sixty-four percent.
27. Approximately 200,000 acre-feet or 15% of the water is diverted for Salmon per year.
28. The depth of the water table beneath the City of Visalia has dropped an average of three feet per year over the past twenty-five years. The first ten months of 2013 have been the driest since 1895, according to the National Climatic Data Center. Water levels in many of the state's big reservoirs remain below historical averages.
29. The Tulare Irrigation District manages 70,000 acres of water rights East of Visalia to Kings County which include the Kaweah Water Basin and the Friant Water Canals.
30. The Tulare Irrigation District intends to expand its recharge basin by four-thousand acres at a total cost of \$130 million: \$18,000 per acre for the land and \$15,000 per acre for development. A recharge basin can be as small as twenty acres in size. The Tulare Irrigation District has applied for a grant from the Bureau of Reclamation to build the basins, which may have to sit empty due to lack of rain.

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31. Agricultural cropping patterns are intensifying. Farmers are planting row crops in the rows between fruit and nut trees in order to have year-round crops which consume more water than previously used by farmers.
32. The City of Lindsay proposes to construct a levee and excavating a basin at the treatment process plant. The levee and basin would cost the city an estimated \$3.8 million, which is not available in their operating budget.

FINDINGS:

1. As the shortage of water increases, the costs to water districts to meet the maintenance requirement challenges increase. When water districts raise consumer prices to offset these fiscal demands, the response by the public is to conserve water in order to keep the bills down. This becomes a vicious cycle.
2. There is a need for potable water and improvement of basic infrastructure in certain communities. Many low income residents are forced into purchasing bottled water. Those who are unable to purchase or access potable water face certain health risks.
3. As water pressure decreases and the water table goes down, the levels of arsenic and other contaminants increase.
4. Without more rainwater, the efforts to collect and conserve water will be in vain.
5. The water infrastructures of all of the communities in Tulare County are old and need costly repairs and updating.
6. The City of Lindsay proposes to create additional surface water storage by constructing a levee and excavating a basin to improve efficiency at the water treatment process plant.
7. The upgrade of Visalia's wastewater treatment facility will enable one hundred percent of the wastewater to be recycled. Approximately thirteen million gallons a day of recycled water will be generated by the upgraded Water Conservation Plant.

RECOMMENDATIONS:

1. The Tulare County Grand Jury recommends that all Tulare County and City agencies review their water conservation programs and implement as deemed necessary. Everyone needs to boost conservation efforts and make more efficient use of existing supplies.
2. The Tulare County Grand Jury recommends the County apply for any available Federal and State grants for the affected unincorporated areas needing potable water.

REQUIRED RESPONSES:

1. Tulare County Board of Supervisors
2. Tulare County Resource Management Agency

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DELTA VECTOR CONTROL DISTRICT

BACKGROUND

The Delta Mosquito District was formed in 1922. It consisted of sixteen square miles, all of the City of Visalia, plus some adjacent suburban areas. The Visalia Women's Club played a key role in the formation of this District. The Women's Club was motivated by the fact that malaria was a common disease and pest mosquitos were a carrier.

Mosquito Abatement Districts are established in accordance with provisions of California Health and Safety Code §2000.

REASON FOR INVESTIGATION

California Penal Code §925 mandates the Grand Jury investigate and report on special districts. The Grand Jury had an interest as to the vector process and to the mosquito abatement process in Tulare County. The issue of mosquito abatement has been the topic of several alarming articles in the paper and revealed some of the impacts the mosquito has to the residents of Tulare County.

