



**In Memory of:**  
**John Grego**  
**April 5, 1936 – October 7, 2014**  
**Member 2014-2015 Grand Jury**

**2014 -2015 FINAL REPORT**  
**KINGS COUNTY GRAND JURY**

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County of Kings  
Grand Jury  
County Government Center  
P. O. Box 1562  
Hanford, CA 93230  
Jury Room: 449 C Street  
Lemoore, CA 93245  
[Grand.jury@co.kings.ca.us](mailto:Grand.jury@co.kings.ca.us)  
(559) 852-2892 – fax (559) 924-1009

June 5, 2015

The Honorable James LaPorte  
Presiding Judge, Superior Court of the State of California  
County of Kings  
Hanford CA 93230 ``

Dear Judge LaPorte:

On behalf of the members of the 2014-2015 Kings County Grand Jury, I am pleased to present its Final Report to the Superior Court and the people of Kings County. The report reflects the efforts of dedicated Kings County citizens and is the result of many hours that have included interviews, research, drafting and collaboration.

The State of California authorizes county grand juries and charges them with investigating the workings and efficiencies of county and local governments. Many of the case studies were the result of concerned citizens who initiated complaints and/or inquiries covering a wide range of topics. Topics selected for study were done so by a super majority vote of all Grand Jury members. The Jury is hopeful that its efforts will benefit the citizens of Kings County, as well as the public agencies that are the subject of its efforts.

It is important to note that during the year I observed that much, if not most, of the benefit of the Jury's efforts came not from its formal Reports, but from the positive interaction between the Jury's investigative Committees and the public employees they interviewed. The showing of interest in a matter often led to changes and improvements in public entity matters not foreseen by the Jury nor reflected in Reports.

The support provided by Your Honor, the Office of County Counsel, the Office of Jury Commissioner, and the Office of the District Attorney is most appreciated and has made all the difference in helping the 2014-2015 Grand Jury to accomplish its duties.

Our service as Grand Jurors has been rewarding and educational and we thank you for the opportunity to serve our fellow citizens in this capacity.

Respectfully,

Nick Kinney  
Foreperson

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Superior Court of the State of California  
County of Kings

James LaPorte  
Judge

June 5, 2015

To: Kings County Grand Jury and Affected Governmental  
Agencies and Officers


The 2014-2015 Kings County Grand Jury has submitted the enclosed reports to the Presiding Judge and /or his designee of the Superior Court in accordance with Section 933 of the California Penal Code. The enclosed reports were submitted and are hereby accepted as the final reports of the Grand Jury concerning these areas of inquiry.

The agencies and elected officials who are affected by the enclosed reports are each hereby notified that they are required to comment to the Presiding Judge and/or his designee concerning these findings and recommendations as they pertain to the subject agency or elected official. Comments are due on behalf of each elected county officer or agency head that has responsibility for the agencies and functions described in these reports within 60 days from this date. The governing bodies of the public agencies affected by the reports have a 90 day time limit within which to submit comments pursuant to Penal Code Section 933 (c). In addition, a copy of each response shall be placed on file with the clerk of the public agency on whose behalf the response is made.

Those having questions concerning their responsibilities to respond to the Grand Jury's recommendations should contact County Counsel or their agency's general counsel.

The Judges of the Superior Court wish to express our sincere appreciation for the long hours of service given by members of the 2014-2015 Grand Jury, with special thanks to their Foreperson, Nicholas Kinney. Selfless dedication to public service such as that demonstrated by this Grand Jury is crucial to the survival of the institution of the Grand Jury, which is itself an important part of the checks and balances necessary for our democracy to function.

Sincerely,

  
James LaPorte  
Judge of the Superior Court

Avenal Division  
501 E. Kings Street  
Avenal, CA 93204  
(559)582-1010, ext. 4094

Corcoran Division  
1000 Chittenden Ave.  
Corcoran, CA 93212  
(559)582-1010, ext. 3003

Hanford Division  
1426 South Drive  
Hanford, CA 93230  
(559)582-1010, ext.5002

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2014 – 2015  
 Kings County Grand Jury Members  
 And the  
 Judges of the Kings County Superior Court



**THE HONORABLE SUPERIOR COURT JUDGES  
 and the  
 2014 – 2015 KINGS COUNTY GRAND JURY**

<b>JUDGE</b> Jenifer Giuliani	<b>JUDGE</b> James LaPorte	<b>JUDGE</b> Steven Barnes	<b>JUDGE</b> Michel Reinhart	<b>JUDGE</b> Thomas DeSantos	<b>JUDGE</b> Donna Tarter	<b>JUDGE</b> Julienne Rynda			
Dennis Meeks	Sumner (Curly) Keyes	Scott Davis	Arnie Garza	Darren Clayton	Nick Kinney Fore Person	Tony Collins	Roger Lynn	Dick Hoffmaster Vice Fore Person	Chris Jordan
Jim Christian	Eldora Trigueiro	Roberta Gilbert	Tom Ross	Georgia Mattos	Gloria Guerrero	Melissa Stammer	Rick Burnias		

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# **BANNER PERMITS**

## **Advertising Across City Streets**

### **SUMMARY**

The Kings County Grand Jury received a complaint concerning the placement of the “Vote Yes on S” banner on Seventh Street in Hanford, CA. The banner proposed by the “Yes on S” group was reported to be in violation of the Hanford banner policy which was in place at that date. The original Hanford City regulation for banner permits 12.04.180 C<sup>1</sup>: “Permits shall be issued only to civic organizations or to public agencies for the purpose of bringing to the attention of the public, events which are of general public interest. No permit shall be issued to further political, religious or private purposes.”

### **BACKGROUND**

California Penal Code §925a provides: “The grand jury may at any time examine the books and records of any incorporated city ...”

### **METHODOLOGY**

The Kings County Grand Jury conducted interviews with Hanford City employees and researched prior and current banner policies.

### **DISCUSSION**

On September 4, 2014, the Public Works Department hung a “Vote Yes on S” banner on Seventh Street. The banner was quickly removed once it was realized that the banner was in violation of the existing regulation for banner permits (12.04.180 C). Three days later, the “Vote Yes on S” banner was re-installed on Seventh Street.

During the course of the investigation, it was discovered that the Hanford City regulation for banner permits (12.04.180 C) restricted the content of allowable banners. It was further discovered that changes to this policy were attempted in 2012 due to a possible violation of the free speech provision of the First Amendment. However, this change in policy was not forwarded to the Hanford City Council in a timely manner. When the “Vote Yes on S” banner was hung and quickly removed, the proposed change in policy was discovered and the “Vote Yes on S” banner was re-hung. An amendment to the policy (Ordinance No. 14-10<sup>2</sup>) was then brought before the Hanford City Council and

<sup>1</sup> Appendix (1)

<sup>2</sup> Appendix (2)

approved on October 21, 2014. At this time a new banner permit application<sup>3</sup> was formulated to reflect the updated policy. All parties involved in this banner issue were treated equally and fairly by Hanford City employees.

## **FINDINGS AND RECOMMENDATIONS**

### **Finding 1**

The change in the regulation had been recommended by the city attorney's office in 2012; however, the recommended change was not forwarded to the Hanford City Council at the time the banner permit was requested. This created confusion not only for the city employees, but also the city residents and organizations that submit permits to hang banners.

### **Recommendation 1**

Current city policies and regulations should be reviewed on a regular basis. Requests for changes to these policies should be sent to the Hanford City Council as soon as possible to prevent any confusion in the future. The Grand Jury recommends a review to be conducted at a minimum of every three years.

### **Finding 2**

In reviewing the application forms used in requesting a Banner Permit, the Grand Jury discovered errors in how the permits were processed. There was no continuity in the various Banner Permit Request Forms nor was there a means to provide accountability or authorization for the permit. The Banner Permit Request Form has since been changed with the implementation of Ordinance No. 14-10.

### **Recommendation 2**

None

### **Finding 3**

The Kings County Grand Jury determined that the city employees involved acted appropriately and fairly to all parties involved in this matter, even with the confusion in the regulation.

### **Recommendation 3**

None

<sup>3</sup> Appendix (3)

## REQUEST FOR RESPONSES

### **Required Responses**

None

### **COMMENT**

The Kings County Grand Jury commends the actions of the officials involved and applauds the quick actions by the Hanford City Council in changing an outdated policy.

The Grand Jury thanks the employees and the City of Hanford who helped with this investigation.

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removal or relocation shall be accomplished at no expense to the city. (Prior code § 7-1.15)

#### **12.04.170 Annual permits.**

A. The following organizations may apply for an annual permit:

1. Any organization having facilities situated in the city that is regulated by the Public Utilities Commission of the state of California;

2. Any organization holding a franchise from the city or a franchise from the state of California;

3. A special district organized under the laws of the state of California and having facilities situated in the city.

B. Term of Annual Permit. The term of an annual permit will commence July 1st of each year and will terminate June 30th of the following year except that the term of permits issued prior to July 1, 1991, shall have a term commencing the date of issuance and terminating on June 30, 1991.

C. Fees for annual permits shall be established by city council resolution. All annual permit fees shall be paid on July 1st of each respective year except that the fee for permits issued prior to July 1, 1991, shall be paid on the date of issuance of the permit and will be prorated consistent with the term of the permit. (Prior code § 7-1.17)

#### **12.04.180 Regulations for banner permits.**

The following regulations shall be applicable to all banner permits issued pursuant to the provisions of this chapter:

A. It is unlawful for any person to erect, install or cause to be erected or installed, a banner extending over, along or across any street or right-of-way without first obtaining a banner permit thereof or in violation of the terms or conditions of such permit.

B. Banner permits shall be issued by the director only upon a written application therefor. Application forms shall be furnished by the city which shall specify the following:

1. The name and address of the applicant;

2. The location, dimensions and purpose of the proposed banner;

3. A facsimile of the proposed banner, including any legend or written matter;

4. The proposed date and time when the banner is to be erected and/or installed and removed; and

5. Such other information as the director may require.

C. Permits shall be issued only to civic organizations or public agencies for the purpose of bringing to the attention of the public, events which are of a general public interest. No permit shall be issued to further political, religious or private purposes.

D. No permit shall be issued for a period in excess of thirty (30) days.

E. The city shall hang and remove any banner which crosses streets or rights-of-way for which a permit has been issued in accordance with the provisions of this chapter. The city shall remove all banners and may do so at any time prior to the date so stated in the application, should the necessity arise.

F. The banner must be constructed as described in the application and in conformance with city Standard Drawing GE-53.

G. Any activity done in violation of these requirements or any other requirements as established by the director shall be grounds for immediate revocation of the permit by the director. Upon revocation, the permit will be immediately removed by the city. Any permit shall be subject to such conditions as the director finds necessary for the protection of the city and the public. (Prior code § 7-1.18)

#### **12.04.190 Violations—Penalties.**

A. Violations and Penalty. Every person, whether principal, agent, employee or otherwise, violating or causing or permitting the violation of any provision of this chapter, shall be guilty of an infraction and upon conviction thereof shall be punished in accordance with the Penal Code of the

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ORDINANCE NO. 14-10

AN ORDINANCE OF THE CITY OF HANFORD AMENDING  
SECTION 12.04.180 OF THE HANFORD MUNICIPAL CODE  
PERTAINING TO REGULATIONS FOR BANNER PERMITS

The City Council of Hanford does hereby ordain as follows:

Section 1. Section 12.04.180, Regulations for banner permits, of the Hanford Municipal

Code is hereby amended to read as follows:

**12.04.180 Regulations for banner permits.**

The following regulations shall be applicable to all banner permits issued pursuant to the provisions of this chapter:

A. It is unlawful for any person to erect, install or cause to be erected or installed, a banner extending over, along or across any street or right-of-way without first obtaining a banner permit thereof or in violation of the terms or conditions of such permit.

B. Banner permits shall be issued by the director or his/her designee only upon a written application therefore. Application forms shall be furnished by the city which shall specify the following:

1. The name and address of the applicant;
2. The location, dimensions and purpose of the proposed banner;
3. A facsimile of the proposed banner, including any legend or written matter;
4. The proposed date when the banner is to be erected and/or installed and removed;  
and
5. Such other information as the director or his/her designee may require.

C. The director or his/her designee may create regulations establishing the requirements and limitations for permits, including the establishment of installation, aesthetic requirements, limitations on duration, and any and all other standards relating to the issuance of the permit. The city council shall, by resolution, establish fees for banner permits granted hereunder.

D. Applicant may file with the City Clerk a notice of appeal upon a denial of the requested permit within ten (10) days of the date of service of such decision, action or determination. The appeal shall be heard by the City Council. The notice of appeal shall set forth in detail all facts supporting the applicant's appeal of the decision of the director of public works or the director's designee.

E. The city shall hang and remove any banner which crosses streets or rights-of-way for which a permit has been issued in accordance with the provisions of this chapter. The city

shall remove all banners and may do so at any time prior to the date so stated in the application, should the necessity arise.

F. Any activity done in violation of these requirements or any other requirements as established by the director or his/her designee shall be grounds for immediate revocation of the permit by the director or his/her designee. Upon revocation, the permit will be immediately removed by the city. Any permit shall be subject to such conditions as the director or his/her designee finds necessary for the protection of the city and the public.

Section 2. This Ordinance shall take effect thirty (30) days after its passage and shall be published once in the Hanford Sentinel within fifteen (15) days after its passage.

Passed and adopted at a regular meeting of the City Council of the City of Hanford, duly called and held on the 21 day of October, 2014, by the following vote:

AYES: Low Martinez, Joleen Jameson, Russ Curry, Gary Pannett

NOES: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

ABSENT: Tim Irwin

APPROVED



GARY PANNETT,  
MAYOR of the City of Hanford

ATTEST:

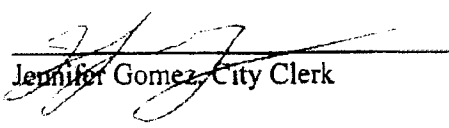


JENNIFER GOMEZ  
CITY CLERK

STATE OF CALIFORNIA )  
COUNTY OF KINGS ) ss  
CITY OF HANFORD )

*I, Jennifer Gomez*, City Clerk of the City of Hanford, do hereby certify the foregoing ordinance was duly introduced at a regular meeting of the City Council of the City of Hanford on the 7<sup>th</sup> day of October, 2014, and it was duly passed and adopted at a regular meeting of the City Council of the City of Hanford held on the 21<sup>st</sup> day of October, 2014.

Dated: 10 22 14

  
Jennifer Gomez, City Clerk

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CITY OF HANFORD
Department of Public Works

Focused On Our Community 24/7

900 South 10th Avenue • HANFORD, CA 93230-5234 • (559) 585-2550

BANNER PERMIT

(HMC Section 12.04.180)

Organization Name: \_\_\_\_\_

Applicant Name: \_\_\_\_\_

Address: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Email Address: \_\_\_\_\_

Date of Event: \_\_\_\_\_

Proposed Installation Date: \_\_\_\_\_ Proposed Removal Date: \_\_\_\_\_

Purpose of banner (Submittal of facsimile, including any legend or written matter required): \_\_\_\_\_

Banner Conditions:

- Banner applications must be received a minimum of one week prior to proposed installation date.
• All banners must meet the requirements of City of Hanford Construction Standard GE-53 (available upon request).
• No banner permit shall be issued for a period in excess of thirty (30) days, except banners for civic events, which may be installed for duration of event.
• No banner shall be installed more than one time per calendar year.
• No banner permit shall be issued between November 1st and December 31st to accommodate Holiday decorations.
• No banner permit shall be issued with wording or images considered to be vulgar or obscene.
• Banners will be installed by the City in available areas, on a first come, first serve basis.
• Banners will be removed by the City on the designated removal date or later as availability of city staff allows, provided however, the City may remove a banner at any time if it poses a safety risk.
• Banners shall be promptly picked up at the City Corporation Yard (900 S. 10th Avenue) after being taken down. The City will not be responsible for any banner stored at the Corporation Yard for more than a thirty (30) day period.
• The City shall not be liable for the condition of or damages to any banner.
• Applicant will identify, defend, and hold City harmless with respect to any personal injury or property damage caused by the condition of applicants, banner, including defects, not caused by City staff.

I fully understand the conditions of this permit.

Signature of Applicant

Date signed

Fee: \$ \_\_\_\_\_ Receipt No: \_\_\_\_\_ Approved By: \_\_\_\_\_ Date: \_\_\_\_\_

# HIGH SPEED RAIL

## The Train Has Already Left The Station

### SUMMARY

The Kings County Grand Jury received a complaint concerning how much money is being spent by the Kings County Board of Supervisors and the City Council of Hanford to fight the High Speed Rail (HSR) project. The complaint also stated that there was a lack of public input in authorizing these legal expenditures, and that Kings County should abandon its lawsuit and cooperate with High Speed Rail Authority.

### BACKGROUND

Pursuant to California Penal Code § 925 “The grand jury shall investigate and report on the operations, accounts, and records of the officers, departments, or functions of the county...”

### METHODOLOGY

The Kings County Grand Jury conducted interviews with the complainant, the Kings County Board of Supervisors, Officials from the City of Hanford, and Officials from Kings County. The Grand Jury also examined the High Speed Rail Authority website.

### DISCUSSION

The High Speed Rail project was approved by California Proposition 1A – “The Safe, Reliable High-Speed passenger Train Bond Act for the 21<sup>st</sup> Century” AB3034 in 2008.

This will be the first High Speed Rail Project in the United States. A project stipulation includes that in order to reduce impacts on the communities and the environment, the alignment for the system would follow existing transportation and utility corridors to the maximum extent possible. To keep the cost down and impact fewer citizens, the HSR was routed through farmland rather than through the City of Hanford.

According to current Geographic Information System (GIS), it does not appear the county owns any affected land proposed to be used by HSR, with the exception of roadways which would be crossed.

On May 25, 2010 the Kings County Board of Supervisors adopted resolution No. 10-033 to document Kings County position on the alignment of the project. Specifically, the Kings County Board of Supervisors resolved to:

- Support the continuing development of high speed rail on a state-wide basis;
- Support a unified approach for the Central Valley, should the rail be designated to traverse through it;
- Support routes that use existing transportation corridors and rights-of-way; and Oppose any and all alignments where transportation corridors do not exist at the present time.

On June 25, 2013 the Kings County Board of Supervisors in a closed session, reversed its previous position and formally initiated litigation joining with private entities against the California High Speed Rail Authority.

At the time of this report, Kings County is currently involved in multiple lawsuits against the High Speed Rail Authority.

The City of Hanford, after conducting a brief investigation, chose not to join Kings County in its litigation efforts.

Kings County Board of Supervisors authorized in a closed session on June 25, 2013, expenditures totaling \$150,000 for litigation expenses, \$74,917 of which was approved retroactively to reimburse expenses from the 2013/2014 budget.

A grant was offered by the High Speed Rail Authority to compensate citizens and businesses that would be displaced by the High Speed Rail Project. Permission to apply for the grant was denied by the Kings County Board of Supervisors.

The City of Hanford decided to accept a grant of \$129,300 from the High Speed Rail Authority to be used for the installation of infrastructure relating to the High Speed Rail Project.

### **Finding 1**

The Kings County Board of Supervisors did not hold general public study sessions in regards to litigation efforts towards the High Speed Rail Authority.

### **Recommendation 1**

The Kings County Board of Supervisors should make every effort to include the general public in all controversial matters of importance including litigations. The individual supervisors should make every effort in their individual districts to assess the public opinion.

**Finding 2**

The Board of Supervisors denied the submission of grants for the benefit of the general public in order to not give any indication of support for High Speed Rail.

**Recommendation 2**

The denial of grants is preventing possible funding sources for those that could be displaced, regardless of the results of current litigations. The Board of Supervisors should not be blocking or denying beneficial funding sources for the county residents and businesses.

**Finding 3**

According to the Geographic Information System, it does not appear the county owns any affected land proposed to be used by the High Speed Rail Project, with the exception of roadways which would be crossed.

**Recommendation 3**

In this specific case, the Kings County Board of Supervisors should not have approved the spending of public funds in litigations involving privately owned lands.

**COMMENTS**

The Kings County Grand Jury appreciates the committed efforts of all citizens and public officials in regards to this controversial subject.

**REQUEST FOR RESPONSES**

Pursuant to Penal Code § 933(c) the Grand Jury requests responses from individuals and governing groups as follows:

- Kings County Board of Supervisors to respond within 60 days.
- City Council of Hanford to respond within 60 days.

RECEIVED  
JUL 14 2015

## COUNTY OF KINGS BOARD OF SUPERVISORS

MAILING ADDRESS: KINGS COUNTY GOVERNMENT CENTER, HANFORD, CA 93230  
OFFICES AT: 1400 W. LACEY BLVD., ADMINISTRATION BUILDING # 1, HANFORD  
(559) 852-2362, FAX: (559) 585-8047  
Web Site: <http://www.countyofkings.com>



JOE NEVES  
STRATFORD-LEMOORE,  
DIST. I

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CORCORAN-AVENAL,  
DIST. II

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NORTH HANFORD -  
NORTH LEMOORE, DIST. III

RICHARD FAGUNDES  
HANFORD, DIST. V

CRAIG PEDERSEN  
HANFORD-ARMONA, DIST. IV

June 30, 2015

Honorable Thomas DeSantos  
Kings County Superior Court  
1426 South Drive  
Hanford, CA 93230

Dear Judge DeSantos:

In accordance with Section 933 of the California Penal Code, this letter is the Kings County Board of Supervisors' response to the Grand Jury Report entitled: High Speed Rail – "The Train Has Already Left the Station," received by the County on June 10, 2015.

Finding 1 of the report the states:

**The Kings County Board of Supervisors did not hold general public study sessions in regards to litigation efforts toward the High Speed Rail Authority.**

The Board of Supervisors strongly disagrees with this finding. Decisions to enter litigation are always taken seriously and there is a provision in the Brown Act that allows for these decisions to be reached in closed session and then reported out on the record in open session. This decision was deliberated extensively by the Board in closed session before the decision was reached to pursue litigation, but this was done against a backdrop of many discussions in open session.

Kings County was initially contacted by the Kings County Farm Bureau and community interests seeking the Board of Supervisors' engagement in the high speed rail project and related issues. On March 4, 2011, the Chairman of the Board wrote to the High Speed Rail (HSR) Authority seeking government to government coordination of the proposed high speed rail project to obtain information regarding project details, mitigation of damage, and to address health, safety and welfare concerns. These concerns were detailed in memorandums by the Sheriff, Fire Chief, Ag Commissioner, Public Works Director and Community Development Director. They related to everything from impact on public safety response times, to pesticide drift, to impacts to protected agricultural land and the County's General Plan which was designed to protect it, and everything in between that the County has responsibility for. The High Speed Rail Authority was very resistant to this concept of coordination and, when they refused to address issues, the Board of Supervisors attempted to coordinate with the Federal Rail Authority, a co-proponent of the proposed project. The Board also attempted to coordinate these issues with the Governor of the State of California, the federal Environmental Protection Agency and then also became involved with the Surface Transportation Board. All of these attempts are well documented in

voluminous correspondence which has always been made available to the public and some of which has been posted on the County's website.

Additionally, the Board of Supervisors met with High Speed Rail Authority officials for hours in Board Chambers and the County's Multi-Purpose Room pursuant to publicly agendized meetings in attempts to coordinate. The following meetings were recorded by a court reporter in transcripts which identify all of the issues the County has expressed on behalf of itself and its constituents: April 19, 2011, June 7, 2011, April 3, 2012, May 4, 2012, May 8, 2012, June 4, 2012, June 12, 2012 and June 4, 2013. All of this was attempted to inform the High Speed Rail Authority and to resolve issues prior to its preparation and release of its environmental document. Initially the Authority released a draft environmental document. The County provided over 500 public comments on the draft about unaddressed impacts. Prior to release of the intended final document, the County provided two additional letters detailing legal defects and oversights.

The County's Public Health Officer has provided written correspondence regarding Valley Fever and the impacts that will be created through the multi-millions of tons of soil that will be disturbed during the project.

The County has publicly commented on the Authority's bi-annual Business Plans required by Proposition 1A and their failure to comply with the Act.

The County's involvement in this project is well documented and is no secret. It has been well publicized through articles in the newspaper, on agendas, in transcripts, in petitions to various responsible agencies, and through attendance at meetings in Sacramento, Fresno, board chambers and meetings with constituents.

So to suggest that the County did not hold General Public Study Sessions in regards to litigation efforts toward High Speed Rail ignores the numerous public meetings as described above.

Recommendation 1 of the report states:

**The Kings County Board of Supervisors should make every effort to include the general public in all controversial matters of importance including litigations. The individual supervisors should make every effort in their individual districts to assess the public opinion.**

In part, the Board agrees with this recommendation and did make efforts to include the public in this case. In fact, the Board goes even farther than this recommendation in that it makes every effort to include the general public in all matters, including "controversial matters of importance including litigation."

The recommendation that individual supervisors should make every effort in their individual districts to assess public opinion is not necessarily applicable in the sense that High Speed Rail is a matter of importance to the entire County and not any particular district. The Kings County Board of Supervisors are individually elected by district but make decisions for the entire

County. To be successful they have to be “in touch” with the voters in their respective districts as they individually stand for election every four years.

Finding 2 of the report states:

**The Board of Supervisors denied the submission of grants for the benefit of the general public in order to not give any indication of support for High Speed Rail.**

The Board of Supervisors strongly disagrees with this finding, as it appears the Grand Jury has completely misunderstood the Board’s action on this issue, or at least what the “grants” were even for.

With respect to rejection of the “grant”, the Board of Supervisors publicly discussed this offer and the reasons for rejecting it. Key among them is that it is the Authority’s project and responsibility – not the County’s. The County already works tirelessly with its landowners and constituents and will continue to do so. The “grant” was simply an offer of reimbursement that came with no certainty and many responsibilities. The Board of Supervisors is not willing to use precious time and resources administering an onerous contract when it can use the resources to help directly and is not willing to be burdened with the Authority’s responsibilities, particularly in light of the treatment the County has received throughout the past four years.

Recommendation 2 of the report states:

**The denial of grants is preventing possible funding sources for those that could be displaced, regardless of the results of current litigations. The Board of Supervisors should not be blocking or denying beneficial funding sources for the county residents and businesses.**

This recommendation gives further evidence of the Grand Jury’s misunderstanding of the purpose of these “grants.” Anyone that could be displaced by High Speed Rail, should the litigation to stop it be unsuccessful, will not be adversely impacted by any action taken thus far by the Board of Supervisors. As described above, reimbursement for condemned property and costs associated with displacement are solely the responsibility of the HSR Authority as it is their project. The Board is in no way “blocking or denying beneficial funding sources for the County residents and businesses.” As onerous and mismanaged as they might be by the HSR Authority, negotiations and/or condemnations of property are going on as this response was being drafted. The Board actually has no say in HSR’s requirements to adequately reimburse displaced and impacted property owners and the denial of the “grant” changes nothing in this regard.

Finding 3 of the report states:

**According to the Geographic Information System, it does not appear the county owns any affected land proposed to be used by the High Speed Rail Project, with the exception of roadways which would be crossed.**

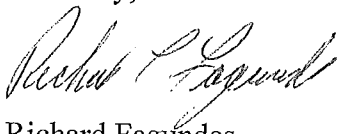
The Board strongly disagrees with this finding. This is yet another indication that the Grand Jury did wholly inadequate research when deciding to pursue the release of this report. It is completely unclear as to what is referred to when the report states, "According to the Geographic Information System..." In any event, in addition to the roads that will be disturbed, destroyed or closed and the overpasses that will be created, the County's busiest and newest fire station (#4) at Highway 43 and Houston Avenue will be detrimentally impacted to the point of a total take unless there is redesign of the Authority's project. Station #4 serves several functions: It responds to calls within its service/response area; provides automatic and mutual aid to the City of Hanford; provides response to the Home Garden Community Services District area in southeast Hanford; provides response to parts of Tulare County adjoining Kings to the east; hosts an FAA-mapped heliport which serves anyone who owns a helicopter and is the rendezvous point for medical helicopters and ambulances; it serves as a "park and ride" facility for out of town employees who are able to park their cars in a locked and manned facility; it will serve the soon-to-be-built Hanford Costco, and was formed as a result of closing and consolidating the former Kit Carson and Guernsey stations. Additionally, it is a training facility for all Kings County fire personnel, for the Fire Academy of College of the Sequoias, and for the Kings County Sheriff's Department. Houston Avenue, the road by which the station is accessed, is also designated as a back-up arterial in the event Highway 198, just to the north of the Station, is closed due to a Lemoore Naval Air Station emergency or other closure of Highway 198. It houses the County's only 100' ladder truck. To suggest that the County owns no affected land is absolutely incorrect.

Recommendation 3 of the report states:

**In this specific case, the Kings County Board of Supervisors should not have approved the spending of public funds in litigations involving privately owned lands.**

The County has acted at the behest of community members, affected owners, and as part of its responsibility to provide public services and protect the health, safety and welfare of its communities. It does have land other than right of way impacted. Its busiest fire station and heli-pad may be completely sacrificed to the Authority's project, to the detriment of many here in our communities. The County and its people have been walked over and ignored and the High Speed Rail Authority is not acting in accord with the law. This is not acceptable. The County has paid \$157,000 to date, which pales in comparison to how much the HSR Authority has wasted on this ill-conceived, destructive project.

Sincerely,



Richard Fagundes  
Chairman, Board of Supervisors

City of **HANFORD**

CALIFORNIA 93230  
CITY OFFICES 319 NORTH DOUTY STREET



**MAYOR**  
RUSS CURRY  
**VICEMAYOR**  
DAVID G. AYERS  
**COUNCIL MEMBERS**  
GARY PANNETT  
FRANCISCO RAMIREZ  
JUSTIN MENDES  
**CITY MANAGER**  
DARREL L. PYLE  
**CITY ATTORNEY**  
ROBERT M. DOWD

July 2, 2015

**RECEIVED**  
JUL 2 1 2015

The Honorable Thomas DeSantos  
Presiding Judge  
Kings County Superior Court  
1426 South Drive  
Hanford, CA 93230

Re: *Hanford City Council, Grand Jury Report of 2014-2015 regarding High Speed Rail*

Dear Judge DeSantos:

The City of Hanford ("City") hereby responds to the portion of the 2014-2015 Grand Jury Final Report regarding the City's involvement with High Speed Rail (a copy of which is attached hereto as **Exhibit "A"**).

Although requested by the Grand Jury to respond on the matter, each of the three (3) findings and recommendations specifically relate to the County of Kings. Therefore, the City has no response or comment on how the County should or should not have taken action in any particular way in regard to the High Speed Rail.

We do note that the statement, "The City of Hanford decided to accept a grant of \$129,300 from the High Speed Rail Authority to be used for the installation of infrastructure relating to the High Speed Rail Project" is incorrect. The City entered into an agreement with the High Speed Rail Authority to have engineering and planning costs expended by the City reimbursed as incurred, up to \$129,300.

We hope the foregoing is of assistance in better understanding the referenced Grand Jury Report.

Sincerely,

HANFORD CITY COUNCIL

By: *Russ Curry*  
RUSS CURRY, Mayor

By: *David Ayers*  
DAVID AYERS, Vice Mayor

By: *Gary Pannett*  
GARY PANNETT, Councilmember

By: *Francisco Ramirez*  
FRANCISCO RAMIREZ, Councilmember

By: *Justin Mendes*  
JUSTIN MENDES, Councilmember

# KINGS COUNTY YMCA

## To Pool or Not to Pool

### SUMMARY

The Kings County Grand Jury received a complaint concerning the availability of the YMCA pool and playground facility to the public.

### BACKGROUND

California Penal Code § 925: “The grand jury shall investigate and report on the operations, accounts, and records of the officers, departments, or functions of the county...”.

