

This document is an extract of a larger publication.

civilgrandjury.org is a project of UnGovr.org, a US-based 501(c)(3) nonprofit dedicated to government transparency and public accountability.



11. At the June 2011 biennial inspection of BWDF by the CSA, two issues of non-compliance were cited. They have now been corrected.
12. On June 1, 2011, the Tulare County Environmental Health Services Division inspected the kitchen facilities at BWDF. No infractions were observed.
13. On May 31, 2011, Tulare County Fire Department inspected the detention facilities. Only minor deficiencies were noted. All but one of these issues has been corrected; this deficiency is the ceiling area of the security garage at BWDF which must be reinsulated. Repairs have commenced, and it is anticipated that they will be completed within this fiscal year.

CONCLUSION

1. The detention facilities are in good condition and are being properly operated. The TCSD has addressed the anticipated problems with the AB 109 Realignment and is addressing the need for increased detention facility capacity.

RECOMMENDATIONS

None

RESPONSES

None

*THIS
PAGE
INTENTIONALLY
LEFT
BLANK*

LACK OF OVERSIGHT OF TULARE COUNTY SPECIAL DISTRICTS

BACKGROUND

Successive grand juries have reported on problems in the operation and governance of special districts in Tulare County. These problems often persist.

REASON FOR INVESTIGATION

The 2011-2012 Grand Jury (GJ) became concerned about a lack of oversight of special districts and decided to learn what agencies maintain oversight of special districts and the extent of such oversight.

PROCEDURES FOLLOWED

1. Interviewed relevant witnesses
2. Members of the Grand Jury attended special district board meetings.
3. Members of the Grand jury attended training provided by the office of the County Counsel for directors of special districts.
4. Reviewed relevant documents.

FINDINGS

1. The directors of some special districts are elected by voters within the district (e.g. memorial districts).
2. The directors of other special districts are elected by land owners within the district (e.g. irrigation districts).
3. The Board of Supervisors appoints the directors of certain special districts (e.g. water works districts and cemetery districts). Also, the Board of Supervisors appoints directors to special districts when the number of elected directors remaining on the board constitutes less than a quorum, but it cannot appoint more than the number necessary to make a quorum.
4. The Maddy Act (§§54970 – 54974) provides for the creation of a Local Appointments List by the Board of Supervisors. It does not provide a procedure for the recruitment of individuals to be considered for appointment as directors of special districts.
5. Government Code §56375 gives Local Agency Formation Commission (LAFCO) the authority to initiate proposals for the consolidation, dissolution, merger, or reorganization that includes any of these changes of organization.

6. Staffed with one half time executive officer, LAFCO also has one full time staff analyst, and other part time employees including a clerk who performs LAFCO duties 10% of the time.
7. There are 115 special districts in Tulare County. Of these, 92 are considered principal districts for which LAFCO is responsible. The remaining 23 are primarily located in adjoining counties and those counties are responsible for these districts.
8. Government Code §26909 requires each special district in the county to undergo an annual or biannual audit of its accounts and records for the County Auditor.
9. In 2011, 29 special districts experienced an operation loss or decrease in assets. In addition 11 special districts failed to perform any audits for one or more years. This shows a disturbing shortcoming in the operation of a significant number of the special districts in Tulare County.
10. Since July 8, 2011, the Grand Jury has received seven complaints from citizens regarding special districts, each of which raised significant issues regarding their governance and operation.
11. Special districts in the community of Alpaugh include the Tulare County Waterworks No.1, the Alpaugh Irrigation District, the Alpaugh Joint Powers Authority, and the South Tulare County Memorial District. Significant problems with their operation and governance exist.
12. Government Code §8546.10 became effective January 1, 2012 giving the State Auditor the authority to establish a high-risk local government agency audit program. It is too early to know if this program will be used to evaluate whether criminal charges should be filed against any special district.
13. The California Special Districts Association provides its members with extensive education materials including workshops, course modules and webinars on various aspects of the governance and operation of special districts.

CONCLUSIONS

1. The Board of Supervisors has very limited oversight of special districts. It does have the responsibility to appoint directors to the boards of special districts under certain circumstances. It does not have a procedure for the solicitation of individuals who would be willing to be appointed as a director of a special district which would provide the residents of special districts with more input in the selection of the directors of their special district.
2. The Board of Supervisors receives a report each year from the Auditor-Controller/Treasurer-Tax Collector regarding the shortcomings of special district audits, but the 2011-2012 Grand Jury was unable to determine if any action was taken regarding this important report. The Board of Supervisors can bring this important issue to the attention of the public by putting the issue of these shortcomings on its agenda.