PROCEDURES FOLLOWED:

1. Viewed Presentation from Delta Vector Control District
2. Reviewed relevant documentation from Delta Vector Control District

FACTS

1. A vector is defined as any animal including, but not limited to, mosquitoes, flies, mites, ticks, other arthropods and rodents and other vertebrates that are capable of transmitting the causative agent of human disease or capable of producing human discomfort or injury.
2. There are four Mosquito Abatement Districts within Tulare County, two of which serve portions of Kings and Kern Counties.
3. Currently 712 Sq. miles of northern Tulare County are covered by Delta Vector Control District encompassing more than sixteen communities, both incorporated and unincorporated.
4. Directors for each district are appointed by the Board of Supervisors and by City Councils.
5. Delta Vector Control District has a seven member board; one seat has been vacant since April of 2003.
6. Delta Vector Control District conducts surveillance programs and other appropriate studies of vectors and vector borne diseases (Health and Safety Code §2040(a).
7. Delta Vector Control District utilizes all necessary programs and takes actions to prevent and to abate or control vectors and vector borne diseases Health and Safety Code §2040(b) (c).
8. Delta Vector Control District's Board of Trustees does not have the authority to set tax rates or to collect taxes.

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9. Delta Vector Control District is funded by property taxes and property assessments. As of September 30, 2013, Delta Vector Control District had an annual budget of \$2,504,056 and \$496,041 from assessment (taxes) and a reserve in the general fund of \$3,123,131.
10. Delta Vector Control District has several Cooperative Agreements with California Department of Public Health, and Mosquito and Vector Control Association of California.
11. The Ag Commissioner's Office reviews maintenance and calibration records. These records are maintained for two years. Reviewed records include the following:
 - a. Each pesticide application showing the target vector
 - b. Specific location treated
 - c. The size of the source
 - d. The formulation and amount of pesticide used
 - e. The method and equipment used
 - f. The type of habitat treated
 - g. The date of application
 - h. The name of applicator
12. Each month Delta Vector Control District submits a pesticide use report on a California Department of Pesticide Regulation form to the Ag Commissioner's Office that captures the following:
 - a. Manufacturer and product name
 - b. Environmental Protection Agency regulation number from the label
 - c. The amount of each pesticide used
 - d. The number of applications of each pesticide
 - e. The total number of applications, per county, per month
13. Delta Vector Control District reports to the Ag Commissioner's Office and the California Department of Health Services conspicuous or suspected adverse effects upon humans, domestic animals, and other non-target organisms or property from pesticide applications.
14. Delta Vector Control District requires appropriate certification of its employees by the Department of Health Services in order to verify their competence in using pesticides to control pest vector organisms.
15. Vector Control Certification is required by Laws and Regulations for:
 - a. Mosquito and associated diseases.
 - b. Terrestrial Invertebrates such as flies, fleas, roaches and associated diseases.
 - c. Terrestrial Vertebrate such as rats, mice, skunk, squirrels and associated diseases.
16. Delta Vector Control District requires and maintains continuing education for its employees.
17. Delta Vector Control District is inspected by the Ag Commissioner's Office to ensure activities are in compliance with state regulations relating to pesticide use.
18. Delta Vector Control District complies with the specified requirements of any general permit issued to the Department of Health Services as a lead agency, pertaining to physical environmental modification to achieve pest and vector prevention.
19. Delta Vector Control District has a California Mosquito-borne Virus Surveillance/Response Plan.