California Penal Code § 933.6 provide: “The grand jury may at any time examine the books and records of any non-profit corporation established by or operated on behalf of a public entity...”

### METHODOLOGY

The Kings County Grand Jury conducted interviews with County Officials and officials from the Golden State YMCA.

### DISCUSSION

The Kings County YMCA was awarded \$1,050,000 grant from the California Department of Parks and Recreation, facilitated by Kings County, to build the YMCA of Kings County Aquatic Youth Center in 2004.

In 2006, Kings County received additional grant funds for playground equipment and completion of the pool from Prop 40 (California Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Act of 2002). In exchange for the \$100,000 grant, Kings County YMCA agreed to complete the pool facility, maintain it, and keep the pool open to the public for a period of ten years expiring on December 4, 2016.

In 2010, Kings County YMCA merged its organization, property and facilities with Golden State YMCA which included the pool/playground equipment. Golden State YMCA agreed to the grant obligations and assumed the responsibility of keeping the Kings County YMCA facility in operation.

As the time passed, Golden State YMCA could not afford to keep the pool facility open. The monthly revenue of approximately \$1,000 fell short of the monthly pool costs of approximately \$10,000 for lifeguards, maintenance, and insurance.

Golden State YMCA attempted to locate a buyer for the Kings County YMCA facilities, who would honor the grant obligation. Golden State YMCA, unable to find such a buyer, listed the property and sold it to a private corporation on August 14, 2014.

Even though owned by a private corporation, Golden State YMCA was still under obligation as per the lease agreement <sup>1</sup> to operate and keep the pool/playground open to the public.

Golden State YMCA closed the pool facility on October 31, 2014 due to the loss of significant income and ongoing operating expenses.

Kings County officials agreed not to pursue legal action against Golden State YMCA as a County lawsuit would have bankrupted the Golden State YMCA and the pool would have been closed anyway.

The private corporation agreed to attempt a partnership with Kings County to continue operations of the pool, even though they have no legal obligations to do so. As part of the negotiations, Kings County moved the playground equipment to Burriss Park.

At the time of this report, Kings County is awaiting a decision from the California Department of Parks and Recreation on the disposition of the grant obligation.

### **Finding 1**

Upon investigation, the Grand Jury discovered that the agreement between Kings County and the Kings County YMCA could not be enforced without creating a financial hardship on the current Golden State YMCA. At of the time of this report, Kings County is still under obligation to fulfill the terms of the grant.

### **Recommendation 1**

Ensure all future contracts between Kings County and other organizations are designed in such a manner as to protect the citizens of Kings County from investment loss, as well as creating a contingency plan for possible default on obligations.

### **Finding 2**

The corporation that currently owns the pool facility has attempted a partnership with Kings County to continue operations, even though they have no legal obligations to do so.

<sup>1</sup> Lease no, 240 (Lease and preservation agreement for the development and provision of a recreational facility and service)

**Recommendation 2**

None

**COMMENTS**

The Kings County Grand Jury appreciates the committed and dedicated service of the County Officials and the Golden State YMCA personnel who assisted in this report.

**REQUEST FOR RESPONSES**

Pursuant to Penal Code, § 933 (c) the Grand Jury requests responses from individuals and governing groups as follows:

- Kings County Board of Supervisors to respond within 60 days.
- Director Public Works Department, Kings County California to respond within 90 days.

JUL 14 2015



JOE NEVES  
STRATFORD-LEMOORE,  
DIST. I

RICHARD VALLE  
CORCORAN-AVENAL,  
DIST. II

DOUG VERBOON  
NORTH HANFORD -  
NORTH LEMOORE, DIST. III

RICHARD FAGUNDES  
HANFORD, DIST. V

CRAIG PEDERSEN  
HANFORD-ARMONA, DIST. IV

## COUNTY OF KINGS BOARD OF SUPERVISORS

MAILING ADDRESS: KINGS COUNTY GOVERNMENT CENTER, HANFORD, CA 93230  
OFFICES AT: 1400 W. LACEY BLVD., ADMINISTRATION BUILDING # 1, HANFORD  
(559) 852-2362, FAX: (559) 585-8047  
Web Site: <http://www.countyofkings.com>

June 30, 2015

Honorable Thomas DeSantos  
Kings County Superior Court  
1426 South Drive  
Hanford, CA 93230

Dear Judge DeSantos:

In accordance with Section 933 of the California Penal Code, this letter is the Kings County Board of Supervisors' response to the Grand Jury Report entitled: Kings County YMCA - "To Pool or Not to Pool," received by the County on June 3, 2015.

Finding 1 of the report states:

**Upon investigation, the Grand Jury discovered that the agreement between Kings County and the Kings County YMCA could not be enforced without creating a financial hardship on the current Golden State YMCA. At of (sic) the time of this report, Kings County is still under obligation to fulfill the terms of the grant.**

The Board of Supervisors concurs with this finding.

Recommendation 1 of the report states:

**Ensure all future contracts between Kings County and other organizations are designed in such a manner as to protect the citizens of Kings County from investment loss, as well as creating a contingency plan for possible default on obligation.**

The Board of Supervisors does not disagree with this recommendation, but any future contract that may be similar to the circumstances with the YMCA will have to be reviewed and considered on its own merits. While there was not such a plan when the Board authorized the use of a portion of Kings County's allocation of its Prop 40 funds, the closure of the Kings County YMCA within eight years of the use of these funds was certainly not anticipated. The decision to utilize no more than \$100,000, however, was designed to limit the exposure to no more than a ten year obligation. Since the Kings County YMCA facility has been sold two years short of the required ten years it needed to remain open and accessible to the public, staff will work with the new owner to fulfill its obligation and/or the State of California to seek another option.

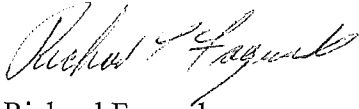
Finding 2 of the report states:

**The corporation that currently owns the pool facility has attempted a partnership with Kings County to continue operations, even though they have no legal obligations to do so.**

It may not be entirely accurate to suggest the new owner has “attempted a partnership with Kings County” although County staff has explored options with the new owner and other parties that might have an interest in partnering to ensure continued access to the pool, but the Board does agree he has no legal obligation to do so.

In closing, this response will also serve as the response for the Kings County Public Works Director as he works at the pleasure of the Board of Supervisors which has ultimate responsibility for the activities of his department.

Sincerely,

A handwritten signature in cursive script, appearing to read "Richard Fagundes".

Richard Fagundes  
Chairman, Board of Supervisors

# ARMONA ELEMENTARY SCHOOL

"Where Kids Come First"

## SUMMARY

The Grand Jury visited Armona Elementary School because of general interest. Armona Elementary School's Mission Statement reads "Our mission is to provide world-class educational opportunities for all students to become life-long learners in a safe, healthy, and effective learning environment through a collaborative commitment of students, family, school district staff, and community." This school's motto is "Where Kids Come First."

Armona Elementary School was built in 1952 and modernized in 1988. The school is situated on 9.9 acres and facilities span 34,000 square feet. There are 16 permanent classrooms, 18 portable classrooms, administrative offices, a library, a cafeteria, and playgrounds. The community prides itself on being small, but proud. Current enrollment is approximately 600 students. The school has the following number of classrooms: 7- Kindergarten, 5- First Grade, 4- Second Grade, 5- Third Grade, and 5- Fourth Grade. There are 30 teachers, 20 support staff and additional temporary staff bringing the total to around 55-60 personnel. The ratio is about 23 students to 1 teacher. Five of the teachers are bilingual. Thirty percent of the students do not have English as their primary language; once a year the school is required to administer the California English Language Development Test to those students.

## BACKGROUND

The Kings County Grand Jury visited as a subject of general interest and information to the residents of Kings County. California Penal Code §933.5 provides the Grand Jury the authority to "...examine the books and records of any special-purpose assessing or taxing district located wholly or partly in the county..."

## METHODOLOGY

The Grand Jury visited Armona Elementary School, conducted interviews and toured the campus. Additional information and materials were obtained from the school website and the Student Handbook for 2014/2015 School Year.

## DISCUSSION

School begins as early as 8:15 am. Breakfast is free to all students and served daily in each classroom. The breakfast clean-up is handled by each classroom. The cost for lunch is \$1.75. Ninety percent of the students are eligible for the subsidized lunch program. The kitchen where the meals are prepared is clean and well organized. Lunch periods are

staggered by grade level. The school meets the state requirements for hot meals served. Each meal is served with fruit. A California Department of Education grant provides the monies for the food programs.

The staff handles most disciplinary issues. The principal "tag teams" major discipline issues with the vice principal. The vice principal splits his duties between Armona Elementary School and Parkview Middle School. The discipline problems that occur are typical for elementary school age children. If warranted, a private conversation with the student regarding the reason for their behavior and/or a "time out" policy is used. There are rarely issues that lead to suspension or expulsion. Crossroads Charter Academy (the district's independent study school) is the alternative school for some students.

The school grounds are closely monitored during drop off and pick up times. The gates are locked immediately when classes start. All visitors and students who arrive after the gates are closed must sign in at the office. The Youth Development Officer, who is a Kings County Deputy Sheriff, is present at the school two days per week. The deputy creates a positive interaction with the students rather than just being a "policeman." Monthly drills of lockdown, fire and earthquake are conducted. Armona Elementary School is very proud of a recent fire drill. They exited the school buildings in 3 minutes and 47 seconds. The fire department visits periodically and checks the fire extinguishers, etc.

Armona Elementary School is not accredited since accreditation is not required for elementary schools. The Common Core State Standards establish clear, consistent guidelines for what each student should be able to do in grade appropriate math and English language arts. Armona Elementary School is at a fifty percentile reading level, meaning the school scores in the middle of the state testing range. The Grand Jury was informed this program is in the early stages and there appears to be no problems with teachers, students, or parents adjusting to this new program.

Armona Elementary School has a full-time licensed vocational nurse present on campus during school, as well as a registered nurse who shares her time with Pioneer School District. Most health issues are handled in the nurse's office. If a student is sick and has no ride home, a specific staff of two (one male and one female) will transport the student home. Some of their staff is trained to handle minor medical emergencies.

Armona Elementary School does not offer extracurricular activities to its students. Due to budget cuts, the music program has been eliminated. Armona Elementary School is trying to restart the music program. This is in the planning stages, but funds are currently unavailable. Most parents are very involved in the school. There is a Parent Teacher Organization (PTO) that is very active. The PTO raised the money for the playground ground cover. This is composed of 44 bags of 75 cubic feet of redwood mulch and 198,900 pounds of tire chips made from 16,575 shredded tires. The total cost was \$49,000 for the product only.

Some classrooms have five or six computers and Chrome Books. There are two computer labs with 30 plus computers per lab. Armona Elementary School anticipates enrollment will be up next year. The present library has limited square footage and needs new bookshelves and furniture. There are plans to add a new portable classroom and a new portable library by the summer of 2015. The building where the library is now located will be used as a classroom once the library is transferred to the new portable unit. Another improvement to be completed by the summer of 2015 will be the solar energy project. A Purchase Lease Agreement will be signed with the solar company in order to keep the installation costs at a minimum. This project will reduce the monthly utility cost and create a more energy efficient school.

## **FINDINGS AND RECOMMENDATIONS**

### **Finding 1**

In order to accommodate new and existing students in the upcoming school year, there is a need for more classrooms. This school expansion should be completed by the summer of 2015, just in time for the new school year.

### **Recommendation 1**

None

### **Finding 2**

The present library will be replaced with a new portable unit by the summer of 2015. It will be furnished with new bookshelves and furniture.

### **Recommendation 2**

None

### **Finding 3**

Armona Elementary School plans to make their school more energy efficient by installing a solar energy system. This should be completed by the summer of 2015.

### **Recommendation 3**

None

## **COMMENTS**

The Grand Jury thanks Armona Elementary School for their cooperation and information. This school is very organized and nicely maintained.

COPY

RECEIVED  
SEP 02 2015

# ARMONA UNION ELEMENTARY SCHOOL DISTRICT

Xavier Piña, Ed.D., Superintendent

P.O. Box 368 – 11115 C Street, Armona, CA 93202, (559)583-5000, FAX (559)-583-5004

August 14, 2015

The Honorable Thomas DeSantos  
Presiding Judge, Superior Court of the State of California  
c/o Nick Kinney  
County of Kings  
Hanford, CA 93230

On June 5, 2015, the Kings County Grand Jury publicly released its report with findings and recommendations for Armona Elementary School, Crossroads Charter Academy, and Parkview Middle School. Following our preliminary review of the report, the district and site administrative team met to discuss the findings and recommendations stated in the report.

In response to the findings at Armona Elementary School: *Finding 1 - In order to accommodate new and existing students in the upcoming school year, there is a need for more classrooms. This school expansion should be completed by the summer of 2015, just in time for the new school year. Finding 2 – The present library will be replaced with a new portable unit by the summer of 2015. It will be furnished with new bookshelves and furniture. Finding 3 – Armona Elementary School plans to make their school more energy efficient by installing a solar energy system. This should be completed by the summer of 2015.* The first two findings have been completed and the third finding is in the process of being completed by December 2015.

In response to the findings at Crossroads Charter Academy: *Finding 1 - The posted fire exit placard in the "shop" area was completely opposite from the actual building layout. Recommendation 1 – Crossroads Charter Academy should remake the placard to show the correct layout of the building including proper exit directions.*

The district and site administration reviewed the placard mentioned by the Grand Jury in August of 2015. It was confirmed by site administration that the building layout on the placard is correct. During the explanation the members of the Grand Jury, it may be that the explanation was not understood. The placard demonstrates the correct layout. The issue was that the placard was posted upside down on the wall. All placards will be reviewed every June and December annually to insure they are correctly placed on the wall.

In response to the findings at Parkview Middle School: *Finding 1 - There was an excess of litter on the playgrounds. Recommendation 1 – Increase the number of trash cans available on campus and enlist student and/or community volunteers to help alleviate the litter issue. Finding 2 – The gym also serves as the cafeteria. The kitchen and the cafeteria eating area were clean. The area under the grandstand, however, was extremely littered. Recommendation 2 – The*

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**WHERE KIDS COME FIRST**

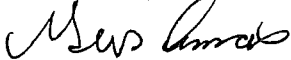
*custodial staff should thoroughly clean all areas. Finding 3 – Parkview Middle School community takes great pride in the Panther Press.*

The district and site administration have met and made available additional trash cans to place on the yard for students to discard their trash. Students are reminded by district, site administration, and yard supervisors to discard their trash in the trash cans. Site administration, teachers, and support staff will monitor more closely students how discard their trash inappropriately. Students will be reminded at least on a monthly basis regarding discarding trash appropriately. The frequency will increase if determined by district, site administration, and custodial staff. The custodial staff has been made aware of the need to clean under the grandstand area. This will be done especially after athletic events in the gymnasium. Additionally, the district will implement a cleaning deposit fee for community groups who use the gymnasium in the evenings and/or weekends. This will be monitored by district and site administration along with the supervisor of maintenance, operations and transportation.

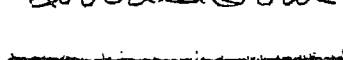
The Armona Union Elementary School District Board of Trustees appreciates the visitation and feedback provided by the Kings County Grand Jury. The findings and recommendations provided will assist in the improvement of our overall operations.

Sincerely,

Gus Amos, President



Robert Ford, Vice President



Ruby Johnson, Clerk



Claudia Hodson, Member



Juan M. Tafolla, Member



# AVENAL HIGH SCHOOL

## SUMMARY

The Kings County Grand Jury was made aware of concerns held by some of the staff of the Avenal High School. Some staff members questioned the planning and benefit of certain scheduling implementations as well as the quality of teacher training. Teachers at Avenal High School realize the importance of such issues and how these issues affect the students' performance. A Grand Jury visit to Avenal High School revealed a caring staff and a well maintained facility. While Avenal High School faces many of the same challenges as other California high schools, the Grand Jury found the administrative and teaching staffs at Avenal High School to have the best interest of the students at heart.

## BACKGROUND

The City of Avenal is located in the coastal range foothills of the western San Joaquin Valley. Avenal High School, home of the Buccaneers, is part of the Reef-Sunset School District and serves grade 9-12. Avenal High School's program "is designed to prepare their students for their post-secondary journey."<sup>1</sup> The school's total enrollment is 630 students.

Upon discovering some educational concerns of some staff members, the Kings County Grand Jury inquired into the workings of Avenal High School. Pursuant to California Penal Code §933.5, "A grand jury may at any time examine the books and records of any special-purpose assessing or taxing district located wholly or partly in the county..."

## METHODOLOGY

The Kings County Grand Jury interviewed some of the Reef-Sunset School District staff regarding Avenal High School. The Grand Jury also attended Reef-Sunset School District meetings and visited the Avenal High School to observe some classes during instruction.

## DISCUSSION

The Kings County Grand Jury was made aware of concerns held by some of the teaching staff at Avenal High School. The Reef-Sunset School District, which includes Avenal High School, states that it has implemented changes in order to ready its students for higher education. The school now operates under block scheduling, that is, "...a system for scheduling the middle- or high-school day, typically by replacing a more traditional schedule of six or seven 40-50 minute daily periods with longer class periods that meet

<sup>1</sup> Avenal High School Accountability Report Card 2013-2014 published Jan 2015

fewer times each day and week”.<sup>2</sup> Before instituting this change, the Reef-Sunset School Board conducted an opinion poll of the teachers regarding block scheduling. According to the Board, 60% to 70% of the high school teachers were in favor of using block scheduling.<sup>3</sup> The District administrative staff also stated they held meetings with parents of the high school students to inform them of the pending change. Training for the execution of block scheduling was offered to the teachers, with one training session taking place in August, 2014 with the Fresno County Office of Education and the Kings County Office of Education. Only two administrative staff members of the Reef-Sunset School District visited one high school in the area that uses block scheduling. The purpose of this visit was to gather information as to how this type of scheduling works in schools.

During an interview, it was discovered by the Grand Jury that the reason Reef-Sunset School District put block scheduling into practice was to accommodate West Hills College’s teaching schedule. West Hills College offers some classes on the Avenal High School campus, including The Agricultural Academy. Block scheduling is preferable for these types of classes because of its longer instructional periods. The District did not consider building a block schedule just for West Hills College classes and leaving regular scheduling for the other classes. We were informed that block scheduling is more costly to the School District.

There is some apprehension about the use of block scheduling. Some School District staff and teachers are worried that not all instructional time is captured. The teaching periods are long and the students could have trouble staying engaged. It should be noted, however, that according to the Reef-Sunset Unified School District web site, the first semester of block scheduling, Fall 2014, was a success with higher student achievement and a higher number of students passing their courses. Members of the District administrative staff stated that there were fewer discipline problems because of block scheduling as well.

Common Core was adopted by the State of California in 2010 and put into effect in the 2014-2015 school year. “Common Core is a set of high-quality academic standards in mathematics and English language arts/literacy (ELA). These learning goals outline what a student should know and be able to do at the end of each grade.”<sup>4</sup> Teachers have had to make many modifications to their instructional methods because of these new standards. Training for teachers has been offered by local education offices to help ease the transition.

<sup>2</sup> The Glossary of Education Reform [www.edglossary.org/block-schedule](http://www.edglossary.org/block-schedule)

<sup>3</sup> Appendix (1)

<sup>4</sup> [www.corestandards.org/about-the-standards](http://www.corestandards.org/about-the-standards)

The Kings County Grand Jury found additional concerns of the school staff are that Common Core coaching/training offered to the Avenal High math teachers by the Kings County Office of Education was inadequate. There is apprehension the coaches used to train the teachers are not sufficiently qualified for their positions. It was stated in an interview that the teachers' complaints about the coaching were ignored by high school administrative staff. Upon further investigation, the Grand Jury was informed that there was immediate follow-up to the coaching complaints by the administrative staff and the coaches offered by the Kings County Office of Education are properly credentialed.

The Kings County Grand Jury made an unannounced visit to Avenal High School. Members of the Jury divided up into teams and visited classes of mathematics, sciences, agriculture and a West Hill College English class. Members noticed that there were an inordinate number of tardy students during first period classes. A tardy student at Avenal High School is defined as a student who is not seated in his/her classroom at 8:05am. If the student is later than 15 minutes, it is considered a cut class and the student must report directly to the Attendance Clerk. It is stated very clearly in the Avenal High School Student Handbook that tardiness *will* result in detention and /or other appropriate consequences. Teachers will document each tardy a student accumulates. A tardy is only excused due to illness, a doctor's appointment, a family funeral, or a school activity. Otherwise it is considered unexcused. Some members of the Grand Jury observed more than a few students wandering into class after the tardy bell and there were no apparent immediate consequences.

One purpose of the Grand Jury's visit was to see block scheduling in practice. As stated earlier, one concern held by some staff is that the periods are too long and it is difficult for the students to stay engaged. It was observed by Grand Jury members that there is wasted instructional time and not all students stay fully engaged. There is also the added distraction of the Chromebooks used in the classroom. A Chromebook "...is a new category of notebook computers and mobile devices that runs Google's cloud-based Chrome OS operation system. While they lack the processing power and higher-end features of standard laptops, Chromebooks are built primarily for Web surfing and are optimized for this purpose with the Google Chrome web browser as well as near instant-on and instant-resume capabilities."<sup>5</sup> The school implements the use of Chromebooks in classroom instruction. While their purpose is sound in theory, it was noticed by Grand Jury members that a number of students were using these Chromebooks for things other than class work to include social media, music, and games.

A few of the Grand Jury members visited the cafeteria during the morning brunch. The brunch is available to all students. Food is provided by the District and the menu varies

<sup>5</sup> [www.webopedia.com](http://www.webopedia.com)

daily. The cafeteria staff was friendly and interacted with the students while serving them. The facility was clean and well organized.

Overall, the visit to Avenal High School was positive. It is apparent that the staff and the students are proud of their school. The grounds are well-kept and there are plans for additions and improvements. The students were behaved; discipline problems were not apparent. The staff was friendly and accommodating.

## **FINDINGS AND RECOMMENDATIONS**

### **Finding 1**

The length of block scheduled classes is too long. The length exceeds most students' ability to stay focused on the lesson.

### **Recommendation 1**

Reef-Sunset Unified School District should monitor and continue to evaluate the use of block scheduling in classes other than the ones offered by West Hills Community College.

### **Finding 2**

The Chromebooks utilized in the classroom are an added distraction for the students. Their use allows the students to "surf the web" for information other than what is being studied in the classroom.

### **Recommendation 2**

Teachers in classes utilizing Chromebooks should better monitor the use of the devices. Repercussions for misuse of the Chromebooks should be timely administered by the teachers.

### **Finding 3**

There appeared to be an inordinate number of tardies at the Avenal High School the day of the Grand Jury visit.

### **Recommendation 3**

Avenal High School tardy policy should be enforced. A common sense approach to interpreting tardy policy should be considered.

## **REQUEST FOR RESPONSES**

Pursuant to California Penal Code §933 and §933.05, the grand jury requests responses as follows:

### **Required Responses**

- Reef-Sunset Unified School Board of Trustees
- Kings County Board of Education

### **Invited Responses**

- Reef-Sunset Unified School District Superintendent
- Avenal High School Principal

### **Comments**

The Kings County Grand Jury thanks the staff of Avenal High School for the tour and information.

The Kings County Grand Jury commends the staff for their dedication to the students and parents.

## BELL SCHEDULE

### 2014-2015

#### Daily "Block" Schedule: (Monday & Thursday)

07:55-08:00	Passing	(05)
08:00-09:50	1 <sup>st</sup> Period	(110)
09:50-10:05	Brunch	(15)
10:05-10:10	Passing	(05)
10:10-10:35	SMART	(25)
10:35-10:40	Passing	(05)
10:40-12:30	2 <sup>nd</sup> Period	(110)
12:30-01:10	LUNCH	(40)
01:10-01:15	Passing	(05)
01:15-03:05	3 <sup>rd</sup> Period	(110)

#### (Tuesday & Friday)

07:55-08:00	Passing	(05)
08:00-09:50	4 <sup>th</sup> Period	(110)
09:50-10:05	Brunch	(15)
10:05-10:10	Passing	(05)
10:10-10:35	SMART	(25)
10:35-10:40	Passing	(05)
10:40-12:30	5 <sup>th</sup> Period	(110)
12:30-01:10	LUNCH	(40)
01:10-01:15	Passing	(05)
01:15-03:05	6 <sup>th</sup> Period	(110)

#### RALLY/CLASS Meeting

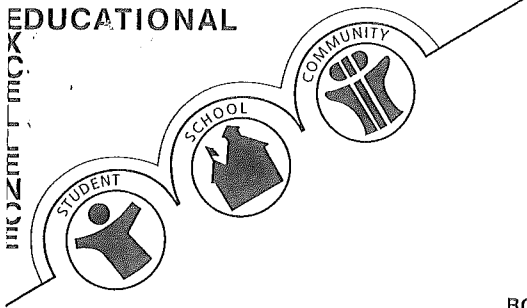
07:55-08:00	Passing	(05)
08:00-08:50	1 <sup>st</sup> Period	(50)
08:50-08:55	Passing	(05)
08:55-09:35	2 <sup>nd</sup> Period	(50)
09:35-09:50	BRUNCH	(15)
09:50-10:00	Passing	(05)
10:00-10:50	3 <sup>rd</sup> Period	(50)
10:50-10:55	Passing	(05)
10:55-11:45	4 <sup>th</sup> Period	(50)
11:45-12:35	RALLY	(50)
12:35-01:15	LUNCH	(40)
01:15-01:20	Passing	(05)
01:20-02:10	5 <sup>th</sup> Period	(50)
02:10-02:15	Passing	(05)
02:15-03:05	6 <sup>th</sup> Period	(50)

#### Wednesday - Early Out PLC / Staff Meeting

07:55-08:00	Passing	(05)
08:00-08:50	1 <sup>st</sup> Period	(50)
08:50-09:05	Brunch	(15)
09:05-09:10	Passing	(05)
09:10-10:00	2 <sup>nd</sup> Period	(50)
10:00-10:05	Passing	(05)
10:05-10:55	3 <sup>rd</sup> Period	(50)
10:55-11:00	Passing	(05)
11:00-11:50	4 <sup>th</sup> Period	(50)
11:50-12:30	LUNCH	(40)
12:30-12:35	Passing	(05)
12:35-01:25	5 <sup>th</sup> Period	(50)
01:25-01:30	Passing	(05)
01:30-02:20	6 <sup>th</sup> Period	(50)
02:20-03:15	PLC	(55)

#### Minimum Day

07:55-08:00	Passing	(05)
08:00-08:35	1 <sup>st</sup> Period	(35)
08:35-08:40	Passing	(05)
08:40-09:15	2 <sup>nd</sup> Period	(35)
09:15-09:30	Brunch	(15)
09:30-09:35	Passing	(05)
09:35-10:10	3 <sup>rd</sup> Period	(35)
10:10-10:15	Passing	(05)
10:15-10:50	4 <sup>th</sup> Period	(35)
10:50-10:55	Passing	(05)
10:55-11:30	5 <sup>th</sup> Period	(35)
11:30-11:35	Passing	(05)
11:35-12:10	6 <sup>th</sup> Period	(35)
12:10-12:50	Lunch	(40)
01:00	Bus Departure	



# Reef - Sunset Unified School District

205 NORTH PARK AVENUE - AVENAL, CALIFORNIA 93204  
(559) 386-9083 FAX (559) 386-5303

David East, Ed.D., Superintendent

BOARD OF TRUSTEES: Ricardo Verdugo, Leticia Lopez, Chris Collins, Enrique Jimenez, Claudia Cazares

August 10, 2015

The Honorable Thomas DeSantos, Presiding Judge  
Kings County Superior Court  
1400 West Lacey Blvd.  
Hanford, CA. 93230

Re: Reef-Sunset Unified School District, Grand Jury Report of June 5, 2015

Dear Judge DeSantos:

The Reef-Sunset Unified School District hereby responds to the 2014-2015 Grand Jury Final Report (relevant portions of which are attached hereto as Exhibit A) regarding Avenal High School in accordance with section 933 (c) for the California Penal Code.

## FINDINGS AND RECOMMENDATIONS

### Finding 1

**The length of block scheduled classes is too long. The length exceeds most students' ability to stay focused on the lesson.**

### Recommendation 1

**Reef-Sunset Unified School District should monitor and continue to evaluate the use of block scheduling in classes other than the ones offered by West Hills Community College.**

Avenal High School has developed a block schedule implementation plan that included on-going staff development and teacher preparation for appropriate instruction during block periods. In May 2015, the District's Alternative Governance Board (AGB) visited classrooms and interviewed students and teachers with the explicit mission of evaluating the implementation of block scheduling. The AGB has been established by the Governing Board to review and evaluate instruction at school sites that are under Program Improvement sanctions through the Federal Title I program. The AGB made the observation that:

**"The necessity of well-planned lessons that efficiently and effectively used students' time during block scheduling was the primary theme of the team's interview with students and teachers. The students generally agreed that when there were plenty of challenging activities that appeared well thought-out, often with real-world applications, the class was enjoyable and they learned more. Accountability for time management by both students and teachers is of critical importance. The students also noted the need for occasional opportunities to move around during the extended periods, as sitting in the same place for an entire period can be difficult and lead to inattention."**

The AGB made a recommendation that Avenal High, “Refine grouping and engagement structures to support students in using 21<sup>st</sup> Century learning skills of collaboration, communication, critical thinking, and creativity.” The District has been, and is, keenly aware of the need to evaluate the block scheduling implementation on an ongoing basis.

*The District disagrees in part with the Finding 1 regarding length of block scheduling and periods. We disagree that the length of the block scheduling is too long for most students based on the above information.*

*The District is implementing the recommendation and Avenal High School and RSUSD will continue to monitor and evaluate the use of instruction blocks in all classes.*

## **Finding 2**

**The Chromebooks utilized in the classroom are an added distraction for the students. Their use allows the students to “surf the web” for information other than what is being studied in the classroom.**

## **Recommendation 2**

**Teachers in classes utilizing Chromebooks should better monitor the use of the devices. Repercussions for misuse of the Chromebooks should be timely administered by the teachers.**

In school year 2013-14, Avenal High instituted one to one technology devices that allowed students to access instructional resources on-line. Furthermore, the district assigned devices that connect to the Internet via Wimax for use at home. The district decided to use Chromebooks for the project due to their ease of management, filtering capacity and price point. Avenal High trained all staff in the use of on-line blended instruction that included the use of instructional resources, classroom management systems and technology-based integrated curriculum. Teachers are able to view and control on-line content. They can also see student’s browsing histories and contact students via on-line tools.

During the 2014-15 school year, the District contracted through Kings County Office of Education the services of a half time certificated Technology Coach to provide real-time instructional coaching to improve the implementation of blended learning strategies and integrated technology curriculum. In spite of efforts to train staff in 21<sup>st</sup> century instructional strategies, Avenal High School still experiences resistance by some staff to implementation of research-based effective technology-based instruction. This issue is a confidential personnel issue that will be addressed in accordance with labor/educational code as well as collective bargaining contracts.