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20. Delta Vector Control District has a California Department of Public Health Operational Plan for Emergency Response to Mosquito – borne disease outbreaks.
21. Delta Vector Control District cooperates with the Environmental Review and Permitting Programs such as the California Department of Fish & Wildlife Lake and Streambed Alteration Program.
22. Delta Vector Control District has a Memorandum of Understanding with the California Department of Fish and Wildlife Vegetation Management on waste treatment facilities.
23. Delta Vector Control District has a National Pollutant Discharge Elimination System Permit regulating treatment of water in the United States.
24. Delta Vector Control District has twenty-six staffed posts. Three are administrative positions, two are scientific positions and twenty-one are operational staff.
25. Delta Vector Control District has a web page, Twitter and Facebook accounts, a Global Positioning System, Geographical Information Systems Mapper and Access for modern communication.
26. Delta Vector Control District uses three Information Technology programs in abatement: Zone, House Mosquito Program and Source Reduction.
27. Delta Vector Control District uses five Information Technology virus surveillance programs: New Jersey Light, Gravid Traps, Under-House Carbon Dioxide-Baited...Bio One, Sentinel Chickens and Dead Bird.
28. Delta Vector Control District has a lab which conducts the following:
 - a. Bio-Safety Level Three (allows for testing of West Nile Virus and potentially other new and emerging disease viruses).
 - b. Reverse transcription polymerase chain reaction (virus mutation of mosquito and birds)
 - c. Collecting, identifying, testing, reporting and responding operationally
29. A Delta Vector Control District representative has professional association affiliations with the American Mosquito Control Agency, Society for Vector Ecology and Mosquito and Vector Control Association of California which include membership in the following:
 - a. South San Joaquin Valley Representative on Board of Directors
 - b. Chair of Finance Committee
 - c. Regulatory Affairs Committee
 - d. Vector & Vector borne Disease Committee (Standards)
 - e. Integrated Vector Management Committee (Best Management Practices)
 - f. Ad-Hoc In-House Testing
30. Delta Vector Control District records that as of September 2013, the West Nile Virus cases statewide were as follows:
 - a. Human cases 176 statewide, six fatal statewide
 1. Fresno region – 3 cases
 2. Kern region – 10 cases
 3. Tulare region – 5 cases (City of Tulare – 4 cases, Earlimart - 1 case)
 4. Visalia region – 2 cases

- b. Horses – ten cases statewide
- c. Dead birds -1095 statewide
 - 1. Fresno region – 10
 - 2. Kern region - 2
 - 3. Kings region - 10
 - 4. Madera region - 7
 - 5. Tulare region - 5
 - 6. Visalia region - 4
- d. Mosquito samples - 2380 statewide
 - 1. Fresno region – 64
 - 2. Kern region - 179
 - 3. Kings region – 78
 - 4. Madera region – 15
 - 5. Tulare region – 90
 - 6. Visalia region – 72
- e. Sentinel Chickens - 404 statewide
 - 1. Kern region - 12
 - 2. Madera region - 2
 - 3. Tulare region - 4
 - 4. Visalia region - 1

FINDINGS/CONCLUSIONS:

- 1. Delta Vector Control District is fiscally sound and operationally efficient and is a model for the management of special districts.
- 2. Delta Vector Control District built and manages a vector lab in Visalia so test results are available immediately.
- 3. Delta Vector Control District conducts tests for local entities providing expedited results. Delta Vector Control District’s innovation and foresight has provided the Visalia and its surrounding areas with a proactive approach to vector control.
- 4. Delta Vector Control District treats a specified area; however, due to the nature of some of the applications, outside areas are inadvertently treated providing an extra measure of coverage.
- 5. Not all Tulare County communities have Vector Control.

RECOMMENDATIONS:

- 1. The Grand Jury recommends Delta Vector Control District continue their stellar performance in vector control.

RESPONSES REQUIRED:

- 1. None

TULARE COUNTY FLOOD CONTROL

BACKGROUND:

In 1969, District Act 8706 allowed counties to establish and maintain their own flood control districts. Tulare County Flood Control District was created to construct, maintain and operate facilities for control and disposition of flood and storm waters.

Scientists are aware of the impact climate change is having on California's water. Increases in temperature deepen the California water crisis by reducing the amount of precipitation the state receives, whether in the form of snow or rain. Furthermore, warming temperatures may increase the likelihood of severe storms and flooding.

The snowpack in California's mountains has long been a source of freshwater, but warming temperatures and the heavy runoff generated by that warmth place cities and homes at risk and threaten the cleanliness of California's water supply. The state's reservoirs and flood control facilities were built to handle the much slower runoff of melting snow. Runoff created by rain falling in the mountains will easily overwhelm the reservoirs.

REASON FOR INVESTIGATION:

The Grand Jury initiated an investigation per its mandate in California Penal Code §925.