*The District disagrees with Finding 2, in part, based on the above information.*

*The District agrees with and is implementing the recommendation of continuing to monitor the use of the Chromebooks to ensure that they are being used for appropriate educational purposes.*

### **Finding 3**

**There appeared to be an inordinate number of tardies at the Avenal High School the day of the Grand Jury visit.**

### **Recommendation 3**

**Avenal High School tardy policy should be enforced. A common sense approach to interpreting tardy policy should be considered.**

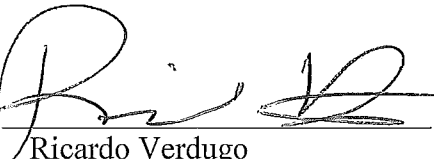
In April 2015, the Assistant Principal of Avenal High School responded to an inquiry regarding the implementation of the Positive Behavior Intervention and Support (PBIS) and Restorative Justice plan based on training received by Avenal High School staff during the 2013-14 school year. Below is a statement regarding tardies and SARB:

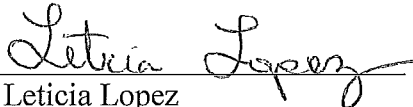
Student tardies continue to occur and they will continue in some form. They will always continue to occur until students, staff, administration, and community (parents) are all on board to deal with these issues together. And that is our approach, bringing everyone on board. Unfortunately, we find dysfunctionality in more than one of these areas and come to know why the student continues to be tardy. According to Ed Code 48900 (w), we must look for alternatives to suspension and expulsion for acts dealing with school attendance. What we have done is to establish consequences for attendance issues where privileges become restricted. We have interventions and consequences for when students meet certain levels of tardies (3, 6, 9, 12, 15,...). The interventions include parent contacts, warning letters, behavior contracts, parent/student conferences, SARB referrals, activity restriction (no activities/athletics list). Students can be provided detentions and Sat School assignments for the levels they achieve. Parents have been required to walk their child to the front doors, have them sign in, and only then leave them in the SCOR office. Students have missed important games due to tardy issues. Coaches have been recruited to become involved and do help correct the problem. Students who continue to display serious issues with their accumulation of tardies are ultimately referred on to SARB for a parent hearing. At that time, the law becomes involved and mandates the parent to address the issue or face fines and possible time in jail for negligence. The typical response on why so many tardies, "I sleep in". When the parents aren't intervening in this, the school is not able to do this parenting task for them. What is missing in the equation is teachers who do have chronic tardiness, also have a disconnect from their students. A majority of the students relay to me that their teacher never mentions a word about their chronic tardies and seems not to care. When asked if that teacher would have the same talk as I am having with them, would it have an impact, the student explains they probably would change their behavior. Those conversations are not taking place in certain classrooms according to student reports. What is being requested by specific teachers on campus is to run a "campus sweep" in the mornings and take them to a separate facility so they do not create a disruption when they enter classrooms. We have given the teacher the reply (along with their union rep) that this would only reduce their classroom instruction even further instead of the five minutes they only missed. If we get into holding them in another classroom, this would then take away 30 minutes of further instruction and fall into In School Suspensions, which is what we must find an alternative to doing.

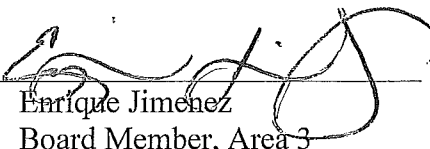
*The District agrees with Finding 3. The District implements its tardy policy based, in part, on the considerations outlined above.*


Lastly the District would like to highlight the letter to the editor of the Hanford Sentinel on June 30, 2015 (Exhibit B) regarding some teacher's views of the Grand Jury report and of their understandings of the facts and findings for consideration.


In conclusion, we hope that the foregoing is of assistance in better understanding the referenced Grand Jury report.

By   
Ricardo Verdugo  
Board President, Area 2

By   
Leticia Lopez  
Board Clerk, Area 4

By   
Enrique Jimenez  
Board Member, Area 3

By   
Claudia Cazares  
Board Member, Area 1

By   
Chris Collins  
Board Member, Area 5

# Kings County Office of Education

Tim Bowers - County Superintendent of Schools



**Kings County  
Board of Education**

**Area 1**  
*Mickey Thayer*

**Area 2**  
*Joe Hammond*

**Area 3**  
*Mike Robinson*

**Area 4**  
*William Gundacker*

**Area 5**  
*Rachel R. Caudillo*

June 18, 2015

To: Presiding Judge

Re: Grand Jury Final Report 2014-2015, Avenal High School

The Kings County Board of Education reviewed the report at their June 17, 2015, meeting.

Regarding Findings and Recommendations 1, 2, & 3, the Kings County Board of Education did not participate in the investigation nor does the Board have any jurisdiction or authority in the areas under investigation and is therefore neither in agreement or disagreement with the findings or recommendations.

Yours truly,



William Gundacker, President

Kings County Board of Education

# CROSSROADS CHARTER ACADEMY

## "Alternative School of Opportunities"

### SUMMARY

The Kings County Grand Jury visited Crossroads Charter Academy because of public interest. The school profile states "The Crossroads Charter Academy is sponsored by the Armona Union Elementary School District. The charter was approved by the AUESD Board of Trustees in 2003 and began as a 3rd through 8th hybrid independent study program with a required classroom component. In 2005, charter was re-written to include all grades and opened the learning center in Hanford."<sup>1</sup> The Crossroads Charter Academy is fully accredited through the Western Association of Schools and Colleges. The Crossroads Charter Academy will prepare all students to become:

- Critical and Creative Thinkers
- Effective Workers
- Effective Communicators
- Proficient in Essential Technology Skills
- Community Contributors

### BACKGROUND

The Kings County Grand Jury visited Crossroads Charter Academy (CCA) as a subject of general interest and information to the residents of Kings County. Pursuant to California Penal Code §933.5, the grand jury has the authority to "...examine the books and records of any special-purpose assessing or taxing district located wholly or partly in the county..."

### METHODOLOGY

The Grand Jury visited Crossroads Charter Academy, conducted interviews and toured the school. Additional information and materials were obtained from the Reauthorization 2013-2018 School Handbook and Armona Union Elementary School District (AUESD) website.

<sup>1</sup> [www.auesd.com/2/Content2/24](http://www.auesd.com/2/Content2/24)

## DISCUSSION

The Crossroads Charter Academy has a K through 12<sup>th</sup> grade program with an emphasis on remediation, at risk academic, academic deficiencies, behavioral students, and students that are not fully challenged in main line schools. Crossroads Charter Academy is a public school, but parent(s) must complete an enrollment form for admission. "Admission to the school shall be open to any resident of Kings County and any contingent county."<sup>2</sup>

Students do their work with on-line computers using the Edgenuity program for their lessons. There are 35 to 40 computers on line when most of the students are in attendance. They may use the computers for as long as they want. Weekly meetings (must be a minimum of 30 minutes) with their assigned instructor are required with students and parent or guardian. Testing is paperless and completed on-line. The computer use is monitored by a third teacher or senior staff at all times. If a student abuses or fails their contract with Crossroads Charter Academy, the "three strike policy" may occur. If this is invoked, this means a student is expelled from Crossroads Charter Academy and must attend one semester at another school before he/she may re-apply to Crossroads Charter Academy. Due to the school's independent study program, there is no set lunch schedule. Students can bring food to eat at their discretion. Vending machines are available on site. Students are held to a "check-in" and "check-out" policy of once per day. Operating hours are usually 8:00 a.m. to 6:00 p.m. Monday through Thursday and 8:00 a.m. to 4:00 p.m. on Friday.

At the time of the Grand Jury visit, the enrollment was 150 students. Crossroads Charter Academy requires of its students 210 credits to graduate. According to Crossroads Charter Academy, the first graduating class of 2006 was four. Each year the number of graduates fluctuates. The class of 2014 had 65 graduates.

There is a staff of 40-45 of which 28 are part-time, 8 are full-time and remaining staff are other part-time instructors which are available after 3 pm on various weekdays. Kindergarten through 5<sup>th</sup> grade students and special medical need students do require a parent present at all times. A district nurse is available on Fridays. The administrative staff and teachers are available to handle minor medical emergencies and all staff are CPR certified. There is a Guidance Counselor that offers assistance with college planning and personal development.

Crossroads Charter Academy has seven interior and four exterior security cameras. There are rarely discipline problems at the school. When entering the school, one is greeted by the office staff. All students must sign in and out daily.

<sup>2</sup> Crossroads Charter Academy Reauthorization 2013-2018 at page 18

Crossroads Charter Academy provides an academic education, a class in sign language, plus life-skills and vocational training. The “shop” area provides students with several vocational trades such as electrical, construction, electronics, woodworking, and home economics.

Grand Jury members observed during their visit that the fire exit placard found in the “shop” area is completely opposite of the actual layout of the building.

## **FINDINGS AND RECOMMENDATIONS**

### **Finding 1**

The posted fire exit placard in the “shop” area was completely opposite from the actual building layout.

### **Recommendation 1**

Crossroads Charter Academy should remake the placard to show the correct layout of the building including proper exit directions.

## **REQUEST FOR RESPONSES**

Pursuant to California Penal Code §933(c), the Grand Jury requests responses from the following entities within 60 days:

- Armona Union Elementary School Board of Trustees

### **Invited responses**

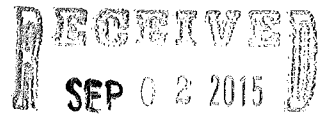
Pursuant to California Penal Code §933(c), the Grand Jury requests responses from the following entities within 90 days:

- Armona Union Elementary School District Superintendent
- Crossroads Charter Academy Principal

## COMMENTS

The Kings County Grand Jury thanks the staff of Crossroads Charter Academy for the tour and all the information provided.

The Grand Jury appreciates the alternative educational opportunities offered by Crossroads Charter Academy and commends the staff's dedication to the students and parents.



# ARMONA UNION ELEMENTARY SCHOOL DISTRICT

Xavier Piña, Ed.D., Superintendent P.O. Box 368 – 11115 C Street, Armona, CA 93202, (559)583-5000, FAX (559)-583-5004

August 14, 2015

The Honorable Thomas DeSantos  
Presiding Judge, Superior Court of the State of California  
c/o Nick Kinney  
County of Kings  
Hanford, CA 93230

On June 5, 2015, the Kings County Grand Jury publicly released its report with findings and recommendations for Armona Elementary School, Crossroads Charter Academy, and Parkview Middle School. Following our preliminary review of the report, the district and site administrative team met to discuss the findings and recommendations stated in the report.

In response to the findings at Armona Elementary School: *Finding 1 - In order to accommodate new and existing students in the upcoming school year, there is a need for more classrooms. This school expansion should be completed by the summer of 2015, just in time for the new school year. Finding 2 - The present library will be replaced with a new portable unit by the summer of 2015. It will be furnished with new bookshelves and furniture. Finding 3 - Armona Elementary School plans to make their school more energy efficient by installing a solar energy system. This should be completed by the summer of 2015.* The first two findings have been completed and the third finding is in the process of being completed by December 2015.

In response to the findings at Crossroads Charter Academy: *Finding 1 - The posted fire exit placard in the "shop" area was completely opposite from the actual building layout. Recommendation 1 - Crossroads Charter Academy should remake the placard to show the correct layout of the building including proper exit directions.*

The district and site administration reviewed the placard mentioned by the Grand Jury in August of 2015. It was confirmed by site administration that the building layout on the placard is correct. During the explanation the members of the Grand Jury, it may be that the explanation was not understood. The placard demonstrates the correct layout. The issue was that the placard was posted upside down on the wall. All placards will be reviewed every June and December annually to insure they are correctly placed on the wall.

In response to the findings at Parkview Middle School: *Finding 1 - There was an excess of litter on the playgrounds. Recommendation 1 - Increase the number of trash cans available on campus and enlist student and/or community volunteers to help alleviate the litter issue. Finding 2 - The gym also serves as the cafeteria. The kitchen and the cafeteria eating area were clean. The area under the grandstand, however, was extremely littered. Recommendation 2 - The*

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**WHERE KIDS COME FIRST**

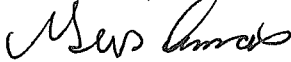
*custodial staff should thoroughly clean all areas. Finding 3 – Parkview Middle School community takes great pride in the Panther Press.*

The district and site administration have met and made available additional trash cans to place on the yard for students to discard their trash. Students are reminded by district, site administration, and yard supervisors to discard their trash in the trash cans. Site administration, teachers, and support staff will monitor more closely students how discard their trash inappropriately. Students will be reminded at least on a monthly basis regarding discarding trash appropriately. The frequency will increase if determined by district, site administration, and custodial staff. The custodial staff has been made aware of the need to clean under the grandstand area. This will be done especially after athletic events in the gymnasium. Additionally, the district will implement a cleaning deposit fee for community groups who use the gymnasium in the evenings and/or weekends. This will be monitored by district and site administration along with the supervisor of maintenance, operations and transportation.

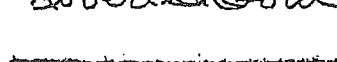
The Armona Union Elementary School District Board of Trustees appreciates the visitation and feedback provided by the Kings County Grand Jury. The findings and recommendations provided will assist in the improvement of our overall operations.

Sincerely,

Gus Amos, President



Robert Ford, Vice President



Ruby Johnson, Clerk



Claudia Hodson, Member



Juan M. Tafolla, Member



# HANFORD WEST HIGH SCHOOL BASEBALL

## It's a Home Run

### SUMMARY

The Kings County Grand Jury received an anonymous complaint concerning the Hanford West High School Baseball program. The complainant was under the impression that Hanford West was operating a year-round program, with practices and games occurring during the summer as well as the regular season. Also, the complainant thought that Hanford West was charging the athletes to play during the summer, a direct violation of California Assembly Bill 1575, which ensures California public school students a free education. What was discovered was that the baseball activity during the summer is part of a local summer youth baseball program and not part of Hanford West High School's program, although both programs share many of the same players and coaches.

The Hanford West High School baseball program is a seasonal school sport. The "Huskies" baseball program starts mid January with practice and seasonal games beginning in February. The HWHS baseball team ends its season usually around mid May. There are approximately 14 to 15 players on the varsity team and 10 to 11 players on the junior varsity team. HWHS baseball players can join the local youth summer baseball program after their seasonal baseball ends. This program gives the players a chance to improve proficiency by learning techniques and thus be more competitive players for the upcoming high school baseball season.

HWHS sports are in accordance with the California Interscholastic Federation bylaws which do not allow school districts to charge fees to students for curricular and extracurricular activities. Due to state school budget cuts, schools can no longer afford to fund many sports activities. In 2010 AB 165, The Constitutional Free Public Education Guarantee, placed a guideline allowing voluntary donations from parents to offset costs. Parents are not required to make donations and students may participate in activities regardless of whether or not their parents make a donation.

The local youth summer baseball program begins in May. This program has many scheduled games per week with June being the busiest month. The local youth summer baseball program continues into the fall and focuses on strength and conditioning and practicing skills. Occasional games occur as well. The local youth summer baseball program is a private and non-profit organization. It requires fees, fundraising, and parent participation.

## **BACKGROUND**

The Grand Jury received a complaint from an anonymous citizen which stated the Hanford West Baseball Team was in violation of the Williams Act by charging student athletes to "pay to play." There was confusion because much of the same staff is used to coach the HWHS baseball team and the local youth summer baseball program. Further misperception was created since the summer/fall baseball uses the same HWHS facility; therefore, the Grand Jury decided to inquire into this matter.

Pursuant to California Penal Code §933.5, "A grand jury may at any time examine the books and records of any special-purpose assessing or taxing district located wholly or partly in the county..."

## **METHODOLOGY**

The Grand Jury interviewed staff members of the Hanford Joint Union High School District as well as members of the Hanford West High School Athletic Department.

## **DISCUSSION**

During interviews with members of the HWHS Athletic Department, the Grand Jury received general information on the athletic programs offered at the high school, including how the programs are funded, the salaries of the coaches, facilities, insurance, equipment, and uniforms. Each sports team at HWHS has an account for its own expenses. Hanford West High School has an athletic booster club which conducts fundraising to augment each sport monetarily. Student athletes are encouraged but not required to help in fundraising.

The Grand Jury was informed that district monies are used to pay for the insurance for the outside fields/grounds. The district is also responsible for the upkeep and cleanup of the grounds. Scheduling and coordinating of use of the fields and grounds is done through the High School District Maintenance and Facilities Department. There is no cost to any team for the use of outdoor facilities. The staff reported the local youth summer baseball program uses the Hanford West High School baseball field six days a week during summer and has volunteers that maintain the facilities.

The Hanford West baseball team shares much of the same coaching staff with the local youth summer baseball program. Many of the same players who play for the Huskies also play in the local youth summer baseball program as well. This participation, however, is not required. The coaches do not receive monetary compensation for coaching the summer program. The equipment used by the summer program is borrowed, pre-owned, or donated; it is not equipment shared with the Huskies baseball team.

Fees for the local youth summer baseball program were given to the coach who handles the finances for that team. Out of necessity, checks were made out to the coach which caused some controversy until an organizational account could be established for the local youth baseball summer program.

## **FINDINGS AND RECOMMENDATIONS**

### **Finding 1**

Fees for the local youth summer baseball program were given to the coach who handles finances for that team. This baseball team is not a school team, therefore there is no violation.

### **Recommendation 1**

None

### **Finding 2**

The Grand Jury was informed that the student athlete does not need to participate in the summer league in order to play for the Huskies baseball team.

### **Recommendation 2**

Parents should be made more aware of the distinction between the Hanford West baseball program and the local youth summer baseball program.

### **Finding 3**

Fundraising is not required of the student athlete to play on the HWHS baseball team.

### **Recommendation 3**

None

## **REQUEST FOR RESPONSES**

Pursuant to California Penal Code §933 and §933.05, the grand jury requests responses as follows:

Hanford Union Joint High School District Board of Trustees

## **INVITED RESPONSES**

Superintendent, Hanford Union Joint Union High School District

Principal, Hanford West High School

## COMMENTS

The Grand Jury thanks all those who provided information regarding this inquiry. The Grand Jury especially thanks those who willingly give their time freely to ensure these programs are available for the youth of Kings County. The parents, coaches, and other volunteers are to be commended for their commitment to youth programs.



# HANFORD JOINT UNION HIGH SCHOOL DISTRICT

823 West Lacey Boulevard • Hanford, California 93230

(559) 583-5901 • Fax (559) 589-9769

www.hjuhsd.k12.ca.us

## BOARD OF TRUSTEES

Karl Anderson · Art Brieno · Alicia Martella · Danny Todd · John Webster

William L. Fishbough, Superintendent

April 24, 2015

Kings County Grand Jury  
PO Box 1562  
Hanford, CA 93232

***Re: Kings County Grand Jury Investigation  
Hanford West High School Baseball – It's a Home Run***

Dear Members of the Grand Jury:

The Hanford Joint Union High School District Board of Trustees is in receipt of your investigation referenced above and acknowledges the Grand Jury's Finding and Recommendation No. 2 as follows:

*Finding 2: The Grand Jury was informed that the student athlete does not need to participate in the summer league in order to play for Huskies baseball team.*

*Recommendation 2: Parents should be made more aware of the distinction between the Hanford West Baseball Program and the local youth summer baseball program.*

Please note that The Board of Trustees is in agreement with the recommendation and has instructed Superintendent Fishbough to request that our District programs make clear distinction between school programs and local youth programs.

Sincerely,

Karl Anderson  
HJUHS Board President

# PARKVIEW MIDDLE SCHOOL

"Home of the Panthers"

## SUMMARY

The first school in the Armona vicinity was the Giddings School built in 1880. "The Giddings School District was renamed Armona School District in 1908. A bond issue was passed in January of 1921 to replace the aging Giddings Schoolhouse. The brick buildings did not meet the earthquake standard set by the Field Act so two weeks after school started in 1952, students and teachers were moved to a wooden machine shed and the bus garage. Barracks were brought in from the Lemoore Army Air Station. The new brick school house was constructed in 1953. That new building is the present Armona Elementary School."<sup>1</sup> Armona Elementary School District has since become the Armona Union Elementary School District. The "union" in the name is a result of combining two or more school districts. The Parkview Middle School building was built in 1965, modernized in 2004, and serves fifth through eighth grades in Armona.

This report will detail the findings of the Kings County Grand Jury regarding Parkview Middle School. California Penal Code §933.5 provides the Grand Jury the authority to "...examine the books and records of any special-purpose assessing or taxing district located wholly or partly in the county..."

## GLOSSARY

**AUESD** is the acronym for Armona Union Elementary School District.

**SDC (Special Day Class)** Students may be eligible for this program if they have special needs. Most students can be mainstreamed which means they would go to regular classes a portion of the day.

**KCOE (Kings County Office of Education)** elected officials representing the five trustee areas comprised of Avenal, Corcoran, Hanford, Lemoore, and Armona. The County Board of Education operates under the authority of the California Constitution, the State Legislature, California Education Code, and the California State Board of Education.

**TA (Teacher Aides)** must have a minimum of 48 college units; AA degree, or take the KCOE Paraprofessional Exam. The applicant must be fingerprinted, get a TB test, and

<sup>1</sup> Gibson, Harold "Hoot", "History of Kings County Schools California" 2<sup>nd</sup> ed. Published Nov. 2005

produce an official college transcript. The applicant pays for the TB test, but the district pays for the fingerprinting.

**CN Labels Program (Child Nutrition Labeling Program)** “provides food manufacturers the option to include a standardized food crediting statement on their product label. Labels must be authorized by United States Department of Agriculture (USDA) Food and Nutrition Service (FNS) prior to use and manufacturers must have quality control procedures and inspection oversight that meet the FNS requirements.”

**FNS (Food and Nutrition Service)** “administers several programs that provide healthy food to children including the National School Lunch Program, the School Breakfast Program, the Child and Adult Care Food Program, the Summer Food Service Program, the Fresh Fruit and Vegetable Program, and the Special Milk Program.” Administered by State agencies, each of these programs helps fight hunger by providing healthy meals for children.

**DELAC (District English Learner Advisory Committee)** responsible for development or revision of a district master plan of education programs and services for English learners.

**STAR (Standardized Testing and Reporting)** evaluates performance of schools and students. Students are tested in math, reading, writing, science, and history. Teachers and parents can use test results to evaluate student learning. The STAR Program includes four tests: the California Standards Tests, the California Modified Assessment, the California Alternate Performance Assessment, and the Standards-based Tests in Spanish.

**ESEA (Elementary and Secondary Education Act of 1965)** is the largest source of federal spending on elementary and secondary education and is the major federal law authorizing federal spending on programs to support K-12 schooling.

**NCLB (The No Child Left Behind Act of 2001)** was funded by ESEA. NCLB was replaced in California with the adoption of the Common Core Initiative in 2010 with full adoption and funding to be implemented in the 2014/2015 school year.

**Common Core Initiative** is an educational initiative in California, and 45 other states. Common Core details what K-12 students should know in English language arts and mathematics at the end of each grade. The initiative is sponsored by the National Governors Association and the Council of Chief State School Officers and seeks to establish consistent educational standards across the states as well as ensure that students graduating from high school are prepared to enter two or four year college programs or to enter the workforce.

## BACKGROUND

Parkview Middle School was built in 1965 as a grade 5-8 school to address the growing population of Armona, and to serve as a “feeder school” for local high school districts. At the time of the Grand Jury visit, the enrollment at this school was 424 students separated by grade level as noted in the table below.

Grade Level	Number of Students	Number of Teachers
5 <sup>th</sup>	117	4
6 <sup>th</sup>	93	3
7 <sup>th</sup>	116	4
8 <sup>th</sup>	98	3

There are five bilingual teachers. Each grade level has an SDC and at least one teacher’s aide. There are 61 students enrolled in the SDC program, these students are mainstreamed into regular classrooms when it would benefit the student’s education. Parkview Middle School currently has 14 classified staff composed of maintenance, office, and instructional aides. The administration and staff also encourage community and parent volunteers. Volunteers must pay for their own TB test and fingerprinting but the district will pay for the required background check.

The school slogan is “Not in our school, make good choices.” Most disciplinary problems at Parkview Middle School are generally disagreements between students. Teachers or the principal try to resolve problems by talking to the students involved and occasionally use role play as a way for students to see the issue from another’s point of view. The school has a “no bullying policy” which is strictly enforced. If problems with individual students persist, that student may be given a detention slip. As a result of detention, one of the disciplinary actions taken may be the student picking up trash on the playground. If a student does not respond to intervention programs, he/she may be suspended and/or sent to an alternative school.

Security for students and staff is paramount at AUESD. Security at Parkview Middle School consists of gates which require a key or security code for entrance. Office staff monitors the gates entries and exits. The Kings County Sheriffs Department maintains a substation on campus. There are surveillance cameras throughout the campus which are on at all times. The school is considering purchasing more cameras and adding upgrades throughout the campus to further enhance safety and operations for the students and staff. The fire alarm system at the school is checked every six months by the custodial team.

Parkview Middle School shares some personnel with Armona Elementary School; these consist of 1 Assistant Principal, 1 Psychologist, and 1 Licensed Vocational Nurse. There is also a Registered Nurse who is shared with the Pioneer School District. AUESD also contracts with KCOE to provide Behavior Intervention Therapists, and a Speech Pathologist to help those students who need such interventions.

The school maintains a cot and blanket in the nurse's office in case a student gets sick or injured and needs to rest while waiting for his/her parents to arrive.

There is an extensive grassy area and a playground set with wood chip mulch provided for the students. The grassy area playground for the students is behind the school with 5-6 staff members to supervise. There is a boulder called "The Rock" which sits in the middle of the playground separating the 5<sup>th</sup> and 6<sup>th</sup> graders from the upper 2 classes. The 7<sup>th</sup> and 8<sup>th</sup> grade classes stay south of The Rock and the 5<sup>th</sup> and 6<sup>th</sup> graders stay north of The Rock. The staff believes this helps the lower classes stay away from the upper classes as the students seem to monitor themselves with regard to the boundary set by The Rock.

Ninety percent of the students enrolled qualify for Title 1, the federally subsidized breakfast/lunch program. Students eat breakfast in the classroom and utilize the cafeteria during the lunch time meal. There is an average of 5 or 6 staff members supervising the students during this time. The snack/lunch program at Parkview Middle School is separated by grade level with the upper grades eating first. Snack time/breakfast is 9:10am for the upper grades and 10:19am for the lower grades. Lunch is served from 11:31am-12:11pm for the 7<sup>th</sup> and 8<sup>th</sup> grades and 12:34pm-1:14pm for the 5<sup>th</sup> and 6<sup>th</sup> grades. The meals served at the cafeteria follow USDA guidelines. These guidelines include milk, along with a variety of fruits, vegetables, meats, and grains for each meal. The salad bar seems to be a favorite among the students. The Armona Union Elementary School District is required to keep Product Formulation Statements and CN labels for each food served.

Parkview Middle School actively recruits parents to be a part of their students' educational experience whether it's part of the School Site Council meetings or sporting events. Parkview Middle School also uses Parent Education Institute Groups to help parents learn more about the daily education system, how to navigate the educational system, and become aware of information and services provided by the school. One group of this type is DELAC. This group also gives parents the opportunity to learn from outside experts about topics such as proper nutrition for their child and social awareness programs.

Parkview Middle School participates in state mandated programs such as STAR testing. The average score for Parkview Middle School (grades 5-8) was 349.3 for English and 341.85 for Mathematics. The State Board of Education set the minimum scaled score target of 350 as proficient for all California students.

Armona Union Elementary School District received a \$320,000 grant in July of 2012 from The California Department of Transportation for the Safe Routes to School program. The goal of the grant was to improve student health by encouraging more students to walk or bike to school. The grant is being implemented to install flashing lights for crosswalks that are used by the students going to and from school. This component of the project will be solar powered.

## **METHODOLOGY**

The Grand Jury utilized the internet to research the California Penal Codes along with other pertinent websites, toured the campus, and interviewed staff at the district office and the school.

## **DISCUSSION**

The Grand Jury saw litter scattered throughout the playground but only 2 trash cans on the playground itself, and only 12 outside trash cans on the campus. The Grand Jury was told the community uses the grounds on the weekends and this was the reason for the litter.

An elevated solar panel system is to be constructed on the East side of the main classroom building that will help provide power to the school and also serve to provide students with shade during their time outside. The panel project was scheduled to be started in the summer of 2014 but as of this report has not begun.

The school offers an elective class which publishes a student newspaper, *The Panther Press*, on a monthly basis. This affords students the opportunity to act as journalists, editors, and publishers. The newspaper consists of recipes, school sports, surveys, safety tips, interviews, and small puzzles. The school is very proud of *The Panther Press* and students look forward to the monthly publication.

Parkview Middle School offers its students an afterschool activities program consisting of scholastic activities, flag football, wrestling, and volleyball.

The school library also serves as the community public library and is located in the district office building.

## **FINDINGS AND RECOMMENDATIONS**

### **Finding 1**

There was an excess of litter on the playgrounds.

### **Recommendation 1**

Increase the number of trash cans available on campus and enlist student and/or community volunteers to help alleviate the litter issue.

### **Finding 2**

The Gym also serves as the cafeteria. The kitchen and the cafeteria eating area were clean. The area under the grandstand, however, was extremely littered.

### **Recommendation 2**

The custodial staff should thoroughly clean all areas.

### **Finding 3**

Parkview Middle School community takes great pride in the Panther Press.

### **Recommendation 3**

None

## **REQUEST FOR RESPONSES**

Pursuant to Penal Code §933 and §933.05, the grand jury requests responses as follows:

Armona Union Elementary School District Board of Trustees.

## **INVITED RESPONSES**

Armona Union Elementary School District Superintendent

Principal, Parkview Middle School

## **COMMENTS**

The Grand Jury thanks Parkview Middle School staff and students along with AUESD for their cooperation and information.

## **BIBLIOGRAPHY**

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<http://star.cde.ca.gov/star2013/ViewReport>

<http://www.cde.ca.gov/be/st/ss/index.asp>

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# ARMONA UNION ELEMENTARY SCHOOL DISTRICT

Xavier Piña, Ed.D., Superintendent

P.O. Box 368 – 11115 C Street, Armona, CA 93202, (559)583-5000, FAX (559)-583-5004

August 14, 2015

The Honorable Thomas DeSantos  
Presiding Judge, Superior Court of the State of California  
c/o Nick Kinney  
County of Kings  
Hanford, CA 93230

On June 5, 2015, the Kings County Grand Jury publicly released its report with findings and recommendations for Armona Elementary School, Crossroads Charter Academy, and Parkview Middle School. Following our preliminary review of the report, the district and site administrative team met to discuss the findings and recommendations stated in the report.

In response to the findings at Armona Elementary School: *Finding 1 - In order to accommodate new and existing students in the upcoming school year, there is a need for more classrooms. This school expansion should be completed by the summer of 2015, just in time for the new school year. Finding 2 - The present library will be replaced with a new portable unit by the summer of 2015. It will be furnished with new bookshelves and furniture. Finding 3 - Armona Elementary School plans to make their school more energy efficient by installing a solar energy system. This should be completed by the summer of 2015.* The first two findings have been completed and the third finding is in the process of being completed by December 2015.

In response to the findings at Crossroads Charter Academy: *Finding 1 - The posted fire exit placard in the "shop" area was completely opposite from the actual building layout. Recommendation 1 - Crossroads Charter Academy should remake the placard to show the correct layout of the building including proper exit directions.*

The district and site administration reviewed the placard mentioned by the Grand Jury in August of 2015. It was confirmed by site administration that the building layout on the placard is correct. During the explanation the members of the Grand Jury, it may be that the explanation was not understood. The placard demonstrates the correct layout. The issue was that the placard was posted upside down on the wall. All placards will be reviewed every June and December annually to insure they are correctly placed on the wall.

In response to the findings at Parkview Middle School: *Finding 1 - There was an excess of litter on the playgrounds. Recommendation 1 - Increase the number of trash cans available on campus and enlist student and/or community volunteers to help alleviate the litter issue. Finding 2 - The gym also serves as the cafeteria. The kitchen and the cafeteria eating area were clean. The area under the grandstand, however, was extremely littered. Recommendation 2 - The*

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**WHERE KIDS COME FIRST**

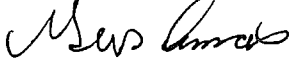
*custodial staff should thoroughly clean all areas. Finding 3 – Parkview Middle School community takes great pride in the Panther Press.*

The district and site administration have met and made available additional trash cans to place on the yard for students to discard their trash. Students are reminded by district, site administration, and yard supervisors to discard their trash in the trash cans. Site administration, teachers, and support staff will monitor more closely students how discard their trash inappropriately. Students will be reminded at least on a monthly basis regarding discarding trash appropriately. The frequency will increase if determined by district, site administration, and custodial staff. The custodial staff has been made aware of the need to clean under the grandstand area. This will be done especially after athletic events in the gymnasium. Additionally, the district will implement a cleaning deposit fee for community groups who use the gymnasium in the evenings and/or weekends. This will be monitored by district and site administration along with the supervisor of maintenance, operations and transportation.

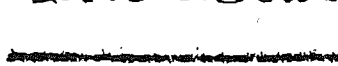
The Armona Union Elementary School District Board of Trustees appreciates the visitation and feedback provided by the Kings County Grand Jury. The findings and recommendations provided will assist in the improvement of our overall operations.

Sincerely,

Gus Amos, President



Robert Ford, Vice President




Ruby Johnson, Clerk



Claudia Hodson, Member



Juan M. Tafolla, Member



# REEF-SUNSET UNIFIED SCHOOL DISTRICT

## SUMMARY

“THE MISSION of the Reef-Sunset Unified School District is to empower and inspire students for life-long learning and relational success in order to be productive members of society.”<sup>1</sup>

“THE VISION of the Reef-Sunset Unified School District is to provide rigorous instruction and differentiated learning that focuses on collaboration, communication, creativity, and critical thinking with the effective use of evolving technology.”<sup>2</sup>

The Avenal School District was formed in 1887. The first schoolhouse was an abandoned homesteader’s cabin measuring 14 by 16 feet. In July of 1903 the Kettleman School District was transferred to the Avenal School District.

The Reef-Sunset Unified School District is located in the Central Valley of California. The district office is located in Avenal which is a city of 15,505 people according to the 2010 census. The district is comprised of eight schools which include Avenal Elementary School, Kettleman City Elementary School, Tamarack Elementary School, Reef-Sunset Middle School, Avenal High School, Sunrise High School, Reef-Sunset Community Day School, and Adelante High School. It is projected that the 2015-2016 district enrollment will be 2,613 students.

The members of district administration possess more than adequate education and qualifications for the positions they hold. These include Master and Doctorate degrees as well as credentials in clear<sup>3</sup> administrative services, clear pupil personnel services, multiple subject teaching and single subject teaching. One member of the staff has also received special training in the California Association of School Business Officials (CASBO) Education Partnership Training Program.

The Kings County Grand Jury visited the Reef-Sunset Unified School District after receiving several written complaints and other written communications.

<sup>1</sup> Reef-Sunset Unified School District web site

<sup>2</sup> Reef-Sunset Unified School District web site

<sup>3</sup> “A clear credential is issued when all credential requirements have been completed.”

## GLOSSARY

**CASBO** According to the CASBO website, the purpose of the organization is: "The California Association of School Business Officials is the premier resource for professional development and business best practices for California's school business leaders. CASBO is dedicated to promoting excellence and professionalism in all aspects of school business. Founded in 1928, CASBO serves more than 3,000 members by providing certifications and training, promoting business best practices and creating opportunities for professional collaboration. CASBO members represent every facet of school business management and operations. The association offers public school leaders an entire career's worth of growth opportunities." <sup>4</sup>

**KCOE (Kings County Office of Education)** "The Kings County Office of Education has the primary responsibility to ensure compliance with applicable state and federal laws and regulations and shall investigate complaints alleging failure to comply with those laws and regulations." <sup>5</sup>

**RAP (Responsible Athletes Program)** "The Responsible Athletes Program is a functioning non-profit organization that consists of three major components. These components are sports, academics, and special events. The mission is to enable the youth of the Avenal area an equal opportunity to compete, train, and learn the proper balance of a student-athlete." <sup>6</sup>

**RSUSD (Reef-Sunset Unified School District)** "The Reef-Sunset Unified School District is a K-12 school district located in the Central Valley of California with an enrollment in excess of 2,600 students. The district office is located in Avenal." <sup>7</sup>

## BACKGROUND

In response to complaints and correspondence, the Kings County Grand Jury visited the Reef-Sunset Unified School District. California Penal Code §933.5 provides: "A grand jury may at any time examine the books and records of any special-purpose assessing or taxing district located wholly or partly in the county..."

<sup>4</sup> [www.casbo.org](http://www.casbo.org)

<sup>5</sup> [www.kings.k12.ca.us](http://www.kings.k12.ca.us)

<sup>6</sup> [www.rapteam.org](http://www.rapteam.org)

<sup>7</sup> [www.rsusd.net](http://www.rsusd.net)

## **METHODOLOGY**

The Kings County Grand Jury interviewed pertinent witnesses, attended regular school board meetings, attended a school board study session, and visited one of the District's schools.

## **DISCUSSION**

### **Written Complaints**

Complaints were received by the Grand Jury regarding the implementation of a block schedule at Avenal High School, district hiring practices, teacher class assignments, and the quality of academic coaching.

The Grand Jury was told that a block schedule was implemented at Avenal High School with a very short time of planning. The administration visited another school having a block schedule but no teachers were included in the visitation process. In addition, teachers were generally not included in the actual development of the block schedule such as the length of time for each class. The feeling that the District Office dictates everything and that there is no shared decision-making or input being welcome was enhanced by going to a block schedule so quickly and with limited involvement.

As a matter of practice, the Reef-Sunset Unified School District begins the hiring for the new school year in April when other school districts begin the hiring process in February. It was suggested that all the quality potential employees are already hired by other districts before the process is begun in Avenal.

It was suggested that teachers who are "in favor" with the administration are given the preferred teaching positions and that those "not in favor" are given what is left including having the "less preferred" students.

It was suggested that academic coaching provided to the district by the Kings County Office of Education by contract is lacking in quality.

### **General Information**

The size of the administrative staff at both the District Office and Avenal High School was reduced by one position. The work now is shared among the remaining administrative staff which puts an added burden on each person affected by an increase in workload.

It is hard to hire personnel for RSUSD because of the geographic location of the school district and the academic status of the students. Some potential teachers who had signed a contract with the district later asked to be released from the contract because of a more desirable contract having been offered from another district. In fact, three such situations

occurred in the 2014-2015 school year. It is thought by the district that waiting until April to announce job openings would eliminate most of these situations.

A block schedule at Avenal High School was started for the 2014-2015 school year. This plan was put into place with only a semester of planning. The Grand Jury was informed that there was community involvement as well as support of the teaching staff for the adoption of the block schedule. Only two members of the district administrative staff visited a school on a block schedule. No members of the teaching staff were included in the visit. Testimony revealed that the block schedule was begun to accommodate a request of West Hills College which was scheduled to offer classes at Avenal High School.

The quality of communication in the District was of concern. Some teachers stated that they felt "left out" of the communication loop from every level of administration. Members of the community also stated that they did not always know what was happening in the schools and district.

### **Board Meetings**

The Grand Jury appreciated the student presentations made at the beginning of each Board meeting by students from some of the District schools. These presentations presented an opportunity for the Board to be informed as to what is going on at each campus while giving students the opportunity to make presentations. While the presentations were appreciated, it must be noted that at times it was difficult to hear the students because of the sound system being used at the meetings. Reports given to the Board from district administrators and others were difficult to hear by members of the audience.

District Administrators and Board Members were not always polite to presenters as presentations were being made. Negative facial expressions and gestures being made toward the presenter and/or audience were noted several times. The Grand Jury observed gestures were also made by District Administrative Staff toward the Board. When the administrator making the gesture saw that the members of the Grand Jury were watching, they stopped.

The Grand Jury appreciates the fact that there is a genuine interest on the part of the Administration to improve the educational climate of the District. This can be seen in the fact that there was a donation to the RAP program of \$20,000 in support of the youth recreation program.

## **Board Study Session**

It was decided at a regular Board of Trustees meeting to have a study session on Friday, February 27, 2015 to discuss the future reconstruction plans for District schools since all of the buildings in the district are older. There were three of the five board members in attendance as the meeting began. A fourth member arrived late and the fifth member did not attend. In addition to the board members attending, the superintendent, the district's architect, two financial consultants, one member of the community and the members of the Grand Jury were in attendance. Generally, the discussion was open with most board members involved. It was noted that one member of the Board appeared to be napping and one texting during part of the discussion.

Because of the age of some of the buildings in the district, a foundation for future reconstruction plans was developed at this meeting. The Board members have understanding of the long term needs of the District which includes a total estimated cost of 16.8 million dollars.

## **Avenal City Council**

The Avenal City Council has joined the Reef-Sunset Unified School District in supporting the RAP program by (1) honoring a member of the Board of Trustees who was instrumental in the development of the program and (2) by donating money in support of the program. The Council also donated \$15,000 in support of the summer swimming pool operation at the Avenal High School pool.

## **FINDINGS AND RECOMMENDATIONS**

### **Finding 1**

Communication is lacking among the Reef-Sunset School District, the administrative and teaching staffs, and the community.

### **Recommendation 1**

(a) A better communication system between the district office and the teaching staff should be developed both in person and in writing. Minutes of all department meetings should be sent to the district office in addition to having them available on site.

(b) Members of the district administrative staff should spend one day per semester on each school facility. This would provide an opportunity for the district administration to better understand the concerns and needs of the teachers and school staff. This also allows for a better relationship between the District and the student body.

(c) District Administrative Staff should consult the events calendar to avoid event conflicts when scheduling meetings. Information materials should be made available to all who attend as well as being available to those unable to attend but desire the information.

**Finding 2**

Members of the administrative team made inappropriate gestures during meetings. There was also a lack of attention from the school administrators during the meetings and their individual conversations were disruptive.

**Recommendation 2**

The District Superintendent should hold workshops for district administrative staff on proper decorum during meetings and/or when representing the District. All Board members should revisit and adhere to the RSUSD Mission and Vision statements.

**Finding 3**

It is difficult for the audience to hear what is being said during the district meetings.

**Recommendation 3**

The District should provide instruction for proper use of the sound system or replace it as needed. The Board President should ask the audience if the audio level is sufficient.

**Finding 4**

The academic coaches provided by KCOE are credentialed and well suited for the positions they hold.

**Recommendation 4**

None

**REQUEST FOR RESPONSES**

Pursuant to California Penal Code §933(c) and §933.05, the Kings County Grand Jury requests responses from:

The Reef-Sunset Unified School District Board of Trustees

Kings County Office of Education Board of Education

**INVITED RESPONSES**

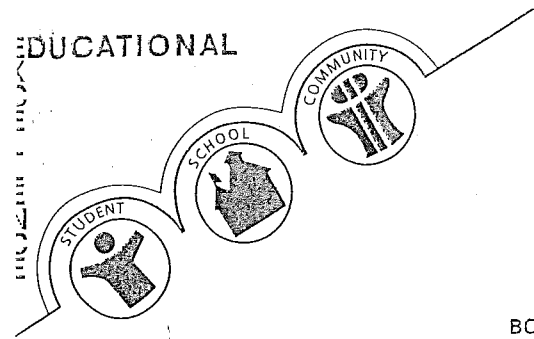
Superintendent, Reef Sunset Unified School District Board of Trustees

Kings County Superintendent of Schools

## COMMENTS

The Kings County Grand Jury thanks the Reef-Sunset Unified School District staff for their cooperation in providing all requested information.

The Grand Jury acknowledges the positive working relationship between the Avenal City Council and the Reef-Sunset Unified School District.



# Reef - Sunset Unified School District

205 NORTH PARK AVENUE - AVENAL, CALIFORNIA 93204  
(559) 386-9083 FAX (559) 386-5303

David East, Ed.D., Superintendent

BOARD OF TRUSTEES: Ricardo Verdugo, Leticia Lopez, Chris Collins, Enrique Jimenez, Claudia Cazares

August 10, 2015

The Honorable Thomas DeSantos, Presiding Judge  
Kings County Superior Court  
1400 West Lacey Blvd.  
Hanford, CA. 93230

Re: Reef-Sunset Unified School District, Grand Jury Report of June 5, 2015

Dear Judge DeSantos:

The Reef-Sunset Unified School District hereby responds to the 2014-2015 Grand Jury Final Report (relevant portions of which are attached hereto as Exhibit A) regarding Reef Sunset Unified School District in accordance with section 933 (c) for the California Penal Code.

## Background

The Grand Jury began attending regular Board meetings in September of 2014. In November 2014, two trustees were replaced by newly elected trustees who were seated in the December organizational meeting. One trustee, who had lost a contested election, has continued to attend all Board meetings. The former trustee makes prepared public statements, and makes public comments and questions on most of the agenda items during the meeting. The former trustee attempts to engage with staff and administration as well as Board members. Furthermore, the former trustee has written editorial letters and drawn "cartoons" depicting Board members and the Superintendent. The Board President has attempted to limit the commentary from the former Trustee under the parameters set forth in Board Bylaws.

The Grand Jury requested an interview with the Superintendent on February 23<sup>rd</sup>. There wasn't any disclosure towards the purpose of the interview. At a subsequent Board Study Session, the Superintendent requested that the Grand Jury interview the Avenal High School Principal for further clarification of questions related to block scheduling. The Grand Jury did not follow-up with the Principal.

## Response to Discussion

Several of the claims in the report are made based on hearsay or incomplete information provided by complaining witnesses. The district follows normal hiring practices and procedures following standard timelines. The district anticipates openings as early as January. The District attends recruitment fairs in February and March.

The process for implementing block scheduling took place during the entire 2013-2014 school year. Staff were involved with discussing, planning, and preparing for block scheduling.

All staff had a voice in implementing block scheduling including a vote in which a clear majority of teachers were in favor of the schedule.

### **Response to Findings and Recommendations**

#### **Finding 1**

Communication is lacking among the Reef-Sunset School District, the administrative and teaching staffs, and the community.

#### **Recommendation 1**

(a) A better communication system between the district office and the teaching staff should be developed both in person and in writing. Minutes of all department meetings should be sent to the district office in addition to having them available on site.

*The District agrees with Finding 1 and Recommendation 1(a). Minutes of department meetings are made available and accessible to district staff as well via an on-line document sharing system.*

(b) Members of the district administrative staff should spend one day per semester on each school facility. This would provide an opportunity for the district administration to better understand the concerns and needs of the teachers and school staff. This also allows for a better relationship between the District and the student body.

*The District agrees with Recommendation 1(b). A schedule will be developed to implement this recommendation for 2015-2016.*

(c) District Administrative Staff should consult the events calendar to avoid event conflicts when scheduling meetings. Information materials should be made available to all who attend as well as being available to those unable to attend but desire the information.

*The District agrees with Recommendation 1(c). The District establishes and publishes an annual calendar that identifies regular committee meetings. The District also uses electronic calendars that are shared. Meetings held after school are beyond the contractual teacher workday and are not compulsory. Minutes will be posted on site and district websites.*

#### **Finding 2**

Members of the administrative team made inappropriate gestures during meetings. There was also a lack of attention from the school administrators during the meetings and their individual conversations were disruptive.

#### **Recommendation 2**

The District Superintendent should hold workshops for district administrative staff on proper decorum during meetings and/or when representing the District. All Board members should revisit and adhere to the RSUSD Mission and Vision statements.

*The District agrees with the Finding and Recommendation 2. The District will respond to this Finding regarding administrative staff as a personnel matter and provide appropriate directives.*

**Finding 3**

It is difficult for the audience to hear what is being said during the district meetings.

**Recommendation 3**

The District should provide instruction for proper use of the sound system or replace it as needed. The Board President should ask the audience if the audio level is sufficient.


*The District agrees with the Finding and Recommendation 3. The Board room sound system is being replaced.*

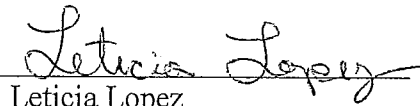
**Finding 4**

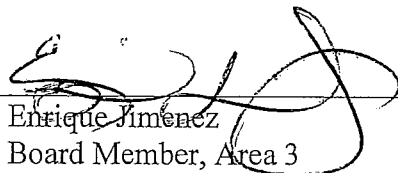
The academic coaches provided by KCOE are credentialed and well suited for the positions they hold.

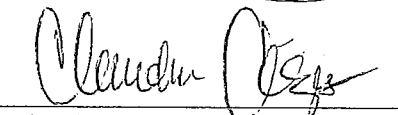
*The District agrees with Finding 4.*

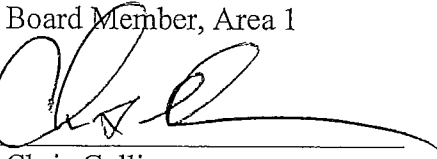
In conclusion, we hope that the foregoing is of assistance in better understanding the referenced Grand Jury report.


By   
Ricardo Verdugo  
Board President, Area 2

By   
Leticia Lopez  
Board Clerk, Area 4

By   
Enrique Jimenez  
Board Member, Area 3

By   
Claudia Cazares  
Board Member, Area 1

By   
Chris Collins  
Board Member, Area 5

 **Kings County Office of Education**

Tim Bowers - County Superintendent of Schools



**Kings County  
Board of Education**

**Area 1**  
*Mickey Thayer*

**Area 2**  
*Joe Hammond*

**Area 3**  
*Mike Robinson*

**Area 4**  
*William Gundacker*

**Area 5**  
*Rachel R. Caudillo*

June 18, 2015

To: Presiding Judge

Re: Grand Jury Final Report 2014-2015, Reef-Sunset Unified School District

The Kings County Board of Education reviewed the report at their June 17, 2015, meeting.

Regarding Findings and Recommendations 1, 2, 3, & 4, the Kings County Board of Education did not participate in the investigation nor does the Board have any jurisdiction or authority in the areas under investigation and is therefore neither in agreement or disagreement with the findings or recommendations.

Yours truly,



William Gundacker, President

Kings County Board of Education

# TULARE & KINGS COUNTIES SUICIDE PREVENTION TASK FORCE

## Reaching Out To Give Hope

### SUMMARY

The Kings County Grand Jury inquired as a subject of general interest and information to the residents of Kings County.

Suicide is a major health concern and is the eleventh cause of death in the United States. There are more than twice as many suicides each year than homicides. People may consider suicide when they consider themselves hopeless and cannot see any other solution to their problems. This is often related to serious depression, alcohol abuse, substance abuse, or a major stressful event.

Men are more likely to die by suicide than women, but women and teens are more likely to attempt suicide. Among racial and ethnic groups, Latinos and African Americans are reported to have the lowest levels of suicide, but with American Indians and Alaskan Natives suicide is their second leading cause of death.

The rates of suicide are highest among the elderly, especially in the case of divorced or widowed men. It is estimated that there are between 8-25 unsuccessful attempts for every suicide. Firearms are used in over half of all suicides. While the younger victims tend to choose suffocation or poison, the older victims choose firearms.

Suicide attempts should always be treated as a sign of extreme **sorrow** and not for attention. Previous attempts are the number one risk factor for suicide. If someone talks about committing suicide, take it seriously. One should get them to their doctor or to the nearest emergency room.

Anyone can call the National Prevention Lifeline 1-800-273-TALK (8255) which is available 24/7. All calls are confidential. Available online is the website [www.suicidepreventionlifeline.org](http://www.suicidepreventionlifeline.org). Calling 911 will connect a person for **immediate** help. Tulare & Kings Counties Suicide Prevention Task Force, facilitated through Kings County Behavioral Health, is the local prevention task force.

### HISTORY

In 2007 officials from public and private organizations in Tulare County met to address the issue of the county suicide rate. Because of the increasing number of suicides, prevention and awareness had become a great concern to Tulare County residents.

In 2008 and early 2009 Tulare County and Human Service Agency's Mental Health Branch, began outreach efforts to comply with Proposition 63, California Mental Health Service Act (MHSA), passed in 2004. Early to mid 2009, the Mental Health Branch continued the process by creating and adopting the Tulare County Mental Health Services Act 'Prevention and Early Intervention' which increased awareness for suicide prevention.

In late 2009 Tulare County Suicide Prevention Task Force solidified plans to meet as a group with broad representation to advance the cause of suicide prevention, establish better practices, and increase awareness of the signs and symptoms of suicide risk.

In 2010 Tulare County wanted to increase awareness and early intervention services in a unified effort. At this time Kings County joined with Tulare County, with the approval of the Board of Supervisors of both counties, to form a multi-county collaborative by combining representatives from government, education, community-based service providers, and their community members. This collaboration is known as Tulare & Kings Counties Suicide Prevention Task Force (SPTF).

The Tulare & Kings Counties Suicide and Prevention Task Force attempts to reach out to the community by training, activities, and education. This provides information throughout the community to increase awareness of the signs and symptoms of suicide risk plus prevention and the best practices for early intervention.

## **BACKGROUND**

California Penal Code § 925 "The grand jury shall investigate and report on the operations, accounts, and records of the officers, departments, or functions of the county..."

Funding for SPTF is provided by the California Mental Health Services Act, Tulare County Health and Human Services Agency and Kings County Behavioral Health. The twenty-one voting members of Tulare & Kings County Suicide Prevention Task Force, through a negotiation process, adopted a three year plan for 2015 to 2018.

## **METHODOLOGY**

The Kings County Grand Jury conducted an interview with Kings County Behavioral Health, SPTF division staff members and obtained information from *Seeds of Hope* and *Hope* comic book publications plus pertinent websites on mental health issues and references.

## DISCUSSION

California Mental Health Service Act sets aside 20% of its funding for Prevention and Early Intervention. The state sets guidelines on how this funding is to be used.

In 2009 the California Department of Mental Health issued guidelines. These guidelines were developed by the Mental Health Services Oversight and Accountability Commission providing disciplinary teams for the most appropriate care.

According to the information as published by the Tulare & Kings Counties Suicide Prevention Task Force Operational Guidelines, Article 1 states:

**Purpose:** Service as multidisciplinary and community based advisory committee to the Health Branch of Tulare County Human Services Agency and Kings County Behavioral Health.

**Mission:** To reduce the rate of completed suicides in Tulare and Kings County.

**Vision:** A community without suicide. Full range of strategies: Prevention and early intervention to all at-risk residents; to provide services to promote health; address problems to reduce suicides; and community needs to coordinate a system of services to effectively respond to crisis situations.

**Goals:** To promote public awareness that suicide is a public health problem; to improve and expand awareness; to promote effective clinical and professional practices; and to develop and implement suicide prevention programs.

Suicide and Prevention Task Force shall not function in the capacity of setting policy, but serve as an advisory committee to increase communication, give information to improve community education and understanding of the numerous issues contributing to suicide.

In order to be able to detect those at risk and prevent suicide, it is crucial to understand the role of long term factors such as childhood trauma, immediate mental health problems, and/or recent stressful events. The goal of the task force is to improve awareness of suicide risk and implement effective programs. SPTF provides an introduction to its programs and a basic level of education. All programs and training offered to the public are completely free as part of the funding of Proposition 63 (MHSA). These Trainings and Programs are as follows:

**Applied Suicide Intervention Skills Training (ASIST) and Mental Health First Aid (MHFA)**-An intense training regarding signs and symptoms, intervention strategies, discussion of an intervention model, practice scenarios and equips trainees to respond knowledgeably and competently to a person at risk of suicide. 'It is the CPR of suicide

intervention.' They provide information to service clubs, faith organizations, job sites and other groups.

**Reduction and Elimination of Stigma through Art Targeted Education (RESTATE)**-Designed to educate local high school students about mental health issues through a curriculum that uses media arts as a vehicle of awareness and understanding mental health.

**SPRIGEO** an online anonymous bully report system-Children and teens who want to feel safer from bullying at their school use SPRIGEO access through computer, laptop, tablet or smartphone to identify and report bullying.

**Depression Reduction Achieving Wellness (DRAW)**-Allows college students and vocation school students to receive counseling for stress and depression.

**Grief and Bereavement Counseling**-It provides six to eight sessions of counseling at no cost to those impacted by suicide loss.

**The Loss Team**-Works in conjunction with coroner's offices, local mortuaries, organ donation networks, chaplains, local law enforcement agencies and other persons or organizations. The Loss Team is contacted to dispatch to the scene of the loss and provides information, linkage and guidance to those in need.

**The Trevor Project**-A Lesbian, Gay, Bisexual, Transgender and Questioning (LGBTQ) youth organization that provides crisis intervention and suicide prevention services that targets the LGBTQ community.

**The local Kings County Veterans Support Group and the Kings County Public Guardian/Veterans Services**-Provides information, resources and discussion of combat-related symptoms such as Post Traumatic Stress Disorder (PTSD), depression and other issues.

**Social Media Contacts**-Online sites are available such as: [facebook.com/hope.sptf](https://facebook.com/hope.sptf), and [twitter.com/sptf](https://twitter.com/sptf), or E-mail [sptf@tularehhsa.org](mailto:sptf@tularehhsa.org).

***Seeds of Hope*** -A publication describing SPTF and its programs.

The Suicide Prevention Task Force brings awareness to the community by having an event in September called the **Annual Festival of Hope and the Walk of Hope**. This event focuses on fun, community engagement, remembrances, education, resources and above all, **HOPE**.

Monthly SPTF meetings are held which organizes a campaign featuring a notable logo, a Hope Series with CD's of Hope produced by local musicians, a chalk-drawing event and a comic book titled *Hope*. Also, a short-film festival called 'Slick Rock' is for high school

students to develop film projects to include suicide prevention. This SPTF outreach work would not be possible without the dedication of numerous volunteers, community organizations and support of many local government officials.

A concerned person may ask this question “Where and who can I go to for help?” The Suicide and Prevention Task Force provides resources for the answers.

## **FINDINGS AND RECOMMENDATIONS**

### **Finding 1**

It is advantageous for Tulare and Kings Counties to work together to help prevent suicides. This collaboration allows the task force of outreach workers to cover both counties, creating a more effective program.

### **Recommendation 1**

None

### **Finding 2**

Tulare & Kings Counties Suicide and Prevention Task Force provide numerous trainings and programs to reach its community with an awareness of suicide prevention.

### **Recommendation 2**

None

## **COMMENTS**

The Kings County Grand Jury wants to thank the personnel and volunteers of Tulare & Kings Counties SPTF for their assistance in this inquiry and all the efforts made to promote awareness for the residents in these counties.

RECEIVED  
JUL 14 2015



JOE NEVES  
STRATFORD-LEMOORE,  
DIST. I

RICHARD VALLE  
CORCORAN-AVENAL,  
DIST. II

DOUG VERBOON  
NORTH HANFORD -  
NORTH LEMOORE, DIST. III

RICHARD FAGUNDES  
HANFORD, DIST. V

CRAIG PEDERSEN  
HANFORD-ARMONA, DIST. IV

## COUNTY OF KINGS BOARD OF SUPERVISORS

MAILING ADDRESS: KINGS COUNTY GOVERNMENT CENTER, HANFORD, CA 93230  
OFFICES AT: 1400 W. LACEY BLVD., ADMINISTRATION BUILDING # 1, HANFORD  
(559) 852-2362, FAX: (559) 585-8047  
Web Site: <http://www.countyofkings.com>

June 30, 2015

Honorable Thomas DeSantos  
Kings County Superior Court  
1426 South Drive  
Hanford, CA 93230

Dear Judge DeSantos:

In accordance with Section 933 of the California Penal Code, this letter is the Kings County Board of Supervisors' response to the Grand Jury Report entitled: Tulare & Kings Counties Suicide Prevention Task Force – "Reaching Out to Give Hope," received by the County on June 10, 2015.

Finding 1 of the report states:

**It is advantageous for Tulare and Kings Counties to work together to help prevent suicides. This collaboration allows the task force of outreach workers to cover both counties, creating a more effective program.**

The Board of Supervisors concurs with this finding.

Finding 2 of the report states:

**Tulare & Kings Counties Suicide and Prevention Task force provide (sic) numerous trainings and programs to reach its community with an awareness of suicide prevention.**

We agree with this finding as well.

In closing, thanks to the Grand Jury for recognizing a very important program for the residents of both Kings and Tulare Counties, one that everyone involved can take pride in when trying to cope with a major health concern with devastating consequences.

Sincerely,

Richard Fagundes  
Chairman, Board of Supervisors

# **AVENAL STATE PRISON**

## **SUMMARY**

As a matter of public interest, the Kings County Grand Jury inquired into the Avenal State Prison. Avenal State Prison's published mission statement "...is to provide for the control, care and treatment of those inmates committed to the Department of Corrections and Rehabilitation by the courts. Avenal State Prison is designated as a low-medium security institution to provide housing for general population inmates." As part of that control, care and treatment, many services are provided to the inmates. During a presentation and tour of the facility, the Grand Jury learned of the history of the prison's beginnings, the physical features of the prison, the various medical, dental, vocational, and educational and entrepreneurial programs offered to the inmates, and the budget and personnel needed to staff the facility. The Grand Jury also learned of aging infrastructure and issues of Valley Fever and how these issues are managed. The following report details the information gathered.

## **BACKGROUND**

As a matter of public interest, the Kings County Grand Jury has the obligation to inquire into the prisons located within its jurisdiction as per California Penal Code §919 (b) "The Grand Jury shall inquire into the conditions and management of the public prisons within the county."

## **METHODOLOGY**

The Grand Jury was given a presentation by the Avenal State Prison Warden and his administrative staff, followed by an extensive tour of the institution. Upon completion of the tour, the Grand Jury conducted an interview with the Warden's administrative staff.

## **DISCUSSION**

Open for operation in 1987, Avenal State Prison was the first new prison built in California in twenty years. It is a low-medium security institution (Level II). In 1988 the state opened Facility IV on the prison grounds as a women's facility, but Facility IV was later converted to a men's housing unit.

### **Budget**

The total annual budget for Avenal State Prison for fiscal year 2012-2013 was \$139,952,775. Salaries, wages and benefit expenditures were \$122,588,179. Prison staffing included 920 peace officers, 40 food service workers, 309 medical service workers, 10 Inmate Welfare Fund staff, and 116 other related service workers for a total of 1,395 employees.

## Physical Plant

Avenal State Prison is located on 640 acres of property. The institution is comprised of six separate, semi-autonomous facilities containing 23 dormitory housing units, an Administrative Segregation Unit, a 28 bed Outpatient Housing Unit (OHU), and a 10 bed firehouse, which is located outside of the secure perimeter of the institution.

Avenal State Prison has a lethal electrified fence surrounding the secure perimeter with a dedicated generator on standby should power be interrupted. Use of the fence reduces costs by eliminating the need to staff eight towers. Only Tower 1 and Tower 5 (pedestrian and vehicle inspection locations) are staffed.

## Population

Avenal State Prison currently houses both Sensitive Needs Yards (SNY) and General Population inmates. The institution was designed for a capacity of 2,320 inmates. A vast influx of convicted felons committed to the Department of Corrections and Rehabilitation contributed to a large population of approximately 8,000 inmates. As a result of Assembly Bill 109, the current population level has dropped to approximately 4,000 inmates and is expected to drop further.

Of the total inmate population, 70% are gang members. The Grand Jury was informed that the majority of inmates at this facility are from Los Angeles County.

## Plant Operations

Besides administration and corrections officers, there is a support staff which includes carpenters, maintenance mechanics, electricians, electronic technicians, plumbers, painters, stationary engineers, grounds keepers, pest control, auto mechanics, and a locksmith. This Plant Operations staff's main responsibility is to conduct preventive maintenance on equipment, structures, buildings, roads, roofs, etc.

Avenal State Prison is over 25 years old and has areas in need of repair or replacement. One of the major areas of concern is the underground piping which supplies hot water and steam to the facilities for heating and showers. There are major underground water leaks throughout the institution which impacts the ability to supply hot water. Keeping up with the aforementioned workload in the wake of staffing reductions tied to AB 109, and obtaining the necessary funding are major challenges for Plant Operations staff.