PROCEDURES FOLLOWED:

1. Interviewed relevant witnesses
2. Reviewed relevant documents
3. Toured Terminus Dam
4. Toured three pending flood control projects

FACTS:

1. Tulare County Flood Control District provides for the control of flood and storm waters.
2. Tulare County Flood Control District provides for the protection of watercourses, watersheds, public highways, life and property from damage or destruction from flood waters.
3. Tulare County Flood Control District is authorized to issue the sale of bonds for future flood control projects.
4. Tulare County Flood Control District is authorized to levy and collect taxes and assessments on property within said district and in the respective zones.
5. Tulare County Flood Control District encompasses the entire county in addition to portions of Kings and Fresno Counties.
6. In 2001 work began to enlarge the Terminus Dam spillway channel. Between 2003 and 2004 six fuse gates were installed in the spillway channel, raising the maximum elevation of the reservoir by twenty-one feet.

TULARE COUNTY GRAND JURY REPORT 2013-2014

7. The Board of Supervisors appoints the Flood Control Commission of seven who determine which projects have the highest priority.
8. In 2012 the Flood Control Commission submitted fourteen proposed projects to the Board of Supervisors for approval.
9. Out of the fourteen projects, the Board of Supervisors approved the following three flood control projects for design and construction:
 - a. Yettem-Button Ditch – Estimated Cost of \$415,000 – Yettem-Button Ditch starts in the northern foothills and runs through Yettem. The objective of the project is to widen the ditch to alleviate flooding in residential areas in Yettem.
 - b. Cottonwood Creek – Estimated Cost of \$950,000 – Cottonwood Creek starts in the higher elevations of Fresno County and winds its way through Tulare County into Kings County. The objective of the project is to restore the natural flow of the creek and the avoidance of sensitive environmental areas. The hydrology and hydraulics report were updated to reflect the design changes.
 - c. Seville-Sontag Ditch – Estimated Cost of \$430,000 – Seville -Sontag Ditch starts in the foothills and runs into Seville. The objective is to connect it to Seville’s water system and alleviate flooding in the low lying areas of Seville.
10. The Tulare County Flood Control District underwent reorganization in 2013 and was renamed the Developmental Services Division. The reorganization integrated seven different agencies promoting more collaboration and timely cost efficient efforts.

FINDINGS:

1. Accomplishment of the objectives of the Yettem-Button Ditch, Cottonwood Creek Ditch and Seville-Sontag Ditch Projects is pending.

RECOMMENDATIONS:

1. None.

REQUIRED RESPONSES:

1. None

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.

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:

<u>Agency and Location</u>	<u>Approximate Date of Contact</u>
_____	_____
_____	_____
_____	_____

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)

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 my 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 the date listed on the last page of this form. Between May and June, the 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/

2015 – 2016

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 **2015-2016** and I understand the time commitment required.

() I am unable to serve on the Grand Jury in **2015-2016**.

() 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 5.

TULARE COUNTY GRAND JURY REPORT 2013-2014

- 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 _____
- 6 What accommodations would the Court need to provide to accommodate your physical or mental impairment? _____
- 7 Education (Circle highest grade completed): 6 7 8 9 10 11 12 College: 1 2 3 4 5 6 7
- 8. Name of schools attended and degrees or certification attained: _____
- 9. Clubs or organizations: List any civic, service organizations or any volunteer work to which you belong: _____

- 10. Spouse / Domestic Partner Name: _____
Occupation: _____
If retired, list previous occupation you retired from: _____
Employer: _____
- 11. Are you or any immediate family member an appointed or elected public officer of any public agency? _ If yes, explain: _____
- 12. Are you currently involved in any litigation (law suits) in this County? _____
- 13. 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? _____
- 14. Do you have any significant problems reading or understanding the English Language? _____
- 15. Do you have any suggestions, comments or other matters you would like to bring to the judges attention in connection with your application? _____
- 16. Please tell us about any special skills or abilities that you have which the judges should know about concerning your application? _____

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