As of October 13, 2014, hot water for showering is available in all areas of the prison, with the exception of Housing Unit 320 and Housing Unit 510. Hot water is not available in these two units because of deteriorated hydronic loop piping in vaults and mechanical rooms. These repairs were expected to be complete in October 2014 (as of December 2014, these repairs were complete).

Plant Operations staff repair the hydronic loop piping system as it fails. Avenal State Prison has submitted a Special Repair Project request for replacement of the entire system. However, the project remains unfunded. Avenal State Prison requested and was granted emergency funding for Inmate Ward Labor to complete spot repairs on the hydronic loop system. These efforts began in January 2014 and ended on October 10, 2014. Expended allotments during the project totaled \$450,000. Plant Operations staff will continue to make expedited repairs to hot water systems as needed. In 2007 it was estimated that replacement of the entire system would cost in excess of \$6,500,000. The administrative staff believes that this cost has increased.

### **Educational and Vocational Programs**

Avenal State Prison has one of the largest education programs in the California Department of Corrections and Rehabilitation and is accredited by the Western Association of Schools and Colleges. Approximately 85% of the Avenal State Prison's inmates voluntarily participate in the education and religious programs offered at the institution. Golden Hills Adult School offers academic classes to inmates. The available options include Adult Basic Education as well as GED and college courses. The Volunteer Education Program also offers Life Skills Classes. The prison currently provides academic and vocational services to 972 inmates.

Career Technical classes are offered at all six facilities. Current course offerings include Auto Body Repair, Auto Mechanics, Building Maintenance, Electrical Works, Electronics, HVAC, Office Services, Plumbing, Small Engine Repair, and Welding. In January 2013 a new Masonry class was added. In July 2013 a Computer Literacy class was offered.

In partnership with the Lions In Sight Foundation, Avenal inmates prepare donated glasses by cleaning and sterilizing them. They then package the glasses for distribution to third world countries by LISF. Currently this program is processing 6,000 to 7,000 pairs of glasses per month.

Golden Hills Adult School works in conjunction with San Bernardino Community College and Alternative Text Production Center to train inmates as Braille Transcribers. These inmates earn certification through the Library of Congress based upon the skills they demonstrate. The skills they learn allow them to convert college textbooks into Braille or Alternative Text for students in community colleges throughout California.

### **California Prison Industries Authority**

The California Prison Industries Authority (CALPIA) operations at Avenal State Prison employ approximately 530 inmates in five enterprises. These enterprises generated revenues of approximately \$21,758,332 for Fiscal Year 2012-2013. The areas of enterprise and related revenue are itemized below:

## Revenue Generated from CALPIA at Avenal State Prison 2012-2013

Egg Production	\$5,961,000
Poultry Processing	\$6,221,000
Furniture	\$2,447,882
General Fabrication	\$6,400,000
Laundry	\$ 728,250

The Inmate Employability Program was developed by CALPIA to enhance the ability of inmate workers to be trained so that they can obtain meaningful jobs upon release. Any eligible inmate worker may earn certifications in laundry, welding, furniture making, and installation and servicing of heating and air conditioning units.

### Food Services

The Avenal State Prison Food Service Department employs 111 staff and serves approximately 12,000 meals a day. The institution is budgeted at \$3.10 per day per inmate or \$1.03 per meal. The Food Service staff uses a Blast Chill method as opposed to a Cook and Serve method. The food is cooked in advance and frozen for up to five days. The food is then distributed to the facility kitchens, re-heated and served.

Institutional menus reflect the standardized menus put out by the departmental food manager, ensuring continuity in type of food served, quantity, portion, size, color, flavor, and nutritional value; the caloric requirement for inmates is 2,600 to 3,000 calories per day. The prison also provides special meals for special needs inmates.

### Medical Services

Health Care Services Request Forms are submitted by the inmates who are then seen by medical staff within one or two days. Yard clinics have an average of 2,298 patients monthly. The Triage and Treatment Area cares for an average of 587 patients monthly. Approximately 35% of emergencies are transferred out of the institution for a higher level of care.

Licensed vocational nurses give the inmates their daily medication and make referrals, process prescription refills when needed, and ensure the inmates receive their chronic care medications and any other medications which are ordered. Certified nursing assistants assist the Outpatient Housing Unit as well as the primary care physicians on the yard.

Avenal State Prison has had a high number of Valley Fever incidents. The staff has taken precautionary steps to help lower the risk of infection. There are disposable mask dispensers located throughout the facility; both staff and inmates can utilize these masks for their protection. The inmates are kept indoors on windy days to lower their exposure. Also inmates who are high-risk for contracting this disease are transferred out of Avenal State Prison to other institutions. As a result of these precautions, Avenal State Prison has seen fewer cases of Valley Fever.

### **Dental Services**

Avenal State Prison provides dental services to approximately 1000 inmates per month. They have six dental clinics, one on each facility and one satellite radiology clinic located in the OHU. This is all accomplished with a dedicated staff of about 40 members.

### **Mental Health Services**

Approximately 37% of the inmates at Avenal State Prison participate in the mental health program. Roughly 665 inmates are prescribed psychological medications. The services provided to mental health inmates include individual and group therapy, crisis intervention and suicide prevention, mental health assessments, referrals to a higher level of care, completing reports required for due process, pre-parole planning and community follow-ups.

### **Avenal Prison Fire Department**

The Avenal State Prison Fire Department program promotes positive rehabilitation for inmates assigned to the job of inmate firefighter. Skills are learned through an extensive training program involving Basic Firefighter Level I, Advanced Firefighter Level II, and Driver Operator for Fire Engines. The program helps develop character, ethics, physical fitness skills and respect for ranking positions within the fire service. The program also provides a service to the local community through mutual-aid response with the Kings County Fire Department and the City of Avenal for emergencies and other projects that help improve public relations. This prison fire department is staffed with 1 fire chief, 4 fire captains, and 10 inmate firefighter positions. The department has 2 triple combination fire engines and 1 patrol unit.

Avenal State Prison is a low-medium security prison with a high parole and a high turnover rate. The training for these firefighting inmates is very time consuming. Thus it is challenging for Avenal State Prison to maintain an adequately staffed fire department.

## **FINDINGS AND RECOMMENDATIONS**

### **Finding 1**

Avenal State Prison's hydronic loop piping system, which supplies hot water and steam to the housing units, is antiquated and in need of replacement. However, limited funding impedes the replacement progress.

### **Recommendation 1**

Avenal State Prison should continue the spot repairs on the hydronic loop piping system as needed. The prison administrative staff should be persistent in their appeal for appropriate funding for a complete system replacement.

### **Finding 2**

Regarding the Avenal State Prison's reported high rate of Valley Fever cases, the steps taken by the prison staff to protect the prison population from exposure/infection are effective.

### **Recommendation 2**

The Avenal State Prison staff should continue the precautionary procedures they have implemented.

## **REQUEST FOR RESPONSES**

Pursuant to Penal Code §933.05, the Grand Jury invites the Avenal State Prison Warden or designee to respond to all findings and recommendations within 90 days.

Avenal State Prison has made considerable effort to ensure their inmate population is provided opportunities while incarcerated. The inmates are trained and prepared for gainful employment upon release.

The Kings County Grand Jury thanks the staff of the Avenal State Prison for their cooperation in this inquiry.

**DIVISION OF ADULT INSTITUTIONS**

AVENAL STATE PRISON

PO Box 8  
Avenal, CA 93204RECEIVED  
JUL 14 2015

July 1, 2015

The Honorable James LaPorte  
Presiding Superior Court of the State of California  
County of Kings  
Hanford CA 93230

Re: Grand Jury Investigation Response

Dear Judge LaPorte,

Please allow this correspondence to serve as the District's response to the 2014-2015 Grand Jury investigation of the California Department of Corrections and Rehabilitation (CDCR), Avenal State Prison (ASP) pursuant to Penal Code §933.05.

**Response to Finding 1  
Regarding ASP's hydronic loop piping system. Agreed**

ASP's Plant Operations maintenance staff will continue to make spot repairs on the hydronic loop piping system as it becomes necessary. As indicated there is a plan in place to upgrade and replace the system as funds become available. Currently funds are in place for the design phase of the replacement above the ground system. The entire hydronic loop piping system will be replaced; however a start date has not been established as of this date.

**Response to Finding 2  
Regarding ASP's reported high rate of Valley Fever cases. Agreed**

The delivery of health care in California prisons has been led by a Federal Court-appointed Receiver for over seven years. However, the health and safety of state employees and inmates in California prisons is of the utmost importance to the State.

CDCR and the California Department of Public Health (CDPH) have been working together for years, and more recently engaged the Centers for Disease Control (CDC) on a coordinated approach to this complex issue. This state and federal partnership aims to improve mitigation efforts, prevention, detection, and treatment of Valley Fever (Coccidioidomycosis) in California prisons.

A Valley Fever work group has been created which includes CDCR officials and public health officials including Coccidioidomycosis experts and will continue to meet on an as-needed basis to review data and find possible solutions. CDPH has been lending epidemiologic support to CDCR to understand the reason behind current rates of Coccidioidomycosis, despite prevention efforts in place.

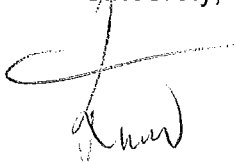
RECEIVED  
JUL 14 2015

CDPH has recently worked with CDCR to evaluate the scientific data available and looked at actions CDCR has taken to mitigate the impact of Valley Fever in the prisons. Based on this assessment, CDPH recently made a number of recommendations to CDCR including high risk groups with chronic disease or compromised immune systems be excluded from the Valley Fever endemic area, do the higher risk of complications from Valley Fever.

CDCR ASP mitigation efforts include:

- ✓ Suspended the transfer of certain high risk inmates into various prisons
- ✓ Transferred certain high risk inmates out of targeted prisons
- ✓ Implemented construction dust control measures
- ✓ Posted Valley Fever awareness information in housing units and clinics
- ✓ Provided educational materials to staff
- ✓ Issued surgical masks to inmates and staff upon request
- ✓ CDCR is working with California Department of Public Health, Division of Occupational Safety and Health and requesting assistance in assessing statistical data and to recommend area-specific and appropriate solutions and mitigation efforts
- ✓ CDPH and CDCR have engaged the CDC and reaching out to other states to discern appropriate mitigation strategies and protocols
- ✓ ASP has installed higher rated air filter (MERV 13/14) for all inmate housing units
- ✓ Preventative maintenance / filter replacement is conducted on a monthly basis
- ✓ Replaced rubber sweeps on all doors entering housing units
- ✓ Installed decomposed granite in appropriate areas to minimize dust
- ✓ Cocci Skin Testing of inmates and transferring them to appropriate institutions

Sincerely,



C. WOFFORD  
Warden  
Avenal State Prison

# KINGS COUNTY MORGUE

## SUMMARY

The Kings County Grand Jury visited the new Kings County Morgue. This facility replaced a county morgue that was extremely outdated with limited space. The spacious new morgue boasts state-of-the-art equipment and the latest technology. There is also a full time staff of three who see to the daily operations as well as the needs of the decedents and their families.

## BACKGROUND

Section 27491 of the California Government Code governs which deaths must be investigated by the Coroner. A coroner will investigate deaths which occur under the following circumstances:

- Unattended deaths
- Deceased not seen by physician in 20 days prior to death
- Physician unable to state the cause of death
- Known or suspected homicide
- Known or suspected suicide
- Criminal action or suspicion of a criminal act
- Related to suspected self-induced or criminal abortion
- Associated with known or alleged rape/crime against nature
- Following an accident or injury, either old or recent
- Drowning, Fire, Gunshot, Starvation, Acute Alcoholism or Drug Addiction, Hanging, Strangulation, Aspiration, or Exposure
- Stabbing or Cutting
- Accidental poisoning (by food, chemical, drug, therapeutic agents)
- Occupational diseases or hazards
- Contagious diseases constituting a public hazard

- Operating Room deaths, patients under anesthesia from surgery, recovery room or elsewhere
- In prison or while under sentence
- All deaths of unidentified persons
- Suspected sudden infant death syndrome (crib deaths)

An autopsy is not always performed. If the death is a “natural death” and the deceased has a physician who can provide a medical/acceptable cause of death, the coroner will not normally have an autopsy executed. In criminal cases, an autopsy is used to gather evidence for presentation in a court of law.

A coroner does not have to be a medical doctor, as is the case in 43 of the 58 counties in the State of California. Subsequently, a coroner does not necessarily perform autopsies. A coroner’s office is responsible for investigating the facts, circumstances, and causes of deaths, as well as ensuring that required autopsies do indeed occur.

California Penal Code §925 provide: “The grand jury shall investigate and report on the operations, account, and records of the officers, departments or functions of the county...”

## **METHODOLOGY**

The Kings County Grand Jury toured the new Kings County Morgue. The Jury also conducted an interview with the Senior Deputy Coroner, who manages day-to-day operations, a Deputy Coroner, and office staff.

## **DISCUSSION**

The Kings County Grand Jury toured the new Kings County Morgue. It in October, 2014 and was built at a cost of \$2,261,260.55. This new structure is a replacement for an extremely outdated and small facility. The new building covers 5,120 square feet (compared to the old 1,200 square foot building). The morgue can hold approximately 100 bodies at one time, if necessary, to address a catastrophic event. In addition, the Health Department has a mobile temporary morgue to house dozens of bodies if and as needed.

The new morgue was constructed to meet or exceed the standards of modern morgues. This includes effective ventilation, a large refrigerated space for storing the deceased, two state-of-the-art autopsy rooms with observation windows for select audiences, ultraviolet lights for killing germs, a temperature controlled secure facility for the proper handling of evidence, a large intake area for receiving bodies, and a CDI Livescan Enhanced Workstation (CLEW) fingerprint capture system for identifying the deceased.

The staff employs special measures for disease control which includes wearing specialized clothing, gloves, masks, and using disinfectants when dealing with the deceased. There are showers used for decontamination of the staff if needed. Any contaminated items are destroyed by a professional company which incinerates all contaminated items. Waste water from an autopsy, which flows into the City of Hanford's sewer system, contains the bleach and special cleaning soap for morgues and funeral homes, which are used to disinfect the area.

There are three employees who are exclusively assigned to work in the morgue. The Sheriff, who oversees the operations of the County Morgue, is the Sheriff-Coroner for Kings County. Each Deputy Sheriff is also a Deputy Coroner and can be tasked with responding to death scenes and completing the initial paperwork, along with overseeing the transport of the decedent to the morgue. The staff members at the morgue then complete the process in accordance with county/state statutes.

The employees of the morgue take great consideration when dealing with families of the deceased. The new facility has a reception area which staff uses to talk with families regarding the autopsy and the timeframe of completion.

Morgue personnel participate in the autopsy process. The Chief Deputy and Senior Deputy Coroner attend the Peace Officers Standards and Training (POST) Coroner School, annual training events, and have many years of field experience handling the deceased as deputy sheriffs. Also, every deputy sheriff within the department is trained to preserve the initial death scene. They are also trained in basic duties of a deputy coroner before acting alone as a patrol deputy. Kings County contracts out for forensic pathologist services.

Since the local hospital does not have its own morgue, the County Morgue takes temporary possession of the decedents from the facility until other arrangements can be made.

The estimated County Morgue budget for Fiscal Year 2014/2015, which includes, but is not limited to, the salaries of employees, office expenses, maintenance and equipment, medical services, and monthly expenses was \$854,579.04. As of March 2015, \$491,408.44 had been expended. As an aside, there is no cost to family if an autopsy is performed because it is required by statute. If a family wants one for its own reasons, a family would make arrangements for an autopsy via a private pathologist at another facility.

As far as unclaimed bodies are concerned, the County does have an obligation to try to find the families. They employ all investigative tools to contact the family of the deceased, such as taking fingerprints, if possible, using specialized search databases, and going door-to-door if necessary to locate the next of kin. If no one claims the body, the County cremates the deceased at its own expense. The cost for a cremation is from \$800

to \$900. The ashes are kept for two years if not claimed; they are then buried at the County's expense.

### **Findings and Recommendations**

None

### **COMMENTS**

The Kings County Grand jury thanks the staff of the Kings County Morgue for their cooperation during the tour and interview.



OFFICE OF  
**SHERIFF**  
COUNTY OF KINGS  
P.O. BOX 986  
1444 W. LACEY BLVD.  
HANFORD, CA 93232-0986  
PHONE 559/582-3211  
FAX 559/584-4738

RECEIVED  
AUG 10 2015

DAVID ROBINSON  
SHERIFF-CORONER  
PUBLIC ADMINISTRATOR

August 6th, 2015

Dear Kings County Grand Jury,

I received a copy of your 2014-2015 Kings County Morgue report. This letter is the official response as required.

We are very proud of our new state of the art Morgue facility. Thank you for taking the time to acknowledge the counties efforts to provide a first class facility for its citizens. Our Morgue/Coroner staff does an outstanding job serving our community in the difficult end of life moments. I appreciate the efforts of the Grand Jury in highlighting the role of our facility and staff on a daily basis.

Respectfully Submitted,

David S. Robinson, Sheriff

# KINGS COUNTY SHERIFF'S OFFICE

## SUMMARY

The Kings County Grand Jury reviewed a news report of a stabbing at a party in Hanford, CA. As a matter of public interest, the Grand Jury investigated to review current policies of the Kings County Sheriff's Department in regards to responding to large parties in which multiple minors are in attendance with possible alcohol or drug use.

## BACKGROUND

California Penal Code § 925 provide: "The grand jury shall investigate and report on the operations, accounts, and records of the officers, departments or functions of the county..."

## METHODOLOGY

The Kings County Grand Jury conducted interviews with the King's County Sheriff's Department personnel as well as reviewed 911 dispatch audio files and written files.

## DISCUSSION

On September 28, 2014 at 1:48 a.m., The Kings County Sheriff Dispatch received a notification of a stabbing incident that occurred at a residence on South 10<sup>th</sup> Avenue. Deputies were dispatched to the scene of a large party of possibly 200 people and discovered three victims who had been stabbed. The ages of two of the victims were seventeen and a third victim was twenty years old. Two of the victims were in critical condition and the third victim's injuries were minor. Two victims were transported by EMS to local hospitals. The third victim was transported to a Fresno hospital.

During the course of the investigation, the Grand Jury reviewed the current policies of the Kings County Sheriff's Department in dealing with parties of this nature. If deputies drive by a party or large gathering of people, unless there is visible evidence of a crime, they will not stop and investigate. If there is a complaint received concerning a large gathering, deputies will respond. They will also investigate if the department has learned of a juvenile party involving alcohol or drugs.

## FINDINGS AND RECOMMENDATIONS

### **Finding 1**

The Grand Jury discovered that the Kings County Sheriff's Deputies acted appropriately and within established procedures in this incident.

### **Recommendation 1**

None

## COMMENTS

At the time of this report, this incident is still under investigation and no arrests have been made. All victims have been released from the hospitals.

The Kings County Grand Jury thanks the Kings County Sheriff's Department for their assistance in this inquiry.



OFFICE OF  
**SHERIFF**  
COUNTY OF KINGS  
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PHONE 559/582-3211  
FAX 559/584-4738

RECEIVED  
AUG 10 2015

DAVID ROBINSON  
SHERIFF-CORONER  
PUBLIC ADMINISTRATOR

August 6th, 2015

Dear Kings County Grand Jury,

I received a copy of your 2014-2015 Kings County Sheriff's Office "responding to large parties" report. This letter is the official response as required.

Thank you for the time and efforts taken for the broad overview of our practices of responding to large parties. We are mindful of the difficulties in responding to such events and will always strive to balance the need for law enforcement presence and or absence for these events. Large events occur in our jurisdiction on a constant basis; thankfully the vast majority of these events go on without the need for law enforcement actions. We are here to serve the citizens of our community will continue to do so in a professional and appropriate manner.

Respectfully Submitted,

David S. Robinson, Sheriff

# CITY OF LEMOORE FIRE HYDRANTS

## SUMMARY

A citizen's complaint was received regarding a broken fire hydrant at a major apartment complex fire in the City of Lemoore. There was a concern that this caused a delay in suppression of the fire which may have led to additional structural damage to the apartment complex.

## BACKGROUND

California Penal Code §925(a) provides: "The grand jury may at any time examine the books and records of any incorporated city...located in the county."

## METHODOLOGY

The Kings County Grand Jury interviewed City of Lemoore Public Works/Planning Services personnel, City of Lemoore Volunteer Fire Department personnel and Kings County Fire Department personnel, reviewed Lemoore Volunteer Fire Department and Lemoore Police Department CAD (Computer Aided Dispatch) Incident Reports as well as Kings County's Fire Department report. The Grand Jury also visited Hanford City Fire Department and Hanford/Lemoore Dispatch.

## DISCUSSION

On May 18, 2014 at 10:43 am, the Lemoore Volunteer Fire Department and the Kings County Fire Department were dispatched to a fire at the Tanglewood Apartment complex at 265 E. Hanford-Armona Rd., Lemoore. Kings County Fire Engine #7 was first to arrive on the scene. Upon arrival, a water source supply was attempted and hoses set in place. It was discovered that the fire hydrant in front of the burning complex was defective, releasing no water. Kings County Fire Department personnel transferred the supply line to the hydrant 300 feet to the east of the defective hydrant. The change of hydrants caused the Kings County firefighters to switch from a 2 1/2" to a 1 3/4" hose to conserve water coming from the fire truck. The smaller hose was used until the connection to the second hydrant was made. The Lemoore Volunteer Fire Department personnel, upon arrival, connected their supply line to the hydrant to the west of the apartment complex.

Lemoore Volunteer Fire and Kings County Fire Department personnel began to attack the fire, calling additional engines and resources for assistance. It was discovered at the conclusion of the fire the second hydrant to the east of the complex was also defective. After use, the firemen were unable to turn the hydrant off. The Lemoore Water Department had to close the water main to the second defective hydrant in order to stop water flow.

During this event, the Lemoore Water Department was informed about both defective hydrants. The following day the Lemoore Water Department was on scene inspecting the defective hydrants and trying to determine the cause. Both damaged hydrants were dry-barrel hydrants. The stems were broken on both, thus making the hydrants inoperable. On dry-barrel hydrants, damage could be internal and not readily detectable until the hydrant is put into operation. It was speculated that a vehicle struck the first hydrant prior to the fire, making it inoperable. This broken hydrant was replaced with a wet-barrel hydrant on May 25, 2014. The second broken hydrant located to the east was repaired on May 19, 2014.

The City of Lemoore has approximately 1,200 fire hydrants on its public streets. It is the City of Lemoore Water Department's responsibility to test and maintain these hydrants. The Lemoore Municipal Code does not have a hydrant testing ordinance. However, city owned hydrants are inspected (flushed) periodically and repaired, if needed, by the Water Department. The number of fire hydrants within the City of Lemoore that were inspected (flushed) by city staff from 2010 to 2014 is listed below:

Year	Inspected	Repaired	Replaced
2010	406	5	5
2011	384	10	3
2012	225	5	2
2013	177	3	2
2014	49	4	7

Approximately 150 to 400 gallons of water are released every time a hydrant is flushed, therefore, staff has cut back on this practice considerably to conserve water.

The Tanglewood fire incident reports were filed by each fire department involved and the Lemoore Police Department. Furthermore, it was discovered by the Grand Jury that the broken fire hydrant information was not reported to either Hanford/Lemoore Dispatch or Kings County Fire Dispatch. Thus, the defective hydrant information was not made available to other shifts which might respond to fires in the area. Testimony also revealed that independent incident reports were written by the Lemoore Volunteer Fire Department and Kings County Fire Department and were not shared between departments. Further, the incident reports filed by Lemoore Volunteer Fire Department, Lemoore Police Department, and Kings County Fire Departments made no mention of the defective fire hydrant.

While investigating this incident, it was found that Kings County Fire Department has areas of concern. There are several one-man stations, that is, a station that is staffed by only one person. This creates numerous safety issues. As a result of one-man stations, a

firefighter cannot drive and read the engine map book for directions or hydrant location. Once on scene, the firefighter cannot make an interior rescue or fire attack alone. He is forced to wait for the next additional firefighter to arrive. A firefighter from a one-man station was injured while on duty at his station and was unable to receive timely first-aid.

Kings County Fire Department is not equipped with up-to-date electronic equipment to aid them in fire scene information and hydrant locations, which are in use by Lemoore Volunteer Fire Department and Hanford Fire Department. Presently, Kings County Fire Department employs a map book, located in the engine cab, for street and hydrant locations. Hydrant status information is posted only on a white board at the station. This is also true of Lemoore Volunteer Fire Department but they are in the process of installing that type of information on their electronic tablets carried on the engine.

At the time of the investigation, Lemoore Volunteer Fire Department only posted broken hydrant information on the Station 1 white board. Lemoore Station 2 and Kings County Fire Stations may not be informed of a malfunctioning hydrant or any other pertinent information such as street closures, damaged equipment, and power outages.

## **FINDINGS AND RECOMMENDATIONS**

### **Finding 1**

According to fire personnel on the scene, the delay in water supply did not affect the outcome of the fire.

### **Recommendation 1**

None

### **Finding 2**

The hydrant information is listed on a white board only in the garage of Lemoore Volunteer Fire Department's Station 1. Adjustments are being made to correct this problem.

### **Recommendation 2**

Pertinent hydrant information should also be recorded on the electronic tablets carried on each engine. This information should be recorded at Lemoore Stations 1 and 2 as well as Kings County Stations 5 and 7. Hanford/Lemoore Dispatch and Kings County Fire Dispatch should relay hydrant information to responding engines. Each Kings County station should confirm hydrant information at the morning roll call with dispatch or as soon as possible.

**Finding 3**

Hydrant flushing and inspection has waned due to drought conditions.

**Recommendation 3**

If hydrants are unable to be inspected without releasing large amounts of water, the City of Lemoore should look into ways of recycling the water released from the hydrants. Also, utilizing a hydrant cap with a pin hole allows the inspector to inspect the hydrants without releasing large amounts of water. This method of inspection has been successful with other municipalities.

**Finding 4**

Information on the Lemoore City fire hydrant status is not readily available to other entities besides Lemoore Public Works/Planning Services.

**Recommendation 4**

The Lemoore Public Works/Planning Services should report to the Lemoore City Council and the Lemoore Volunteer Fire Department the hydrant inspection data on a quarterly basis.

**Finding 5**

Kings County Fire Department has several stations manned by one firefighter, which could lead to dangerous situations. The firefighter cannot drive and read the engine map book for directions or hydrant location. Once on scene, the firefighter cannot make an interior rescue or fire attack alone. He is forced to wait for the next additional firefighter to arrive. A Kings County firefighter was injured while maintaining equipment at a one-man station and was unable to receive first aid in a timely manner.

**Recommendation 5**

All stations should be manned by at least two firefighters.

**REQUEST FOR RESPONSES****Required Responses**

Pursuant to California Penal Code §933 and §933.05, the grand jury requests responses as follows:

Lemoore City Council

Kings County Board of Supervisors

## **Invited Responses**

City of Lemoore Director of Public Works/Planning Services

City of Lemoore Fire Chief

County of Kings Fire Chief

## **COMMENTS**

The risk of inoperable fire hydrants or understaffed stations could result in time lost in fighting a fire which could lead to preventable injuries as well as loss of life and property.

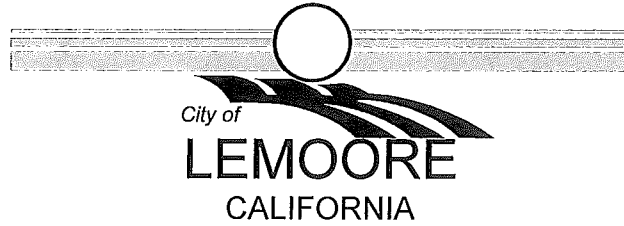
The Kings County Grand Jury thanks all those involved in this inquiry and appreciate the dedicated service of all firefighters of Kings County and the City of Lemoore.

## **DISCLAIMER**

A resident of the Tanglewood Apartments was selected as a Grand Jury member two months after the fire and therefore was recused from the investigation.

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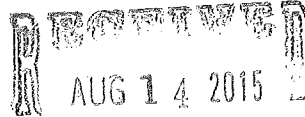
**Mayor**  
Lois Wynne  
**Mayor Pro Tem**  
Jeff Chedester  
**Council Members**  
Ray Madrigal  
Edward Neal  
William Siegel



**Office of the  
City Manager**

119 Fox Street  
Lemoore, CA 93245  
Phone (559) 924-6700  
Fax (559) 924-9003

July 31, 2015



The Honorable Thomas DeSantos  
Presiding Judge  
Kings County Superior Court  
1426 South Drive  
Hanford, California 93230

Re: Responses to 2014-2015 Grand Jury Final Report  
City of Lemoore Fire Hydrants

Dear Judge DeSantos:

In accordance with Penal Code section 933 and 933.05, the Lemoore City Council has approved the attached responses to the 2014-2015 Grand jury Report regarding City of Lemoore Fire Hydrants.

On behalf of the City of Lemoore, we would like to express our appreciation to the Grand Jury for its hard work in investigating a report of defective fire hydrants within the City of Lemoore.

Sincerely,

A handwritten signature in cursive script that reads "Andrea Welsh".

---

Andrea Welsh  
City Manager

Cc: City Council  
City Attorney  
City Clerk

## **City of Lemoore's Responses to Findings and Recommendations of 2014-2015 Grand Jury Report on City of Lemoore Fire Hydrants**

---

### **FINDINGS AND RECOMMENDATIONS:**

Finding 1: According to fire personnel on the scene, the delay in water supply did not affect the outcome of the fire.

*The City agrees with this Finding.*

Recommendation 1: None

*The City has no comments regarding this Recommendation.*

Finding 2: The hydrant information is listed on a white board only in the garage of Lemoore Volunteer Fire Department's Station 1. Adjustments are being made to correct this problem.

*The City agrees with this Finding.*

Recommendation 2: Pertinent hydrant information should also be recorded on the electronic tablets carried on each engine. This information should be recorded at Lemoore Stations 1 and 2 as well as Kings County Stations 5 and 7. Hanford/Lemoore Dispatch and Kings County Fire Dispatch should relay hydrant information to responding engines. Each Kings County Station should confirm hydrant information at the morning roll call with dispatch or as soon as possible.

*This recommendation will be implemented as applicable to the City of Lemoore and its fire stations. The City currently is in the process of including hydrant information on the electronic tablets which are to be carried on each of the City's fire engines. The City also will be insuring that fire hydrant information is also readily accessible at all times on a white board, printed document or other written media as well as electronically at the Lemoore Fire Stations. The City will make available current fire hydrant information to Kings County Fire Stations and further suggests that it be included in the Emergency Response Plan for the City and County. The City of Lemoore is more than willing to share fire hydrant information with Kings County Fire and the procedural methodology for doing so is currently being confirmed.*

Finding 3: Hydrant flushing and inspection has waned due to drought conditions.

*The City agrees with this Finding.*

Recommendation 3: If hydrants are unable to be inspected without releasing large amounts of water, the City of Lemoore should look into ways of recycling the water released from the hydrants. Also, utilizing a hydrant cap with a pin hole allows the inspector to inspect the hydrants without releasing large amounts of water. This method of inspection has been successful with other municipalities.

*This recommendation is being researched by City staff and will likely be implemented.*

Finding 4: Information on the Lemoore City fire hydrant status is not readily available to other entities besides Lemoore Public Works/Planning Services.

*The City of Lemoore agrees/disagrees with this finding.*

Recommendation 4: The Lemoore Public Works/Planning Services should report to the Lemoore City Council and the Lemoore volunteer Fire Department the hydrant inspection data on a quarterly basis.

*This recommendation is being implemented and the current fire hydrant information will be shared with Kings County Fire as well as the coordinator of the Kings County Emergency Response Plan.*

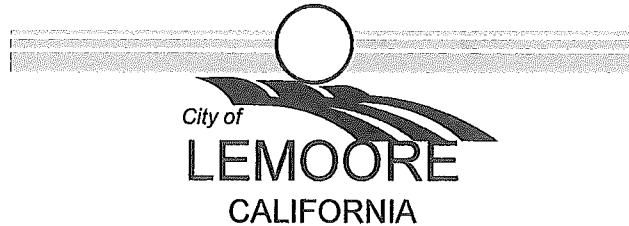
Finding 5: Kings County Fire Department has several stations manned by one firefighter, which could lead to dangerous situations. The firefighter cannot drive and read the engine map book for directions or hydrant location. Once on scene, the firefighter cannot make an interior rescue or fire attack alone. He is forced to wait for the next additional firefighter to arrive. A Kings County firefighter was injured while maintaining equipment at a one-man station and was unable to receive first aid in a timely manner.

*This finding is not applicable to the City of Lemoore.*

Recommendation 5: All stations should be manned by at least two firefighters.

*This recommendation is not applicable to the City of Lemoore.*

**Mayor**  
Lois Wynne  
**Mayor Pro Tem**  
Jeff Chedester  
**Council Members**  
Ray Madrigal  
Edward Neal  
William Siegel



**Office of the  
Volunteer  
Fire Department**

210 Fox Street  
Lemoore, CA 93245  
Phone (559) 924-6797  
Fax (559) 924-6758

July 31, 2015

Honorable Thomas DeSantos  
Kings County Superior Court  
1426 South Drive  
Hanford, CA 93230

Dear Judge DeSantos:

The City of Lemoore has received the Grand Jury Report titled "City of Lemoore Fire Hydrants." As requested, we are providing the following comments to the recommendations contained in the report.

**Finding 1:**

The Grand Jury found, according to fire personnel on the scene, the delay in water supply did not affect the outcome of the fire.

**Recommendation 1:**

None.

**Lemoore Fire Chief Comments:**

None.

**Finding 2:**

The Grand Jury found the hydrant information is listed on a white board only in the garage of Lemoore Volunteer Fire Department's Station 1. Adjustments are being made to correct this problem.

**Recommendation 2:**

Pertinent hydrant information should also be recorded on the electronic tablets carried on each engine. This information should be recorded at Lemoore Stations 1 and 2 as well as Kings County Stations 5 and 7. Hanford/Lemoore Dispatch and Kings County Fire Dispatch should relay hydrant information to responding engines. Each Kings County Station should confirm hydrant information at the morning roll call with dispatch or as soon as possible.

**Lemoore Fire Chief Comments:**

This Lemoore Fire Department agrees and is in the process of implementing communication policies.

**Finding 3:**

The Grand Jury found hydrant flushing and inspection has waned due to drought conditions.

**Recommendation 3:**

If hydrants are unable to be inspected without releasing large amounts of water, the City of Lemoore should look into ways of recycling the water released from the hydrants. Also, utilizing a hydrant cap with a pin hole allows the inspector to inspect the hydrants without releasing large amounts of water. This method of inspection has been successful with other municipalities.

**Lemoore Fire Chief Comments:**

The Lemoore Fire Department agrees and recommend implementing the use of a garden hose adaptor. Water can be flushed onto a nearby lawn or landscape area.

**Finding 4:**

The Grand Jury found information on the Lemoore City fire hydrant status (that) is not readily available to other entities besides Lemoore Public Works/Planning Services.

**Recommendation 4:**

The Lemoore Public Works/Planning Services should report to the Lemoore City Council and the Volunteer Fire Department the hydrant inspection data on a quarterly basis.

**Lemoore Fire Chief Comments:**

The Lemoore Fire Department agrees with the finding.

**Finding 5:**

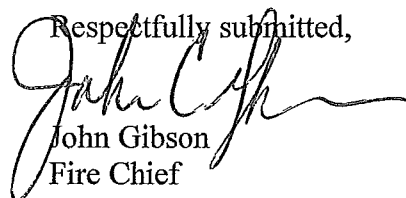
The Grand Jury found the Kings County Fire Department has several stations manned by one firefighter, which could lead to dangerous situations. The firefighter cannot drive and read the engine map book for directions or hydrant location. Once on scene, the firefighter cannot make an interior rescue or fire attack alone. He is forced to wait for the next additional firefighter to arrive. A Kings County firefighter was injured while maintaining equipment at a one-man station and was unable to receive first aid in a timely manner.

**Recommendation 4:**

All stations should be manned by at least two firefighters

**Lemoore Fire Chief Comments:**

The Lemoore Fire Department agrees with the finding.

Respectfully submitted,  
  
John Gibson  
Fire Chief



JOE NEVES  
STRATFORD-LEMOORE,  
DIST. I

RICHARD VALLE  
CORCORAN-AVENAL,  
DIST. II

DOUG VERBOON  
NORTH HANFORD -  
NORTH LEMOORE, DIST. III

RICHARD FAGUNDES  
HANFORD, DIST. V

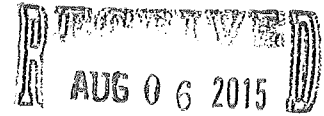
CRAIG PEDERSEN  
HANFORD-ARMONA, DIST. IV

## COUNTY OF KINGS BOARD OF SUPERVISORS

MAILING ADDRESS: KINGS COUNTY GOVERNMENT CENTER, HANFORD, CA 93230  
OFFICES AT: 1400 W. LACEY BLVD., ADMINISTRATION BUILDING # 1, HANFORD  
(559) 852-2362, FAX: (559) 585-8047  
Web Site: <http://www.countyofkings.com>

July 28, 2015

Honorable Thomas DeSantos  
Kings County Superior Court  
1426 South Drive  
Hanford, CA 93230



BY: *K.C.*

Dear Judge DeSantos:

In accordance with Section 933 of the California Penal Code, this letter is the Kings County Board of Supervisors' response to the Grand Jury Report entitled: "City of Lemoore Fire Hydrants", received by the County on May 12, 2015.

Finding 5 of the report states:

**Kings County Fire Department has several stations manned by one firefighter, which could lead to dangerous situations. The firefighter cannot drive and read the engine map book for directions or hydrant location. Once on scene, the firefighter cannot make an interior rescue or fire attack alone. He is forced to wait for the next additional firefighter to arrive. A Kings County firefighter was injured while maintaining equipment at a one-man station and was unable to receive first aid in a timely manner.**

The Fire Chief has responded to this Finding and the Board of Supervisors concurs with the Fire Chief's recommendation.

Sincerely,

Richard Fagundes  
Chairman, Board of Supervisors

# KINGS COUNTY FIRE DEPARTMENT

*William K. Lynch, Chief*



---

280 North Campus Drive – Hanford, CA 93230  
Phone: 559-852-2881 • Fax: 559-582-8261

July 15, 2015

To: Kings County Grand Jury

The intent of this letter is to address Finding #5 on page one hundred fourteen (114) of the 2014-2015 Grand Jury Final Report. As noted in Finding #5, the Kings County Fire Department currently has four (4) stations that are staffed by one firefighter each duty day. As a result, many of the required duties and assignments during an emergency may be delayed until adequate staffing arrives to support those operations. Additionally, this limitation is experienced in non-emergency activities such as during equipment maintenance. This occurs when the weight or size of the equipment cannot be easily handled by one person and two stations must meet in order to get the job done.

In the proposed FY 2015-16 budget, the Kings County Fire Department has put forward the addition of six new positions to initiate the elimination of the one person staffed stations. This undertaking will be done over several budget years and will be a collaborative effort between the Board of Supervisors, County Administration, and the Fire Department. The ultimate goal will be an increase in staffing resources to operate all County Fire Stations with a minimum of two personnel.

My hope is that this letter will address the concern of the Grand Jury related to the single person staffing of County Fire Stations and that it demonstrates our pro-active approach to this purpose. Also, I would like to thank your members for their support of the Kings County Fire Department and for your endorsement of additional staff.

Respectfully,

William K. Lynch, Fire Chief

# KINGS COUNTY ANIMAL CONTROL

## Homes Needed For Homeless Pets

### SUMMARY

The care of stray and abandoned animals has developed public interest in Kings County. The following two codes provide the authority for the Grand Jury to investigate animal control programs in Kings County.

California Penal Code §925 provides: "The grand jury shall investigate and report on the operations, accounts, and records of the officers, departments, or functions of the county..."

California Penal Code §925a provides: "The grand jury may investigate and report on the operation, accounts, and records of the officer, departments, or functions of any incorporated city located in the county..."

Kings County has two government operated animal shelters. One is in Hanford, run by Kings County and the other in Avenal operated by the City of Avenal. There are several animal control departments located in the county. These include Kings County Animal Services and Shelter, Hanford Animal Control, Lemoore Animal Control, Corcoran Animal Control, and Avenal Animal Control and Shelter. These departments are under the Kings County Sheriff's Office or the local police departments. The Grand Jury was impressed with the staff of each facility. The staff of the various facilities exhibited an outstanding devotion to the care of the animals in their custody. They provide excellent customer service to the residents of Kings County.

California requires fines and licensing fees for dogs which are not followed by all local agencies except for the Kings County Animal Services and Shelter. The California Government Code (CGC) and the California Food and Agricultural Code (Cal. FAC) require that the license fee for a dog which has been spayed or neutered be half or less of the fee which is charged for a dog which is not spayed or neutered. The Cal. FAC 30804.7 (a)<sup>1</sup> requires the owner of any dog impounded which has not been spayed or neutered be fined for each violation.

The Kings County Animal Services facility is lacking in space for the tasks they provide for the county. The Kings County Animal Services needs a larger facility to efficiently

<sup>1</sup> Appendix (4)

and safely do their assigned tasks. They appear to be doing an excellent job with the limited space they are provided.

Kings County Animal Services maintains a Pet Adoption Center located in the Hanford Mall where a number of smaller dogs and most cats are available for adoption in a pleasant setting. This center is open every day except Monday. Larger animals are adopted from the Shelter. All animals adopted from Kings County Animal Services and Shelter have been spayed or neutered. A microchip used for identification is implanted and all vaccinations are administered.

Spay and neutering procedures are provided by the H.O.P.E<sup>2</sup>. Foundation, which stands for "Halt Overpopulation with Prevention and Education". The foundation provides a "Low Cost Spay and Neutering Clinic". They report that last year approximately 40,000 Valley dogs and cats were euthanized because there was not enough homes for them.

The Avenal Animal Shelter was built in 2010 with money from the City of Avenal General Fund. The cost of construction was 1.4 million dollars. The Shelter was well planned and provides room for expansion if needed. They are lacking in adoption success as a significant number of dogs and most of the cats at the Shelter are euthanized.

The Avenal Shelter does not provide spaying or neutering services, microchip implants, current vaccinations, or city licensing. These must be completed by the adopting family within two weeks and evidence presented to the City within 30 days.

Hanford and Lemoore Animal Control Officers transport animals to the Kings County Animal Control Services and Shelter. Corcoran Animal Control Officers transport animals to the Avenal Animal Shelter. The Hanford, Lemoore and Corcoran police departments have temporary cages to house animals prior to transporting them to the shelters. All have vehicles for animal transport. Lemoore has a vehicle on order with full heating and air-conditioning for the animals being transported. Climate control is a necessity for the safety and well-being of animals with the hot summer days experienced in the Valley.

All dogs in Hanford and Lemoore are required to be spayed or neutered unless the owners of unaltered dogs have met the requirements for a breeding permit. There is a yearly breeding permit fee of \$150 plus the license. A verification statement is required from a veterinarian stating the dog is qualified for breeding. The area where the dog is kept will be inspected by the City to ensure that the dog cannot get out and run loose.

<sup>2</sup> H.O.P.E.  
5490 E. Spruce Avenue  
Fresno, CA  
[www.hopeaf.com](http://www.hopeaf.com)

All of the agencies have access to emergency drugs for euthanizing except for the City of Hanford. Euthanasia is vital for the care of animals which have been severely injured and require relief from suffering. This is the one procedure which the Grand Jury found adversely affected the animal control officers and staff.

## **GLOSSARY**

### **Euthanize, Euthanized:**

The act of putting a living being (especially a dog or cat) to death humanly.

### **Free-roaming:**

Free-roaming cats include lost, abandoned, loosely owned and stray cats.

### **Feral cats:**

Feral cats are cats that are unable to be handled and demonstrate unsocial behavior toward people. These cats spend 100% of their time outdoors.

### **Neuter:**

To remove the reproductive organs from a male animal.

### **Spay:**

To remove the reproductive organs of a female animal. To make a female animal unable to reproduce.

### **Unaltered:**

A dog which has not been spayed or neutered.

## **BACKGROUND**

The care of stray and abandoned animals has developed public interest in Kings County. The following two codes provide the authority for the Grand Jury to investigate animal control programs in Kings County.

California Penal Code §925 provides: "The grand jury shall investigate and report on the operations, accounts, and records of the officers, departments, or functions of the county..."

California Penal Code §925a provides: "The grand jury may investigate and report on the operation, accounts, and records of the officer, departments, or functions of any incorporated city located in the county..."

## METHODOLOGY

### Tours and Interviews

The Grand Jury visited the Kings County Animal Shelter and the Avenal Animal Shelter, toured the facilities, and interviewed the staff. The Grand Jury also interviewed personnel from the police and animal control departments of Hanford, Lemoore, and Corcoran.

### Documents

The Grand Jury reviewed the regulations of the State of California, Kings County, and local government regulations regarding dogs:

- Hanford Municipal Code
- Lemoore Police Department Policy Manual, Policy # 820
- Lemoore Ordinance No. 2014-07
- City of Avenal, Public Works Director monthly reports on Avenal and Corcoran
- Animal Control Activity Avenal-Corcoran Animal Control Shelter Services Agreement
- California Government Code: Title 4. California Government of Cities. Division 3. Officers. Part 2. Legislative Body. Chapter 10. Health and Safety. Article 7. Miscellaneous, §38792.
- California Civil Code. Division 4. General Provisions. Part 1. Relief. Title 2. Compensatory Relief. Chapter 2. Measure of Damages. Article 2. Damages for Wrongs, §3341-§3342.5.
  
- California Food and Agricultural Code
  - Chapter 1. General Provisions.
  - Chapter 2. Disposition of Funds.
  - Chapter 3. Dog Tags.
  - Chapter 3.5. Guide Dogs, Signal Dogs, and Service Dogs.
  - Chapter 4. Regulation.
  - Chapter 5. Killing and Seizure.
  - Chapter 6. Fees for Impounding.
  - Chapter 9. Potentially Dangerous and Vicious Dogs.

## Kings County Animal Services and Shelter

The last Grand Jury inspection of the Kings County Animal Services and Shelter was conducted in 2003.

The Shelter is located at 10909 Bonneyview Lane, Hanford, California 93232. They receive animals from Kings County unincorporated areas, the Cities of Hanford, and Lemoore. Hanford and Lemoore Animal Control Officers transport animals from their respective cities to the Kings County Animal Shelter.

Their mission statement: "*Through community involvement, education, adoption, and humane law enforcement, we work to preserve the well-being of animals and end the homeless animal crisis in Kings County.*"

The Kings County Animal Shelter is conducting daily operations in limited space. For example, one area used as a small office was at one time a shower. The animal intake area is also used for food storage and is cramped for space. The dog and cat holding areas are clean and well maintained by the staff, volunteers, and Kings County Jail inmates. The Shelter has a maximum capacity of 500 animals with a total of 150 dogs and the remainder cats. There is a large fenced area to the rear of the Shelter for larger animals such as horses. The Grand Jury was impressed with the efficient use of the limited office and working area provided in their building.

Cats are considered free roaming by the State of California. The Shelter is in the process of not accepting cats except for sick and injured. Feral cats are euthanized by the Shelter.

Kings County requires that all animals adopted from the Shelter be spayed or neutered.

In addition, a microchip used for identification is implanted along with receiving current vaccinations. The microchip implant is used to identify the owner of the animal, and should be updated, when necessary, with new address and phone number.

Kings County Animal Services maintains a Pet Adoption Center located in the Hanford Mall where a number of dogs and cats are available for adoption. This center is open every day except Monday.

The Shelter provides spay and neutering services through a grant from Pet Smart Charities. The price for a dog or cat is free if the owner resides within certain unincorporated areas of the county such as Home Garden and Kettleman City. At the time of the inspection, the cost to spay or neuter a cat was \$25, which includes current vaccinations. The cost for dogs is dependent on weight and starts at \$65 for less than 40 pounds of weight and \$20 additional for every ten pounds over 40 pounds. Some areas of the county have a lesser fee dependent on the grant the Shelter may have at the time. The Shelter also implants microchips for identification for \$20 per animal.

The H.O.P.E. Foundation, founded in 1993, works with the Kings County Animal Services to provide low cost spay and neuter services. The Foundation reports that approximately 40,000 dogs and cats were euthanized last year in the Valley. H.O.P.E. transports approximately sixty animals a week from the Kings County Animal Shelter to their facilities in Fresno for spay/neuter procedures every Tuesday. If there are under twenty animals, the Shelter transports them to Fresno. The H.O.P.E. Foundation performs the procedures and then returns the animals back to the Shelter the next day for owner pick up. When the H.O.P.E. Foundation returns the animals on Wednesday, they may take additional animals back to Fresno for the procedure.

The dogs and cats are delivered to the Shelter to be spayed or neutered between 7:30 and 8:00 AM the day of surgery. The fees for spaying, neutering and vaccinations are payable in cash the day before the animals are dropped off at the Shelter. The Shelter accepts cash only. They do not accept checks, debit, or credit cards at this time. All payments must be made on Monday the week of surgery.

The price for a dog license for unaltered dogs in Kings County is \$50 for one year, \$100 for two years and \$150 for three years. There is a fee reduction for neutered or spayed animals to \$5 per year, \$10 for two years and \$13 for three years per animal. This complies with the CGC §38792(b)<sup>3</sup> and Cal. FAC §30804.5<sup>4</sup>. There is no discount for multiple animals; a resident is allowed to have up to six animals at one time. The Shelter also has a \$50 surrender fee per animal, upon approval of the staff.

The Shelter maintains a web site at: <http://www.countyofkings.com/departments/general-services/animal-services-homepage>, which displays pictures and information of all the animals available for adoption.

### **Avenal Animal Control and Shelter**

The current Avenal Animal Control and Shelter, located at 1284 Hydril Road, was built in 2010 with funds from the City of Avenal General Fund. Corcoran contracts with Avenal for shelter services. The City spent approximately 1.4 million dollars on the facility that houses stray/abandoned animals from Avenal and Corcoran. The animals from Corcoran are transported to the Avenal Shelter by the Corcoran Animal Control. The Animal Shelter has the capacity to house up to 19 dogs, which includes two isolation units and two quarantine cages, and up to 48 cats. They have the capability for housing larger animals outside within a large fenced area. Current site location and facility is the most modern and up to date of any public facility of its kind in Kings County. Their site

<sup>3</sup> Appendix (1)

<sup>4</sup> Appendix (3)

allows for future expansion. The Grand Jury found the facility clean, organized, and operated efficiently.

The Shelter works with rescue groups throughout California. This allows the Shelter to reduce and limit the number of animals that are euthanized. However, their monthly reports to the Avenal City Council indicate a high percentage of dogs and most of the cats received are euthanized. The Shelter reports that the cats euthanized are feral and not able to be socialized. The Shelter has a supply of euthanasia drugs. The Animal Control Officers are licensed to administer euthanasia drugs. Deceased animals are frozen and prepared for burial.

The Avenal Animal Control and Shelter has a charge refund procedure, which is unique in Kings County, for pet adoption. The initial fees are \$100 for dogs and \$85 for cats. The Shelter does not provide spaying or neutering services, microchip implants, current vaccinations, or City licensing. Upon presentation of proof that these services have been completed within 14 days, the adopter is refunded all fees except for a \$10 adoption fee. This proof must be presented to the City within 30 days. If not completed within 14 days, all fees are forfeited. The two week time frame may be extended with a veterinarians certification that an animal is too young or sick for spay, neutering or vaccinations.

The Shelter reports that they do not fine the owner of any unaltered animal that is impounded by animal control. This does not comply with Cal. FAC §30804.7<sup>5</sup>. The license fee for dogs is the same for both neutered and unneutered dogs. This does not comply with CGC §38792(b)<sup>6</sup> and Cal. FAC §30804.5<sup>7</sup>.

The Grand Jury was impressed with the facilities of the Avenal Animal Shelter.

The tour ended with an interview with a member of the administrative staff of the City of Avenal, a representative of public works, and an animal control officer.

### **Hanford Animal Control**

The Hanford Animal Control is a part of the Hanford Police Department. They currently have two full time animal control officers who work the day shift. An animal control officer is on call after normal working hours. No additional duties are assigned to the animal control officers

The animal control division operated with a budget of \$466,540 in 2014. They utilize one vehicle for animal control, a 2008 Ford F250, with accommodations for ten kennels on

<sup>5</sup> Appendix (4)

<sup>6</sup> Appendix (1)

<sup>7</sup> Appendix (3)

the bed of the truck. This vehicle was acquired from Kings County Animal Services and has connections for climate control for the animals in the truck kennels. The climate control has not been installed. They will be getting a replacement vehicle this year and indicate that this would be a good time to make the connections to the animal transportation unit which will be moved from the current vehicle to the new truck.

The price for dog license for neutered animals in Hanford is \$15 per animal with a reduced fee of \$35 for three years. Seniors pay a reduced fee of \$10 per animal and \$20 for three years. All dogs in Hanford are required to be neutered unless the owners of un-neutered dogs have met the requirements for a breeding permit. The license fees do not comply with CGC §38792(b)<sup>8</sup> and Cal. FAC §30804.5<sup>9</sup>. There is a yearly breeding permit fee of \$150 plus the license. A verification statement is required from a veterinarian stating the dog is qualified for breeding. The area where the dog is kept will be inspected by the City to ensure that the dog cannot get out and run loose.

All license fees for dogs must be used in accordance with Cal. FAC 30652<sup>10</sup>. At the time of this report, Hanford accepts only cash or checks for fees.

It is illegal in Hanford to sell a dog without a permit. Hanford Animal Control checks web sites such as Craig's List to spot sellers from Hanford who have animals which have not been neutered.

Hanford reports they do not always fine the owner of any animal that is impounded by animal control, which has not been spayed or neutered. The City requires any animal impounded be licensed prior to release. This does not comply with Cal. FAC §30804.7<sup>11</sup>.

Hanford has entered into a contract with Kings County Animal Control for shelter services. The contract price was \$212,400 for 2014. This cost is expected to increase by two to three percent per year. This cost is based on the number of animals and population of the City.

Animal Control reported 2480 calls in 2013 with an average response time of between 30 and 45 minutes.

Dead animals picked up are placed in a freezer until they can be transported to the Kings County Animal Shelter for cremation.

<sup>8</sup> Appendix (1)

<sup>9</sup> Appendix (3)

<sup>10</sup> Appendix (2)

<sup>11</sup> Appendix (4)

The Hanford Police Department does not have access to drugs to euthanize animals that are severely injured. These animals are taken to a veterinarian who is on call 24/7 to be euthanized. This could take several hours to get the veterinarian to arrive at their facility. They are investigating with the state for a means to obtain access to these drugs.

Hanford does not maintain a web site for the display of animals picked up in the City. Photographs of animals at the Shelter or in foster homes are displayed on the Kings County Animal Control web site. The Kings County Animal Control web address is <http://www.countyofkings.com/departments/general-services/animal-services-homepage>

### **Lemoore Animal Control**

The Lemoore Animal Control is a part of the Lemoore Police Department. They currently have two full time officers who work the day shift. In addition, a part time officer started on November 1, 2014. Standby coverage is provided after hours and weekends for animals that are severely injured or deceased.

The Animal Control Officers in Lemoore are assigned as Community Service Officers in addition to their Animal Control responsibilities. Duties as a community service officer include crime prevention programs and code enforcement. The crime prevention program includes neighborhood watch programs. Presentations are given to schools, Boy Scouts, and daycare centers on safety, awareness of strangers and use of drugs. This is done in place of the DARE program which is no longer in effect.

They utilize one vehicle for animal control, with accommodations for ten kennels on the bed of the truck. They have a Ford F350 truck on order which is being outfitted with temperature-controlled kennels. This vehicle should be delivered shortly.

Animal control maintains three wire cages and five kennels for confinement of animals at the police station.

Lemoore has entered into a contract with Kings County Animal Control for shelter services at a contract price of \$113,000 for 2014. The cost is expected to increase by two to three percent per year. This cost is based on the number of animals and population of the City. Lemoore is in discussions with the Kings Society for the Prevention of Cruelty to Animals (SPCA) in Lemoore for services. The SPCA is a 'no-kill' shelter where Kings County Animal Control Shelter is not. The mission statement of the SPCA is: ***"The Kings SPCA seeks to provide a safe haven for abused, abandoned, and surrendered animals for as long as needed to find a loving forever family; to provide low-cost spay/neuter services to our community, and to foster community awareness of the importance of spaying/neutering pet animals; and to increase community awareness of the needs of domestic animals and the benefits of animal companionship."***

The yearly price for dog license for neutered animals in Lemoore is \$15 per animal with a reduced fee of \$30 for three years. There is a further reduction for senior fees to \$10 per animal or \$20 for three years.

All dogs in Lemoore are required to be neutered unless the owners of unneutered dogs have met the requirements for a breeding permit. The breeding permit fee is \$150 for one year plus the license fee. The fee for unneutered dogs is listed on their web site as \$25 for one year and \$50 for three years. There is a yearly breeding permit fee of \$150 plus the license. A verification statement is required from a veterinarian stating the dog is qualified for breeding. The area where the dog is kept will be inspected by the City to ensure that the dog cannot get out and run loose. The license fees do not comply with CGC §38792(b)<sup>12</sup> and Cal. FAC §30804.5<sup>13</sup>. All license fees for dogs must be used in accordance with Cal. FAC 30652<sup>14</sup>

At the time of this report, Lemoore accepts only cash or checks for fees.

Lemoore reports that they do not fine the owner of any unaltered dog that is impounded by animal control. This does not comply with Cal. FAC §30804.7<sup>15</sup>.

They maintain a web site: <http://www.lemoore.com/lpd/animal.htm>, which has links to the application for dog license and a link to the Kings County Animal Shelter. The shelter has information on animals, which are available for adoption. Information is also available for missing or lost animals.

### **Corcoran Animal Control**

The Corcoran Animal Control is a part of the Corcoran Police Department. They currently have two full time Animal Control Officers who work the day shift. Standby coverage is provided after hours and weekends for animals that are severely injured or deceased. The officers also collect evidence and are classified as Community Service Officers.

The City of Corcoran provides a yearly sum of \$57,000 for equipment and day-to-day operations for animal control in their current budget.

They use a full size Chevrolet truck with a custom-built truck bed which includes areas for cages on the side, and a lift gate to load animals for transportation.

<sup>12</sup> Appendix (1)

<sup>13</sup> Appendix (3)

<sup>14</sup> Appendix (2)

<sup>15</sup> Appendix (4)

All dogs in Corcoran are required to be spayed or neutered prior to being licensed. The price for dog license in Corcoran is \$20 for one year, \$30 for two years and \$40 for three years per animal which is not altered. There is a further reduction for altered animals to \$6 per year, \$10 dollars for two years and \$13 for three years per animal. There is no discount for multiple animals; but a resident is allowed to have up to six animals at one time. This complies with the CGC §38792(b)<sup>16</sup> and Cal. FAC §30804.5<sup>17</sup>. The City of Corcoran accepts credit, debit cards or cash for a dog license.

The City of Corcoran has an agreement with Avenal Animal Shelter for kenneling services. Corcoran is responsible for veterinarian services for all injured or sick animals delivered to the Shelter. The agreement for the first year was \$40,700 payable in monthly payments of \$3,391.67 with an additional charge of \$10 for any animal delivered and euthanized by the Avenal Shelter. This agreement has been extended thru June 2015.

The City of Corcoran requires the owner of any animal impounded at the kennel located at Corcoran Public Works, or taken to the Avenal Animal Shelter to obtain a release slip from the Corcoran Police Department prior to picking up the animal. The fee for this release slip is listed as \$30.00. They do not list any separate fee schedule for dogs which are not spayed or neutered. The owner(s) have 30 days to obtain a license which requires a rabies vaccine certificate. This does not comply with Cal. FAC §30804.7<sup>18</sup> which requires a fine of \$35 if the dog is not spayed or neutered. The Corcoran Senior Animal Control Officer is licensed to euthanize an injured animal when needed.

Corcoran maintains ten short-term kennels at their public works facility. Animals are normally kept at the Public Works department for a day and rarely over night. Each animal captured is photographed and given a number, which is on file at the department. These pictures are not available to the public. Records obtained from the Public Works Department in Avenal indicate that few animals are returned to their owners.

The City offers a clinic two times a year with a veterinarian for vaccinations, license, and microchip implants. Last year they had 153 dogs licensed, 191 vaccinated and 13 microchips implanted. In addition to 123 additional dogs licensed at police department. The clinic is primarily for residents of Corcoran but is open to anyone.

<sup>16</sup> Appendix (1)

<sup>17</sup> Appendix (3)

<sup>18</sup> Appendix (4)

## FINDINGS AND RECOMMENDATIONS

### Kings County Animal Services and Shelter

#### **Finding 1**

The Kings County Animal Services and Shelter is lacking sufficient space to efficiently conduct daily operations.

#### **Recommendation 1**

The county should budget for additional facilities to provide much needed space for staff and animals. Expansion may be possible by acquiring the area occupied by the Kings Mosquito Abatement District after they move to their new location.

#### **Finding 2**

The Kings County animal intake area is used for specialty and canned food storage and is lacking workspace.

#### **Recommendation 2**

The Shelter needs expanded room so that the two functions are separated. This would cut down on the possibility of contamination of the food supply.

#### **Finding 3**

The Kings County Animal Services does not accept checks, credit or debit cards.

#### **Recommendation 3**

The County should investigate the implementation and acceptance of debit cards to make the programs more user friendly for the public. This would also reduce the need to keep cash at the Shelter and make the process safer for the staff and public. This method of payment is allowed by Cal.FAC §31255<sup>19</sup> if the County of Kings Board of Supervisors authorize it. A surcharge may be imposed to cover the rate of discount that the credit or debit card issuer debits the local agency.

### Avenal Animal Control and Shelter

#### **Finding 4**

A large percentage of animals from Avenal and Corcoran are euthanized at the Avenal Animal Shelter.

<sup>19</sup> Appendix (5)

**Recommendation 4**

The Avenal Shelter should expand their outreach with no kill rescue shelters so more animals are adopted instead of being euthanized.

**Finding 5**

The Avenal Animal Shelter does not spay/neuter or vaccinate animals.

**Recommendation 5**

Avenal should contract with or arrange for a local veterinarian or agency to provide low cost spaying, neutering, and vaccinating of animals. Efforts should be made to acquire a grant to lower the cost of spaying and neutering of dogs and cats.

**Finding 6**

The Avenal Animal Shelter does not implant microchips.

**Recommendation 6**

The Avenal Animal Shelter should investigate the possibility of providing microchips for adopted animals. If this is not possible, arrangements should be made with a local veterinarian, agency, or the Kings County Animal Shelter for this service.

**Finding 7**

The Avenal Shelter reports that they do not fine the owner of any unaltered animal that is impounded. This does not comply with Cal. FAC §30804.7<sup>20</sup>.

**Recommendation 7**

Comply with California Food and Agriculture Code §30804.7<sup>21</sup>.

**Hanford Animal Control****Finding 8**

The City of Hanford charges \$15 for a one-year license for a spayed or neutered dog and \$25 for a nonspayed or unneutered dog, which is in violation of CGC §38792(b)<sup>22</sup> and Cal. FAC §30804.5<sup>23</sup>.

<sup>20</sup> Appendix (4)

<sup>21</sup> Appendix (4)

<sup>22</sup> Appendix (1)

<sup>23</sup> Appendix (3)

**Recommendation 8**

Comply with CGC §38792(b) and Cal. FAC §30804.5.

**Finding 9**

Hanford Animal Control reports that they do not fine the owner of any animal that is impounded by animal control that has not been spayed or neutered. This does not comply with Cal. FAC §30804.7<sup>24</sup>.

**Recommendation 9**

Comply with California Food and Agriculture Code §30804.7.

**Finding 10**

Hanford Animal Control does not accept credit or debit cards.

**Recommendation 10**

Hanford should investigate the implementation and acceptance of debit and/or credit cards to make the programs more user friendly for the public. This would also reduce the need to keep cash on hand and make the process safer for the staff and public. This method of payment is allowed by Cal. FAC §31255<sup>25</sup> if the City Council would authorize it. A surcharge may be imposed to cover the rate of discount that the credit or debit card issuer debits the local agency.

**Finding 11**

The Hanford Animal Control Officers do not have access to drugs to euthanize animals that are severely injured.

**Recommendation 11**

It is recommended that Hanford obtain a source of drugs to euthanize severely injured animals. This will decrease the time required to transport the animal to a veterinarian.

**Lemoore Animal Control****Finding 12**

Lemoore charges \$15 for a one-year license for a spayed or neutered dog and \$25 for a nonspayed or unneutered dog. This does not comply with CGC §38792(b)<sup>26</sup> and Cal. FAC §30804.5<sup>27</sup>.

<sup>24</sup> Appendix (4)

<sup>25</sup> Appendix (5)

<sup>26</sup> Appendix (1)

<sup>27</sup> Appendix (3)

**Recommendation 12**

Comply with CGC §38792(b) and Cal. FAC §30804.5.

**Finding 13**

Lemoore does not accept credit or debit cards.

**Recommendation 13**

Lemoore should investigate the implementation and acceptance of debit and/or credit cards to make the programs more user friendly for the public. This would also reduce the need to keep cash at the Shelter and make the process safer for the staff and public. This method of payment is allowed by Cal. FAC §31255<sup>28</sup> if the City Council would authorize it. A surcharge may be imposed to cover the rate of discount that the credit or debit card issuer debits the local agency.

**Finding 14**

Lemoore reports that they do not fine the owner of any unaltered animal impounded by animal control and has not been spayed or neutered. This does not comply with Cal. FAC §30804.7<sup>29</sup>.

**Recommendation 14**

Comply with California Food and Agriculture Code §30804.7.

**Corcoran Animal Control****Finding 15**

The Corcoran Animal Control Officer reports they do not always fine the owner of any animal that is impounded by animal control, whether or not it has been spayed or neutered. This does not comply with Cal. FAC §30804.7<sup>30</sup>.

**Recommendation 15**

Comply with California Food and Agriculture Code §30804.7.

**Finding 16**

Corcoran does not post any pictures of animals impounded which are available for public viewing.

**Recommendation 16**

<sup>28</sup> Appendix (5)

<sup>29</sup> Appendix (4)

<sup>30</sup> Appendix (4)

Post pictures at a location in Corcoran or establish a web address where the public could check for lost animals.

## REQUEST FOR RESPONSES

### Required Response

Pursuant to Penal Code, §933.(c)<sup>31</sup> And §933.05<sup>32</sup>, the Grand Jury requests responses from individuals and governing groups as follows:

- **Sheriff, Kings County** responds to findings and recommendations 1, 2, and 3.
- **Board of Supervisors, Kings County** responds to findings and recommendations 1, 2, and 3.
- **Avenal City Council** responds to findings and recommendations 4, 5, 6, and 7.
- **Hanford City Council** responds to findings and recommendations 8, 9, 10 and 11
- **Lemoore City Council** responds to findings and recommendations 12,13 and 14
- **Corcoran City Council** responds to findings and recommendation 15 and 16.

### Invited Responses

- **Kings County Animal Services Manager** is invited to respond to findings and recommendations 1, 2, and 3.
- **Avenal Public Works Director** is invited to respond to findings and recommendations 4, 5, 6 and 7.
- **Avenal Senior Animal Control Officer** is invited to respond to findings and recommendations 4, 5, 6 and 7.
- **Hanford Police Chief** is invited to respond to findings and recommendations 8, 9, 10 and 11.
- **Hanford Senior Animal Control Officer** is invited to respond to findings and recommendations 8, 9, 10 and 11.

<sup>31</sup> Appendix (6)

<sup>32</sup> Appendix (7)

- **Lemoore Police Chief** is invited to respond to findings and recommendations 12, 13, and 14.
- **Lemoore Senior Animal Control Officer** is invited to respond to findings and recommendations 12, 13, and 14.
- **Corcoran Police Chief** is invited to respond to findings and recommendation 15 and 16.
- **Corcoran Senior Animal Control Officer** is invited to respond to findings and recommendations 15 and 16.

## COMMENTS

The Kings County Grand Jury appreciates the committed and dedicated service of all the personnel involved with the animal control departments in Kings County. Their commitment to educating the public, care of animals, and public safety is recognized and well noted. The Grand Jury thanks everyone who assisted in this report.

## APPENDICES

### California Government Code (CGC)

#### §38792. Dog license; fees; duration

(a) The legislative body of a city may impose and collect a license fee for a period not to exceed two years and not exceeding the cost of services relating to dogs, including, but not limited to, animal shelters and control and the programs specified in Section of the Food and Agricultural Code, provided by the city, on every dog owned or harbored within the city limits. The license fee for spayed bitches and neutered males shall not exceed 50 percent of the license fee otherwise imposed.

(b) In addition to the authority provided in subdivision (a), the legislative body of a city may impose and collect a license fee, as described in subdivision (a), for a period not to exceed three years for dogs that have attained the age of 12 months or older and have been vaccinated. The person from whom the license fee is collected pursuant to this subdivision may choose a license period as established by the legislative body of up to one, two, or three years. However, when imposing and collecting a license fee pursuant to this subdivision, the license period shall not extend beyond the remaining period of validity for the current rabies vaccination. The license fee for spayed bitches and neutered males, under this subdivision, shall not exceed 50 percent of the license fee otherwise imposed.

## California Food and Agricultural Code (Cal. FAC)

### §30652 Disposition of fees and fines

All fees for the issuance of dog license tags and all fines collected pursuant to this division shall be paid into the county, city, or city and county treasury, as the case may be, **and shall be used**<sup>33</sup>:

- (a) First, to pay fees for the issuance of dog license tags.
- (b) Second, to pay fees, salaries, costs, expenses, or any or all of them for the enforcement of this division and all ordinances which are made pursuant to this division.
- (c) Third, to pay damages to owners of livestock which are killed by dogs.
- (d) Fourth, to pay costs of any hospitalization or emergency care of animals pursuant to Section 597f of the Penal Code.

**§30804.5. Spayed or neutered dogs; reduction in fee**

Whenever dog license tags are issued pursuant to this division, any such tag shall be issued for one-half or less of the fee required for a dog, if a certificate is presented from a licensed veterinarian that the dog has been spayed or neutered.

## California Food and Agricultural Code (Cal. FAC)

### §30804.7. Nonspayed or unneutered dogs; fines

(a) The owner of a nonspayed or unneutered dog that is impounded once by a city or county animal control agency or shelter, society for the prevention of cruelty to animals, or humane society, **shall be fined**<sup>34</sup> thirty-five dollars (\$35) on the first occurrence, fifty dollars (\$50) on the second occurrence, and one hundred dollars (\$100) for the third or subsequent occurrence. These fines are for unneutered impounded animals only, and are not in lieu of any fines or impound fees imposed by any individual city, county, public animal control agency or shelter, society for the prevention of cruelty to animals shelter, or humane society shelter.

(b) An animal control officer, humane officer, police officer, peace officer, or any agency authorized to enforce the Penal Code may write citations with a civil penalty stated in an amount corresponding to the violation as provided in subdivision (a). The fines shall be paid to the local municipality or public animal control agency or shelter, society for the prevention of cruelty to animals shelter, or humane society shelter. Any funds collected under this section shall be expended for the purpose of humane education, programs for low cost spaying and neutering of dogs, and any additional costs incurred by the public animal control agency or shelter, society for the prevention of cruelty to animals shelter, humane society shelter, or rescue group in the administration of the requirements of this division.

(c) This section applies to each county and cities within each county, regardless of population.

(d) No city or county, society for the prevention of cruelty to animals, or humane society is subject to any civil action by the owner of a dog that is spayed or neutered in accordance with this section.

## Appendix (4)

<sup>34</sup> Emphasis Added

## California Food and Agricultural Code (Cal. FAC) §31255

(a) Fees for Impounding: Accept Credit Cards(a) An animal control officer of any county, if so authorized by the board of supervisors of the county, or an animal control officer of any city, if so authorized by the governing body of the city, may accept a credit card as a method of payment for any fee or penalty provided by this division, for any license, fee, or fine, or for any other obligation owed to the officer.

(b) Notwithstanding Title 1.3 (commencing with Section 1747) of Part 4 of Division 3 of the Civil Code, a surcharge may be imposed to cover the rate of discount that the credit card issuer debits the local agency on acceptance of the sales draft.

## California Penal Code, §933

(c) No later than 90 days after the grand jury submits a final report on the operations of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations pertaining to matters under the control of the governing body, and every elected county officer or agency head for which the grand jury has responsibility pursuant to Section 914.1 shall comment within 60 days to the presiding judge of the superior court, with an information copy sent to the board of supervisors, on the findings and recommendations pertaining to matters under the control of that county officer or agency head and any agency or agencies which that officer or agency head supervises or controls. In any city and county, the mayor shall also comment on the findings and recommendations. All of these comments and reports shall forthwith be submitted to the presiding judge of the superior court who impaneled the grand jury. A copy of all responses to grand jury reports shall be placed on file with the clerk of the public agency and the office of the county clerk, or the mayor when applicable, and shall remain on file in those offices. One copy shall be placed on file with the applicable grand jury final report by, and in the control of the currently impaneled grand jury, where it shall be maintained for a minimum of five years.

Appendix (6)

California Penal Code, §933.05

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

(1) The respondent agrees with the finding.

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

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

(1) The recommendation has been implemented, with a summary regarding the implemented action.

(2) The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.

(3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.

(4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.



OFFICE OF  
**SHERIFF**  
COUNTY OF KINGS  
P.O. BOX 986  
1444 W. LACEY BLVD.  
HANFORD, CA 93232-0986  
PHONE 559/582-3211  
FAX 559/584-4738

DAVID ROBINSON  
SHERIFF-CORONER  
PUBLIC ADMINISTRATOR

April 17th, 2015

Dear Kings County Grand Jury,

I received a copy of your 2014-2015 Kings County Animal Control final Report. This letter is the official response as required.

Thank you for the time and effort spent to conduct a limited inquiry into the services our Animal Services Division provides. I am extremely pleased with my staff and the professionalism and dedication they provide to the citizens of Kings County. Your report identifies the great employees we have.

In response to the three findings on our Animal Services Division please see below:

- 1) A new facility or expanded facility could improve shelter operations. While there is no current funding to accomplish this, we are always open to the concept and will continue to keep this as a viable option for the future.
- 2) As noted in item one, more room could benefit our operations. We will explore options in future plans for more room and better efficiency.
- 3) The use of credit/debit cards was approved in March 2015 by the Kings County Board of Supervisors. We will implement this in the near future.

The Kings County Sheriff's Office prides itself on serving the citizens of Kings County. Our Animal Services Division is an example of this. The goal of our Animal Services Division is to bring awareness to the community for pet owners to be responsible owners; for too long many owners have neglected to properly spay/neuter, feed and care for their animals. Unfortunately, this responsibility then gets passed onto local government entities, who bear the public burden of attempting to correct the problem. Kings County is no different. Limited funds are received to address these issues and prioritizing the funding received is challenging. We continue to strive to do our best with the resources allotted to us and will continue to do so into the future.

Respectfully Submitted,

  
David S. Robinson, Sheriff



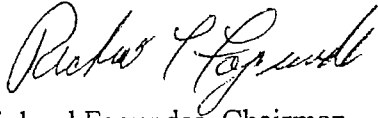
**Finding 3: The Kings County Animal Services does not accept checks, credit or debit cards.**

We agree with this finding.

**Recommendation 3: The County should investigate the implementation and acceptance of debit cards to make the programs more user friendly for the public. This would also reduce the need to keep cash at the Shelter and make the process safer for the staff and public. This method of payment is allowed by Cal.FAC §3125519 if the County of Kings Board of Supervisors authorize it. A surcharge may be imposed to cover the rate of discount that the credit or debit card issuer debits the local agency.**

On March 17, 2015 the Board of Supervisors approved a contract with Link2Gov Corp allowing the County to accept and process payments via credit/debit card and EBT transactions. This agreement is the basis of the relationship in which the County and Lynk2Gov will work together to develop a debit/credit card based system. The County intends to begin implementing the system in those departments where fees, fines and payment arrangements already exist.

Sincerely,



Richard Fagundes, Chairman  
Kings County Board of Supervisors

Cc: Grand Jury Foreman, Nick Kinney



April 9, 2015

The Honorable Thomas DeSantos  
Presiding Judge  
Kings County Superior Court  
1426 South Drive  
Hanford, California 93230

**RE: Grand Jury 2014-15 Report on Kings County Animal Control  
City of Avenal Reply to Findings 4 through 7 [Penal Code §933]**

Dear Judge DeSantos:

Please consider this to be the City of Avenal's reply to Findings 4 through 7 on behalf of the Avenal City Council, Public Works Director, Chief Animal Control Officer and the undersigned City Manager. We appreciate the efforts of the Grand Jury and the interest in our community. Further, we appreciate being given an opportunity to respond.

**Finding 4** states:

*A large percentage of animals from Avenal and Corcoran are euthanized at the Avenal Animal Shelter.*

**Recommendation 4** states:

*The Avenal Shelter should expand their outreach with no-kill rescue shelters so more animals are adopted instead of being euthanized.*

**RESPONSE:**

The City of Avenal is pleased to provide the following statistical information which clearly indicates that euthanization of animals has, in fact, decreased over the past three (3) years due to the great outreach by Animal Control Staff to established rescue agencies/organization for the rescue of animals at the shelter.

ANIMALS EUTHANIZED 2008-2014						
2008	2009	2010	2011	2012	2013	2014
		NEW SHELTER				
372	374	375	435	207	122	122

The City commends Animal Control Staff for their consistent and continued outreach efforts working with rescue agencies/organizations to find homes for animals, which is a shared goal.

**Finding 5** states:

*The Avenal Animal Shelter does not spay/neuter or vaccinate animals.*

**Recommendation 5** states:

*Avenal should contract with or arrange for a local veterinarian or agency to provide low cost spaying, neutering and vaccinating of animals. Efforts should be made to acquire a grant to lower the cost of spaying and neutering of dogs and cats.*

**RESPONSE:**

**Animals are vaccinated prior to their adoption and transport. The Avenal Animal Shelter has information readily available in the lobby for spaying/neutering and other vaccination services such as with/through the H.O.P.E. Foundation, Tulare Veterinary Hospital and Veterinary Hospitals in Hanford. Staff will monitor for grants that may be beneficial to offset or lower the cost of spaying/neutering of dogs and cats.**

**Finding 6** states:

*The Avenal Animal Shelter does not implant microchips.*

**Recommendation 6** states:

*The Avenal Animal Shelter should investigate the possibility of providing microchips for adopted animals. If this is not possible, arrangements should be made with a local veterinarian, agency or the Kings County Animal Shelter for this service.*

**RESPONSE:**

**While we appreciate the intent of this item, the City is not aware of a requirement or law stating that adopted animals shall have a microchip. Rather, (and ultimately) it should be the decision of the pet owner whether to microchip their animal(s), understanding there is also a monthly fee involved for microchip ID services.**

**Finding 7** states:

*The Avenal Shelter reports that they do not fine the owner of any unaltered animal that is impounded. This does not comply with Cal. FAC §30804.7<sup>20</sup>.*

**Recommendation 7** states:

*Comply with California Food and Agriculture Code §30804.7<sup>21</sup>.*

**RESPONSE:**

Section 30804.7 (Food and Agriculture) provides in subdivision (b) that an animal control officer or peace officer "... may write citations with a civil penalty in an amount corresponding to the violation as provided in subdivision (a)" [emphasis added].

Subdivision (a) provides that civil fines "shall" be required for any citation issued in the amount of either \$35, \$50 or \$100 depending on the level of occurrence.

In order to enforce a civil fine, due process must be adhered to requiring an opportunity for a cited person to appeal any such fine. The City of Avenal does not have the budgetary capabilities nor staffing available to set-up and maintain any such appeal structure to comply with minimum due process requirements.

However, even if Avenal did have the capabilities to comply with the due process requirements, Avenal respectfully disagrees with the Grand Jury's analysis/finding that a fine "shall" be assessed against an owner for impounded animals. Rather, Avenal interprets subdivision (b) to be discretionary; not mandatory ("... an animal control officer ... or peace officer ... may write citations with a civil penalty ..."). Only if a citation is issued "shall" a fine be levied. If the legislature intended that the citation was to be mandatory, it would have stated that the officer "shall write a citation." Use of "shall" and "may" in statutes are to be given their common usage definition; ordinarily "shall" is mandatory and "may" is permissive. *Lexecon, Inc. V. Milberg, et al.* 523 U.S. 26, 35 (1998); *Rastelli v. Warden, et al.* 782 F2d 17, 23 (2d Cir. 1986).

Respectfully submitted,

CITY OF AVENAL



Melissa Whitten  
City Manager

Cc: Avenal City Council  
Michael Farley, City Attorney  
Rob Williams, Public Works Director  
Luis Gonzales, Chief Animal Control Officer (Certified)

*City of* **HANFORD**

CALIFORNIA 93230  
CITY OFFICES 319 NORTH DOUTY STREET



MAYOR  
RUSS CURRY  
VICE-MAYOR  
DAVID G. AYERS  
COUNCIL MEMBERS  
GARY PANNETT  
FRANCISCO RAMIREZ  
JUSTIN MENDES  
CITY MANAGER  
DARREL L. PYLE  
CITY ATTORNEY  
ROBERT M. DOWD

April 8, 2015

Honorable Thomas DeSantos, Presiding Judge  
Kings County Superior Court  
1426 South Drive  
Hanford, CA 93230

Your Honor:

In accordance with Section 933(c) of the California Penal Code, the attached memorandum constitutes the City of Hanford's response to the Final Grand Jury Report concerning the "Kings County Animal Control". The response was reviewed and approved by the Hanford City Council on April 7, 2015. The attached memorandum also serves as the Mayor's comments on the Grand Jury's findings and recommendations for purposes of Penal Code Section 933(c).

Along with our response, I have also included a copy of the Final Grand Jury Report.

Respectfully submitted,

Russ Curry  
Mayor

cc: City Council Members  
City Manager  
City Attorney  
Police Chief  
City Clerk



PARKER SEVER. CHIEF OF POLICE

425 N Irwin Street  
Hanford, CA 93230  
(559)585-2540

*City of* H A N F O R D  
HANFORD POLICE DEPARTMENT

Kings County Grand Jury  
P.O. Box 1562  
Hanford, CA 93230

To the members of the Kings County Grand Jury,

Thank you for the time you took to look at our animal control services. We are very proud of the services we provide and of our animal control officers, that work hard every day caring for the animals in our community. The following are your findings, Recommendations and our responses to your recent inquiry.

**Finding #8**

The City of Hanford charges \$15 for a one year license for a spayed or neutered dog and \$25 for a non-spayed dog, which is in violation of CGC 38792(b) and Cal. FAC 30804.5

**Recommendation:**

Comply with California Food and Agriculture Code 303804.7

**Response:**

This finding was incorrect in regard to the price charged for an unaltered animal. According to Hanford Municipal Code Section 6.12.070, the City of Hanford only issues dog licenses to neutered/spayed dogs. The only exception to this is if the unaltered animal's owner obtains a breeders permit. The breeders permit is currently \$105.00 per year which is more than double the cost of the altered animal permits per year and in compliance with the Food and Agriculture Code. The City of Hanford is a mandatory spay, neuter city.

Per the referenced Government Code a permit may not be issued to animal under 12 months old for longer than one year. We will cease this activity and ensure dog licenses for 2 and 3 years are only issued to animals 12 months old or older.

### **Finding #9**

Hanford Animal Control reports that they do not fine the owner of any animal that is impounded by animal control that has not been spayed or neutered. This does not comply with Cal.FAC 30804.7

**Recommendation:**

Comply with California Food and Agriculture Code 30804.7.

**Response:**

The Hanford Municipal Code has an ordinance in place to fine the owners of unaltered animal that are impounded. Effective immediately, the City of Hanford, Animal Control Officers have been instructed that they shall issue a citation to the owners of impounded unaltered animals.

### **Finding #10**

Hanford Animal Control does not accept credit or debit cards.

**Recommendation #10**

Hanford should investigate the implementation and acceptance of debit and /or credit cards to make the programs more user friendly for the public. This would also reduce the need to keep cash on hand and make the process safer for the staff and public. This method of payment is allowed by Cal. FAC 31255 if the City Council would authorize it. A surcharge may be imposed to cover the rate of discount that the credit or debit card issuer debits from the local agency.

**Response:**

The Hanford Police Department has already started looking in to systems to accomplish this finding. We have come to the conclusion that we will be able to join the same contract for those services that is currently being utilized by our finance department. This will result in no new contract needing to be obtained and no charge for additional equipment. Since the contract is already in place, we will be able to accept Debit/credit cards within the next 30-60 days.

### **Finding #11**

The Hanford Animal Control Officers do not have access to drugs to euthanize animals that are severely injured.

**Recommendation:**

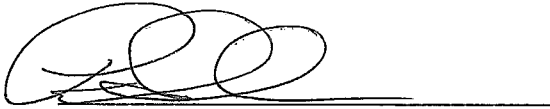
It is recommended that Hanford obtain a source of drugs to euthanize severely injured animals. This will decrease the time required to transport the animal to a veterinarian.

**Response:**

Numerous attempts have been made to obtain licensing from the State of California. The City of Hanford doesn't have a doctor on staff such as the County Health doctor that can sign off on the issuance and storage of a schedule one drug. The City of Hanford contracts with Hanford Veterinary Hospital and Lacey Animal Hospital for these services. We agree that it would be better for us to euthanize animals ourselves and we will continue to attempt to secure these drugs for that purpose.

Once again, thank you for your recent inquiry and for assisting us in providing the best possible service we can to the citizens and animals residing in the City of Hanford.

Sincerely,

A handwritten signature in black ink, consisting of several loops and a horizontal line at the end, positioned above a solid horizontal line.

Parker Sever, Chief of Police

**Mayor**  
Lois Wynne  
**Mayor Pro Tem**  
Jeff Chedester  
**Council Members**  
Ray Madrigal  
Edward Neal  
William Siegel



**Office of City  
Manager**

119 Fox Street  
Lemoore, CA 93245  
Phone (559) 924-6700  
FAX (559) 924-9003

April 2, 2015

Honorable Thomas DeSantos  
Kings County Superior Court  
1426 South Drive  
Hanford, CA 93230

Dear Judge DeSantos:

The City of Lemoore has received the Grand Jury Report titled "Kings County Animal Control." As requested, we are providing the following comments to the recommendations contained in the report.

**Finding 12:**

The Grand Jury found that Lemoore charges \$15 for a one-year license for a spayed or neutered dog and \$25 for a non-spayed or unneutered dog. This does not comply with CGC §38792(b)<sup>26</sup> and Cal. FAC §30804.5<sup>27</sup>.

**Recommendation 12:**

Comply with CGC §38792(b) and Cal. FAC §30804.5.

**Lemoore Police Chief Comments:**

The Lemoore Police Department will soon present to City Council for approval a change to our current ordinance which will require mandatory spay and neutering for all dog permits issued by the City with the exception of those pet owners who are requesting a breeder permit. The fee for a spayed or neutered dog will be set at \$15 for a one-year license. These changes to the ordinance will comply with CGC §38972(b) and Cal. FAC §30804.5.

**City Comments:**

The City concurs with the Lemoore Police Chief.

**Finding 13:**

The Grand Jury found that Lemoore does not accept credit or debit cards.

**Recommendation 13:**

Lemoore should investigate the implementation and acceptance of debit and/or credit cards to make the programs more user friendly for the public. This would also reduce the need to keep cash at the Shelter and make the process safer for the staff and public. This method of payment is allowed by Cal. FAC §31255<sup>28</sup> if the City Council would authorize it. A surcharge may be imposed to cover the rate of discount that the credit or debit card issuer debits the local agency.

**City Comments:**

The City of Lemoore will be investigating in the future an upgrade to our current finance computer programming system and the upgrade has the ability to accept debit and/or credit cards.

**Finding 14:**

The Grand Jury found that Lemoore reports that they do not fine the owner of any unaltered animal impounded by animal control and has not been spayed or neutered. This does not comply with Cal. FAC §30804.7<sup>29</sup>.

**Recommendation 14:**

Comply with California Food and Agriculture Code §30804.7.

**Lemoore Police Chief Comments:**

Section 30804.7 (Food and Agriculture) provides in subdivision (b) that an animal control officer or peace officer "... may write citations with a civil penalty in an amount corresponding to the violation as provided in subdivision (a)"[emphasis added].

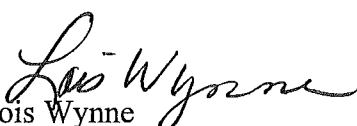
Subdivision (a) provides that civil fines "shall" be required for any citation issued in the amount of \$35, \$50 or \$100 depending on the level of occurrence.

This recommendation will be addressed in the aforementioned proposed changes to our animal control ordinance and should Lemoore Animal Control Officers, or any Lemoore Peace Officer issue a civil citation, the civil fines will be imposed pursuant to section 30804.7 of the California Food and Agriculture Code.

**City Comments:**

The City concurs with the Lemoore Police Chief.

Respectfully submitted,

  
Lois Wynne  
Mayor

MAR 3 1 2015

City of

# CORCORAN

Police Department

FOUNDED 1914

March 18, 2015

The Honorable Thomas DeSantos  
Presiding Judge  
Kings County Superior Court  
1426 South Drive  
Hanford, California 93230

Re: Grand Jury 2014-15 Report on Kings County Animal Control  
Corcoran Reply to Findings 15 and 16 [Penal Code §933]

Dear Judge DeSantos:

Please consider this to be Corcoran's reply to Findings 15 and 16 on behalf of Corcoran's Animal Control Officer and the undersigned Chief of Police. We appreciate the efforts of the Grand Jury and further appreciate our being given an opportunity to respond.

**Finding 15 states:**

The Corcoran Animal Control Officer reports they do not always fine the owner of any animal that is impounded by animal control, whether or not it has been spayed or neutered. This does not comply with Cal. FAC §30804.7<sup>30</sup>.

**Recommendation 15 states:**

Comply with California Food and Agriculture Code §30804.7.

**Finding 16 states:**

Corcoran does not post any pictures of animals impounded which are available for public viewing.

**Recommendation 16 states:**

Post pictures at a location in Corcoran or establish a web address where the public could check for lost animals.

Our response to Finding 15 is as follows:

1. Section 30804.7 (Food and Agriculture) provides in subdivision (b) that an animal control officer or peace officer "... may write citations with a civil penalty in an amount corresponding to the violation as provided in subdivision (a)" [emphasis added].

Subdivision (a) provides that civil fines "shall" be required for any citation issued in the amount of either \$35, \$50 or \$100 depending on the level of occurrence.

In order to enforce a civil fine, due process must be adhered to requiring an opportunity for a cited person to appeal any such fine. The City of Corcoran does not have the budgetary capabilities nor staffing available to set-up and maintain any such appeal structure to comply with minimum due process requirements.

However, even if Corcoran did have the capabilities to comply with the due process requirements, Corcoran respectfully disagrees with the Grand Jury's analysis/finding that a fine "shall" be assessed against an owner for impounded animals. Rather, Corcoran interprets subdivision (b) to be discretionary; not mandatory ("... an animal control officer ... or peace officer ... may write citations with a civil penalty ..."). Only if a citation is issued "shall" a fine be levied. If the legislature intended that the citation was to be mandatory, it would have stated that the officer "shall write a citation." Use of "shall" and "may" in statutes are to be given their common usage definition; ordinarily "shall" is mandatory and "may" is permissive. *Lexecon, Inc. V. Milberg, et al.* 523 U.S. 26, 35 (1998); *Rastelli v. Warden, et al.* 782 F2d 17, 23 (2d Cir. 1986).

Our Response to Finding 16 is as follows:

Corcoran will post pictures of animals for public viewing in all appropriate instances. Thank you for the suggestion.

Should Your Honor or the Grand Jury have any questions regarding our response, please let me know and we will do our best to answer any further inquiries or concerns.

Respectfully submitted,



Reuben Shortnacy  
Corcoran Chief of Police

cc: Kindon Meik, City Manager

# HOME GARDEN COMMUNITY SERVICE DISTRICT

## SUMMARY

Home Garden is a 395 acre non-incorporated community about 1.5 miles south of the city of Hanford. The Home Garden Community Service District (HGCS D) provides water, street lighting, sewer service, and refuse collection for the community. As of the 2010 census there were 1761 residents living in Home Garden. At the time of this report, HGCS D reports that there are approximately 461 households being serviced by the District.

The HGCS D Board contracted with a new company to maintain the arsenic treatment plant for the District. There is a positive indication that the service provided by this company is a huge improvement from previous years as the plant is running smoothly, reports are being made to the Board, and water tests being performed in a timely manner.

The Kings County Grand jury revisited HGCS D in response to several citizen complaints regarding staff and financial mismanagement that has resulted in monetary losses and improper management of the District

During visits and interviews with the HGCS D, the Kings County Grand Jury observed a lack of constructive interaction and strained relationships between the office staff and the Board Members.

Previous Grand Jury reports and local resident complaints reflected that the District lacks proper management as required by the California Government Codes.

The Grand Jury requested documents by two letters; one certified which was never picked up from the post office and the issuing of two subpoenas. A number of documents were not delivered as requested. These documents were reported as destroyed by prior staff and Board Members.

Agendas and minutes examined by the Grand Jury were found incomplete and not prepared with the proper information as required by the California Government Codes.

Several Board Members have resigned over the last three years, but according to the Kings County Elections Division only one vacancy was ever reported during that time. The California Government Code requires that any vacancy be reported to the county elections division within fifteen days of the Board being notified of the vacancy. There is a further requirement that the notice of vacancy be posted in at least three locations

within the district for fifteen days before anyone can be appointed to the board. Any appointment must be made within 60 days from the vacancy.<sup>1</sup>

Board Members are not trained in the Brown Act<sup>2</sup>. Newly elected members of the Board are required to follow the Brown Act at the time they are declared the winner of the election.

Agendas were incomplete and did not comply with the information required by the Brown Act. Board meetings often did not reflect a Board completely informed and prepared for topics scheduled for discussion. Agendas and Board Member packets generated prior to Board meetings were incomplete or not properly presented in a timely manner as per California Government Code § 54954.2 (a) (1). There were occasions when the documents were not received by Board Members until the day of, or during the meeting.

Financial records and testimony received by the Grand Jury indicated many instances where the monies listed on deposit slips did not match the monies received at the bank. Unsecured containers are used to deliver monies to the bank. Even though two people are required to count the money at the district office, security and accountability are lost due to the method of transport to the bank.

Several of the minutes the Grand Jury received did not reflect what was actually discussed at Board meetings. Minutes were missing for some of the meetings and the Grand Jury was told they were not available. On occasions items were added to the minutes which were not on the agenda nor discussed during the Board meeting.

There are no current policy and procedure manuals, employee manuals or other documents in compliance with the California Government Codes.

HGCSB Board Members and residents have serious questions and concerns in regards to the development of the local park. The Grand Jury learned that a \$1.9 million grant from Prop 84 (2006 California Department of Parks and Recreation) was received by the District in 2012 to establish the Home Garden Park. The park was scheduled to be completed in the fall of 2014. The District's failures to control the completion of the park and keep residents informed of the progress are listed as major concerns.

<sup>1</sup> California Government Code § 1780

<sup>2</sup> California Government Code § 54950 - § 54963

## **BACKGROUND**

The Kings County Grand jury revisited HGCSO in response to several citizen complaints in regards to staff and financial mismanagement that has resulted in monetary losses and improper management of the District.

California Penal Code § 933.5 provides: "The grand jury may at anytime examine the books and records of any special purpose taxing and assessing to taxing district located wholly or partly in the county...investigate and report upon the method or system of performing the duties of said district ..."

Previous Grand Jury reports and local resident complaints reflected that the District lacks proper operations as required by the California Government Codes.

## **METHODOLOGY**

The Kings County Grand Jury visited the HGCSO office and facility. The Grand Jury also attended regular and special District Board Meetings, examined documents and interviewed HGCSO staff and residents of the district.

## **DISCUSSION**

During visits and interviews with the HGCSO, the Kings County Grand Jury observed a lack of constructive interaction and strained relations between the office staff, and between the office staff and the Board Members.

Documents were first requested by the Grand Jury by letter to HGCSO in November 2014. At the December HGCSO meeting, the Grand Jury was informed that the request could not be complied with as most of the documents requested had been destroyed by previous staff and/or Board Members. Because of this response a certified letter was sent to the District by the Grand Jury on December 10, 2014. An attempt to deliver the letter was made on December 11 with no one present to accept it. A pick-up slip was left by the Postal Service in the District's mail box. This certified letter was never picked up by the District and was returned to the Grand Jury on January 6, 2015. This delivery information is listed on the United States Postal Service (USPS) website with a tracking #7013 3020 0000 2938 4752.

Because this letter was never picked up by the District, a subpoena was issued to the Manager of the HGCSO on January 6, 2015 for documents which were not delivered. Some of these requested documents were delivered late to the Grand Jury however; a majority of the documents were never received.

A second subpoena was issued on March 2, 2015 for the Manager to appear with documents before the Grand Jury. The Manager appeared before the Grand Jury but

without any documents requested. An incomplete set of documents were delivered later to the Grand Jury.

Due to non compliance of the District to both letters and subpoenas, the Grand Jury was unable to verify in detail the documents received. Because the records could not be verified, it will be recommended that this investigation be continued by the 2015-2016 Grand Jury.

Agendas were incomplete and did not comply with the information required by the Brown Act<sup>3</sup>. Board meetings observed by the Grand Jury often did not reflect a Board completely informed and prepared for topics scheduled for discussion. Agendas and Board Member packets generated prior to Board meetings were incomplete or not properly presented in a timely manner as required by California Government Code § 54954.2 (a) (1). There were times the documents were not received by Board Members until the day of, or during the meeting.

Agenda items for closed sessions did not comply with California Government Code § 54954.5. This section of the code includes items for closed sessions and provides 'fill in the blank' templates for outlining an agenda.

The staff rarely reports correspondence received by the District to the Board. Presentations to the Board by the staff are often incomplete or erroneous and not properly presented.

The Grand Jury had requested agendas be faxed to the Grand Jury when published. This is seldom done without a phone call to the District.

The statistics of the water distribution system and the financial status of the District were not offered in an informational presentation. At most of the meetings the Grand Jury attended, the water status was not given to the Board, nor included in the agenda or the minutes.

Several of the minutes the Grand Jury received did not reflect what was actually discussed at Board meetings. Minutes were missing for some of the meetings and the Grand Jury was told they were not available. On occasion items were added to the minutes which were not on the agenda nor discussed during the Board meeting. An 'emergency item' was added to the agenda in one meeting to include a report of the contractor working as the water master. As this was not included in the agenda for the meeting, it should not have been discussed in the meeting as it was not an emergency as

<sup>3</sup> California Government Code § 54950-§ 54963

required by the Brown Act California Government Code § 54956.5. This information could have been presented during the time set aside for public comment and met all the requirements of the Brown Act. This was the first time in over a year that information was provided on the water statistics as indicated by the Board minutes.

The Board hired a new company to maintain the arsenic treatment plant for the District. There is a positive indication that the service provided by this company is a huge improvement from previous years as the plant is running smoothly, reports are being made to the Board, and water tests are being performed in a timely manner.

Several Board Members have resigned over the last three years, however, according to the Kings County Elections Division only one vacancy was reported during that time. The California Government Code requires that any vacancy be reported to the county elections office within fifteen days of the Board being notified of the vacancy. There is a further requirement that the notice of the vacancy be posted in at least three locations within the district for fifteen days before anyone can be appointed to the board. This appointment must be made within 60 days of the vacancy.<sup>4</sup>

At the January 2015 meeting, newly elected Board Members were not sworn in until one of the last items of business on the agenda. This prevented the new members from taking part in any business concerning the District at the meeting. California Government Code requires newly elected Board Members take office at noon on the first Friday of December.

Board Members did not have sufficient training of the Brown Act<sup>5</sup>. Newly elected members must comply with the Brown Act when the elections are certified by the County Elections Division.

The Grand Jury requested verification of several District records to include agendas, minutes, and financial records. The Grand Jury was informed some of these records had been destroyed by prior staff and Board personnel. The Board currently does not have a records retention program as required by California Government Code § 60200–§ 60204.

When requesting copies of current policy and procedures with verification of Board action, the Grand Jury was told that policies and procedures were in the process of either being updated or were nonexistent. Completion of this update was to have occurred in 2013-2014 as per prior Grand Jury reports. Policy and procedures presented to the Grand Jury were not in accordance with California Government Code § 61063 (a). Most were

<sup>4</sup> California Government Code § 1781

<sup>5</sup> California Government Code § 54950-§ 54963

filed without any sort of reference such as a resolution or ordinance number, file number, date, and signatures of the secretary and representative of the Board, etc.

The Grand Jury could not find any documents which referred to the appointment of a District Secretary, or Treasurer. The 'District Manager' of the District does not perform the duties as listed in the California Government Code § 61050 for Community Service Districts for general managers. As revealed in interviews, the Manager exhibited limited knowledge of the requirements of the job and did not appear to have the authority of the Board to perform the duties as required.

There is no current employee handbook maintained by the District. There are individual job descriptions which are incomplete and consisted of a few undated sheets without any document numbers or other identification listed on them. There was no evidence that these documents were official and signed by the employees. No documents could be found which indicated the requirements of the staff and the benefits, if offered, by the District.

Financial records received by the Grand Jury showed many instances where the monies reported on deposit slips did not agree with the monies received by the bank. Monies taken to the bank are delivered in an unsecured container. It was reported that two people are supposed to count the money at the District Office; security and accountability are lost because of the method of transfer to the bank.

The District uses the CORE Utility Billing Software (CORE) which does not appear to have an audit trail for entries made. There are no sequential reference numbers printed on any receipt given to the customer and without an audit trail there is no way to see when an entry was changed. Errors can and have been made when transferring information to the bookkeeper.

The CORE software indicated an error of over six thousand dollars at one time when comparing the District financial information with the bookkeeper. This error reportedly occurred because of a loss of power at the District Office. The staff assumed that the entries were erased from the system by the power failure so they were reentered. This item was brought up at a Board meeting without being on the agenda. A solution was later proposed and put in place with no action item on the agenda or vote by the Board. The Grand Jury was informed that a complete verification of the records was never completed.

Testimony by community members indicated their bills had been paid but were listed as delinquent. One instance presented was the inability of the manager to verify and relay any information about a delinquent payment to a customer or when it had occurred. The readability of the receipts deteriorated over time and was not legible when presented to the Grand Jury by witnesses.

Delinquent fees are not added to billings in accordance with California Government Code § 61115 (a) (3) (C). The first late fee issued can be up to ten percent with one percent added to the second and succeeding month's charges.

The staff could not provide documentation of deposits made to the District for beginning services. No procedures were produced indicating the amount of deposits listed in financial documents. No procedure for returning the deposit was provided by the District to the Grand Jury.

Late notices and shut-offs were not being processed in a timely manner. Many accounts were shown delinquent where people had moved out with unpaid balances. This information has not been reported to the Board monthly, even though the Grand Jury noted that this information was requested by Board Members.

The District is lacking in water meters. These are required by the state to be installed by the year 2024. At the time of this report, there are no plans in place by management for the financing and installation of these required meters. As the state is in a drought, it has been suggested that the only way to cut the excess use of water by customers is by charging for the amount used.

An additional fee is added to contracted services. These services include sewer, trash, and street lighting. Ten percent is added to these services without a Proposition 218 of 1996 hearing.

There is no indication that there has been any increase in water rates since 2007. Power requirements are increasing because of the lowering of the water table, resulting in an increase in electrical charges. Furthermore, there has been an increase in charges for chemicals and removal of the sludge developed by the arsenic treatment plant. The District needs to closely evaluate its expenses in providing service.

There is no District procedure for accounts payable; this makes it difficult to get a complete picture of the District's financial status.

Monies received by the District were not deposited daily even though the staff was instructed by the Board to make daily deposits. It was indicated by interview that money was retained in the District office after the days deposits were prepared. The Grand Jury was informed that there is not a sufficient means of security to leave money in the office overnight at any time. There was a small safe in the office but it was not secured to the building. This safe was removed from the office by just picking it up and walking away with it. The Kings County Sheriff's Department wrote a burglary report in regards to the break-in of the District Office. The safe was stolen and the reporting party was able to give an exact count of the monies with denominations in detailed along with other items

in the safe. This theft never appeared on any financial statements obtained by the Grand Jury.

Over \$800 in District funds was used by the former president of the District to contract for the Home Garden Coalition (HGC) to be incorporated as a 501(c) (3). Both the former President and his wife were on the Board of HGCS D as the President and Board Member and on the HGC Board as the President and Treasurer. An amount to be spent was never approved by the HGCS D Board. A contract was made with 'The Company'<sup>6</sup>, an organization to assist in creating 501(c) (3)'s. The HGC now only has one member but it is still listed as an active corporation on California records. A contract made by the previous president of the HGC Board with 'The Company' requires an annual fee for services which was never made known to either the HGCS D Board or the HGC. The Districts address was used by the former president which may in the future present problems for the HGCS D. There is also a bill from the IRS to HGC for payment which has not been paid. There does not appear to be an active checking account for the HGC or any official documents of any kind. The secretary of the HGC received some money from a third party which was from the former president with no indication of what it was for or what was to be done with the funds.

The District uses at least two credit cards, a Staples card and a gas card, which are not secured in the office. There does not appear to be any accounting of items bought such as gasoline and other services appearing on the gas card. There is no log book indicating the mileage of the District's vehicle and the amount of gas purchased. This could lead to theft and misappropriation as there is no way to verify for what vehicle the gas card was used.

The Grand Jury found that some bills received by the district were not paid in a timely manner. This could require the district to pay late fees on unpaid bills. One instance was the shutting off of service from their internet and telephone provider. This caused the remote monitoring of the arsenic treatment plant to become inoperable.

### **Home Garden Park**

HGCS D Board Members and residents have serious questions and concerns regarding the development of the local park. The Grand Jury learned that a \$1.9 million grant from Prop 84 (2006 California Department of Parks and Recreation) was received by the District in 2012 to establish the Home Garden Park. The park was to be completed in the fall of 2014. The District's failure to control the completion of the park was listed as a major concern. Several references were made in the monthly District Board meeting that the majority of the grant has been spent and there is only an area of cleared dirt with a

<sup>6</sup> Kings County Grand Jury Final Report 2013-2014

few slabs of concrete and a sidewalk. At the time of this report, this is not an established park or any schedule for completion. Residents and the Board questioned the fact that they were not informed and kept updated on how finances were spent. Interviews further indicated that the Grant Administrator is not in control of the grant's financial documents and these documents were not available when requested from the Grant Administrator. There does not appear to be any audits on these funds.

There is no indication of any budget item or Board minutes, as reviewed by the Grand Jury, providing plans for support to maintain the park after completion.

## **FINDINGS AND RECOMMENDATIONS**

### **Finding 1**

During visits and interviews with the HGCSO, the Kings County Grand Jury observed a lack of constructive interaction and strained relationships between the office staff members, and between the office staff and the Board Members.

### **Recommendation 1**

Lines of communication need to be put in place so that staff and Board Members have complete information concerning the functioning and finances of the District.

### **Finding 2**

Documents were not provided to the Grand Jury in a timely manner for the completion of the investigation.

### **Recommendation 2**

California Penal Code § 933.5 authorizes the Grand Jury to be able to examine the books and documents of any special taxing district. Refusal to comply with a subpoena is listed in California Government Code § 11450.20. The District should comply with requests from the Grand Jury for Documents. Failure to comply with a subpoena could have resulted in a contempt of court.

### **Finding 3**

Agendas were incomplete and did not comply with the information required by the Brown Act.<sup>7</sup>

### **Recommendation 3**

Comply with California Government Code § 54954.3(a) (1).

<sup>7</sup> California Government Code § 54950-§ 54963

Every regular meeting of a legislative body of a local agency including advisory committees, commissions, or boards, as well as standing committees of legislative bodies must be preceded by a posted agenda that advises the public of the meeting and the matters to be transacted or discussed. The agenda must be posted at least 72 hours before the regular meeting in a location 'freely accessible to members of the public.' The courts have not definitively interpreted the 'freely accessible' requirement. The California Attorney General has interpreted this provision to require posting in locations accessible to the public 24 hours a day during the 72-hour period, but any of the 72 hours may fall on a weekend.

The agenda must state the meeting time and place and must contain 'a brief general description of each item of business to be transacted or discussed at the meeting, including items to be discussed in closed session.'

It is recommended that a signature line be placed at the end of the agenda indicating when and where the agenda was posted.

**Finding 4**

Several of the minutes the Grand Jury received did not reflect what was actually discussed at Board meetings.

**Recommendation 4**

The Grand Jury noted that an audio recording is made of the meetings by the Manager. It is recommended that the meeting be transcribed by Monday of the following week so that the recordings are fresh and that only items in the recording be placed in the minutes.

**Finding 5**

An 'emergency item' was added to the agenda in one meeting to include a report of the contractor working as the water master. As this was not included in the agenda for the meeting, it should have not have been discussed as it was not an emergency as required by the Brown Act<sup>8</sup>.

**Recommendation 5**

Comply with California Government Code § 54950-§ 54963

"The Brown Act generally prohibits any action or discussion of items not on the posted agenda. However, there are three specific situations in which a legislative body can act on an item not on the agenda:

<sup>8</sup> California Government Code § 54950-§ 54963

- When a majority decides there is an ‘emergency situation’ (as defined for emergency meetings);
- When two-thirds of the members present (or all members if less than two-thirds are present) determine there is a need for immediate action and the need to take action ‘came to the attention of the local agency subsequent to the agenda being posted.’ This exception requires a degree of urgency. Further, an item cannot be considered under this provision if the legislative body or the staff knew about the need to take immediate action before the agenda was posted. A new need does not arise because staff forgot to put an item on the agenda or because an applicant missed a deadline; or
- When an item appeared on the agenda of, and was continued from, a meeting held not more than five days earlier.”<sup>9</sup>

Only items listed on the printed agenda can be discussed at a meeting. Reports such as the water report which was not listed on the agenda could be brought forward during the time for public comment, but no action could be taken by the Board on the item.

California Government Code § 54954.2 (a) (2) states “No action or discussion shall be undertaken on any item not appearing on the posted agenda, except that members of a legislative body or its staff may briefly respond to statements made or questions posed by persons by persons exercising their public testimony rights under Section 54943.3”

#### **Finding 6**

Board meetings often did not reflect a Board completely informed and prepared for topics scheduled for discussion. Packets for Board Members were incomplete and not provided in a timely manner.

#### **Recommendation 6**

Comply with California Government Code § 54954.3(a) (1)

All documents must be available to the Board at least 72 hours in advance. Additional copies of all documents provided to the Board must be available for examination by the public. Comply with California Government Code § 54954.2 (a) (1) “At least 72 hours before a regular meeting, the legislative body of the local agency, or its designee, shall post an agenda containing a brief general description of each item of business to be transacted or discussed at the meeting, including items to be discussed at the meeting,

<sup>9</sup> California League of Cities publication “Open & Public IV

including items to be discussed in closed session. A brief general discussion of an item generally need not exceed 20 words.”

**Finding 7**

The staff rarely reports correspondence to the Board. Presentations to the Board by the staff are incomplete, often erroneous and not properly presented. Requests for information by the Board to the staff had been made without response.

**Recommendation 7**

The staff should report on all correspondence sent to the District which might be of interest to the Board. The staff should report to the Board all information requested.

**Finding 8**

The statistics of the water distribution system and the financial status of the District were not offered in an informational presentation. At most of the Board meetings the Grand Jury attended, the water statistics were not given to the Board.

**Recommendation 8**

The Board and the public needs to be fully informed on status of the water plant and all wells. Monthly reports need to be presented at the monthly Board meetings either by the Water Master or his assistant. Items to be discussed should be the water pumped, water lost, water used, and the test results of all tests produced within the last month.

**Finding 9**

A small safe was used in the office but was not secured. This safe could be removed from the office by just picking it up and walking away with it. A sheriff's report listed a break-in of the District office. The safe was stolen and the reporting party was able to give an exact count of the monies with denominations in detail along with other items in the safe. This never appeared on any financial statements obtained by the Grand Jury. The theft of the safe never appeared on any agenda or minutes of the Board meetings.

**Recommendation 9**

The District should procure a safe and have it installed so that it cannot be removed from the office.

**Finding 10**

The credit cards used by the District are not secured in the office when not in use.

**Recommendation 10**

The credit cards and petty cash should be locked in a safe. An inventory of the safe should be made daily with a log book kept on the inventory and kept separate from the safe.

**Finding 11**

Over \$800 was used by the former president of the District to contract for the HGC to be incorporated as a 501 (c) (3) using the HGCSO as the address of the coalition.

**Recommendation 11**

For the protection of the District and the public, a procedure should be created, and followed, for contracts. This should be included in the District's Policy and Procedure Manual. Any expense of the District should be listed in the Agenda and require a resolution be made for the exact amount of any expenses. No contract shall be entered into without the approval of the majority of the Board.

**Finding 12**

There is no employee handbook maintained by the District.

**Recommendation 12**

Prepare and put into place an employee handbook by ordinance or resolution. It is recommended that it be introduced in one Board meeting and approved or revised in the next. This would give the public and all Board Members time to examine it prior to passage. The handbook should have a signature page as an addendum for the employee to sign which should be maintained on file at the District Office.

**Finding 13**

The Grand Jury found that bills received by the District were not always paid in a timely manner.

**Recommendation 13**

All District bills should be paid in a timely manner before they are past due. This will prevent services being cut off or delinquent charges being added.

**Finding 14**

The Board and the general public are uninformed with regard to the financial health and operation of the District.

**Recommendation 14**

All records of the District should be available to the public. It has been reported and observed by the Grand Jury, that some Board Members have been unable to get answers to inquiries concerning District finances and operations.

**Finding 15**

Home Garden Community Service District Board Members and residents have serious questions and concerns with regard to the development and financial status of the local park.

**Recommendation 15**

The complete records of the park need to be available to the public. It is recommended that an audit be made regarding this account.

**Finding 16**

Interviews further indicated that the Grant Administrator of the park is not in control of the grant's financial documents and these documents were not available to the Grant Administrator or for the Grand Jury.

**Recommendation 16**

The staff member designated as the Grant Administrator of the park should have access and maintain all the records for the park.

**Finding 17**

CORE software indicated an error of over six thousand dollars at one time when comparing the District information to the bookkeeper's information. This error reportedly occurred because of a loss of power at the District Office.

**Recommendation 17**

Investigate the possibility of installing a small power backup system for the billing computer. A backup supply of thirty minutes would provide adequate time to shut down the billing computer normally.

**Finding 18**

Testimony by community members indicated their bills had been paid but were listed as delinquent. One instance presented was the inability of the manager to verify and relay any information about a delinquent payment to a customer or when the delinquency had occurred.

**Recommendation 18**

The CORE software system should be analyzed and recommendations made to the Board to remove 'dead' accounts. This analysis should be made as a part of a normal Board meeting. After cleaning up the books, they should be checked continually to maintain accuracy.

**Finding 19**

Delinquent fees are not added to monthly billing charges in accordance with California Government Codes § 61115 (a) (3) (C)

**Recommendation 19**

California Government Codes § 61115 (a) (3) (C) states "To provide for a basic penalty for the nonpayment of charges of not more than 10 percent, plus an additional penalty of not more than 1 percent per month for the nonpayment of the charges and the basic penalty. The board of directors may provide for the collection of these penalties." The

CORE software should be able to compute the proper delinquent charges for the billing. If this is not possible, an investigation should be initiated to obtain a billing system which will include all the features needed.

**Finding 20**

The Grand Jury was informed during interviews that the CORE software does not include an audit system. The Grand Jury was informed that some entries were changed and there was no way to tell who made the change.

**Recommendation 20**

It is recommended that if the CORE software has an audit trail, it be turned on and the staff be trained in its use and utilized. If it does not provide an audit trail, the district should investigate getting a billing system which includes this feature.

Any system acquired should have an audit trail to establish when and who made changes to accounts.

**Finding 21**

No policy or procedure manual was made available to the Grand Jury which included the policy and procedures required by the Government Codes.

**Recommendation 21**

California Government Code § 61063 (a) "Each district shall adopt policies and procedures, including bidding regulations, governing the purchasing of supplies and equipment not governed by Article 43 (commencing with Section 20680) of Chapter 1 of Part 3 of the Public Contract Code. Each district shall adopt these policies and procedures by rule or regulation pursuant to Article 7 (commencing with Section 54201) of Chapter 5 of Division 2 of Title 5."

**Finding 22**

The Grand Jury found no indication of any budget or Board minutes which indicate any plans in place to support and maintain the park after completion.

**Recommendation 22**

The District should put in place plans to provide financing for the upkeep of the Park after it is turned over to the District. This would require a Proposition 218 of 1996 hearing.

**Finding 23**

Many of the Board minutes indicating a closed session did not include the information required to be on the agenda. This is required by the California Government Code § 54954.5.

**Recommendation 23**

Comply with the requirements of the California Government Code § 54954.5 which states "For purposes of describing closed session items pursuant to Section 54954.2, the agenda may describe closed sessions as provided below. No legislative body or elected official shall be in violation of Section 54954.2 or 54956 if the closed session items were described in substantial compliance with this section. Substantial compliance is satisfied by including the information provided, irrespective of its format with respect to a closed session held pursuant to Section 54956.7."

**Finding 24**

The Grand Jury discovered the District did not have a records retention program in place as required by California Government Code. A number of documents requested by the Grand Jury could not be produced. The Grand Jury was informed that these records were destroyed by previous employees and/or Board Members. No records as required were available indicating what documents were destroyed.

**Recommendation 24**

The District should put in place a records retention program. All agendas, minutes and maps of utilities should be on file forever. An excellent guide may be found at: <http://archives.cdn.sos.ca.gov/local-gov-program/pdf/records-management-8.pdf>. This guide also lists the state and federal codes which establishes the retention requirements.

**Finding 25**

Notification to the County Elections Division of a vacancy on the Board were not made in a timely manner and did not comply with California Government Code § 1780.

**Recommendation 25**

Within fifteen days after a notification of a vacancy on the board, the County Elections Division must be notified. The vacancy must be posted for at least fifteen days in at least three places within the District. An appointment to fill the vacancy must be made by the Board within 60 days of the original notification.

**Finding 26**

Newly elected directors were not sworn in until the end of the January meeting.

**Recommendation 26**

California Government Code § 61042 (a) states "The term of office of each member of a board of directors is four years or until his or her successor qualifies and takes office. Directors shall take office at noon on the first Friday in December following their election." Newly elected Directors should be sworn in as required by the code. It is recommended that they be sworn in at the start of the meeting so that they might participate in the meeting.

**Finding 27**

The Grand Jury found that the Directors did not have proper training in the Brown Act. Newly elected Directors come under the Brown Act when the elections are certified by the County Elections Division.

**Recommendation 27**

All directors should have training in the Brown Act. It is recommended that this training be scheduled for the first meeting in November after an election to include current and newly elected Board Members. This training must be done in an open meeting.

**Finding 28**

The Grand Jury could not find any documents which appointed a District Secretary, or Treasurer. The 'District Manager' of the District does not perform the duties as listed in the California Government Code § 61050 for Community Service Districts for general managers. Investigations revealed the Manager exhibited limited knowledge of the job and did not appear to have the authority of the Board to perform the duties as required. A third party is contracted as the bookkeeper of the District.

**Recommendation 28**

The District should comply with California Government Code § 61050.

“(a) The board of directors shall appoint a general manager.

(b) The county treasurer of the principal county shall serve as the treasurer of the district. If the board of directors designates an alternative depository pursuant to Section 61053, the board of directors shall appoint a district treasurer who shall serve in place of the county treasurer.

(c) The board of directors may appoint the same person to be the general manager and the district treasurer.

(d) The general manager and the district treasurer, if any, shall serve at the pleasure of the board of directors....

(f) The board of directors may require the general manager to be bonded. The board of directors shall require the district treasurer, if any, to be bonded. The district shall pay the cost of the bonds.”

The duties and responsibilities for the general manager include those listed in California Government Code § 61051.

“The general manager shall be responsible for all of the following:

- (a) The implementation of the policies established by the board of directors for the operation of the district.
- (b) The appointment, supervision, discipline, and dismissal of the district's employees, consistent with the employee relations system established by the board of directors.
- (c) The supervision of the district's facilities and services.
- (d) The supervision of the district's finances.”

Additional duties may be assigned at the direction of the Board.

It is recommended that the District utilize the Kings County Treasurer as the District Treasurer and Bookkeeper.

**Finding 29**

The Grand Jury had requested agendas be faxed to the Grand Jury when published. This has rarely been done without a phone call to the District.

**Recommendation 29**

California Government Code § 54954 states: “Any person may request that a copy of the agenda or a copy of all the documents constituting the agenda packet, of any meeting of a legislative body be mailed to that person. If requested, the agenda and documents in the agenda packet shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof.”

**Finding 30**

An additional fee was found by the Grand Jury to be added to contracted services. These services include sewer, trash, and street lighting. Ten percent is added to these services without a Proposition 218 of 1996 hearing. A California court case<sup>10</sup> verified that user taxes masquerading as any other fee violate the law. The appellate court found against the City: 1) the California Constitution, as amended by Proposition 218, prohibits local governments from imposing new or increased taxes without first obtaining voter consent; 2) the City did not seek voter approval of the surcharge; and 3) the surcharge is an illegal tax listed as a franchise fee.

<sup>10</sup> Jacks v. City of Santa Barbara (2015) 234 Cal.App.4th 925.

**Recommendation 30**

If the district would pass through the charges of these contractors they would be in compliance of the California Proposition 218 of 1996

**Finding 31**

The Grand Jury found no increase in water rates since 2007. Power requirements are increasing because of the lowering of the water table, the increase in electrical charges, a rising cost of chemicals and the removal of sludge developed by the arsenic treatment plant have increased the cost of water delivery.

**Recommendation 31**

The District needs to closely monitor its expenses in providing service.

**REQUEST FOR RESPONSES**

Pursuant to Penal Code § 933 and § 933.05, the Grand Jury requests responses as follows:

**Required Responses**

From the following governing bodies:

- Kings County Board of Supervisors
- Home Garden Community Service District Board of Directors

**Invited Responses**

- General Manager of Home Garden Community Service District

**COMMENTS**

The Kings County Grand Jury thanks the members of the Board and the Staff of the Home Garden Community Service District and residents for their help and support during this review.

It is recommended that the Kings County Board of Supervisors arrange for oversight, training and guidance for the District.

It is recommended that the 2015-2016 Kings County Grand Jury look into the findings and recommendations of the 2014-2015 Grand Jury for compliance. The HGCS Board is commended for the change in contractors.



JOE NEVES  
STRAITFORD-LEMOORE,  
DIST. I

RICHARD VALLE  
CORCORAN-AVENAL,  
DIST. II

DOUG VERBOON  
NORTH HANFORD -  
NORTH LEMOORE, DIST. III

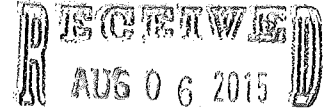
RICHARD FAGUNDES  
HANFORD, DIST. V

CRAIG PEDERSEN  
HANFORD-ARMONA, DIST. IV

## COUNTY OF KINGS BOARD OF SUPERVISORS

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July 28, 2015



Honorable Thomas DeSantos  
Kings County Superior Court  
1426 South Drive  
Hanford, CA 93230

Dear Judge DeSantos:

In accordance with Section 933 of the California Penal Code, this letter is the Kings County Board of Supervisors' response to the Grand Jury Report entitled: "Home Garden Community Service District", received by the County on June 24, 2015.

In the "Comments" section of the report, it states:

**It is recommended that the Kings County Board of Supervisors arrange for oversight, training and guidance for the District.**

Home Garden CSD is an independent government agency, and is charged with knowledge of the law and proper government procedures. Nonetheless, County agencies frequently receive requests for information and assistance from smaller local agencies, and County employees respond to those requests as appropriate. The County stands ready, willing, and able to do the same for Home Garden CSD in response to specific requests.

Sincerely,

Richard Fagundes  
Chairman, Board of Supervisors

## Home Garden Community Service District

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Tuesday, 8 September, 2015  
Honorable Thomas DeSantos  
Kings County Superior Court  
1426 South Drive  
Hanford, CA 93230

Dear Judge DeSantos

In accordance with Section 933 of the California Penal Code, this letter is the Home Garden Community Services District's response to the Grand Jury Report entitled, "Home Garden Community Service District."

For the reasons set forth below in the District's responses to each of the Grand Jury's findings and recommendations, the Home Garden Community Services District either acknowledges, agrees with, or disagrees with each of those findings and recommendations.

### **Finding 1**

During visits and interviews with the HGCSO, the Kings County Grand Jury observed a lack of constructive interaction and strained relationships between the office staff members, and between the office staff and the Board Members.

**The Home Garden Board of Directors agrees with this finding.**

### **Recommendation 1**

Lines of communication need to be put in place so that staff and Board Members have complete information concerning the functioning and finances of the District

**The staff has been reorganized and the Board members are now kept up to date on the condition of the District.**

### **Finding 2**

Documents were not provided to the Grand Jury in a timely manner for the completion of the investigation.

**The Home Garden Board of Directors agrees in part with this finding, although we're not sure which documents were not provided.**

**Recommendation 2**

California Penal Code § 933.5 authorizes the Grand Jury to be able to examine the books and documents of any special taxing district. Refusal to comply with a subpoena is listed in California Government Code § 11450.20. The District should comply with requests from the Grand Jury for Documents. Failure to comply with a subpoena could have resulted in a contempt of court.

**While it is unknown by the District what documents were not provided in a timely manner, the District is now working to organize its files so that information can be provided in a timely manner. Again, the Board was unaware of any documents requested which were not provided.**

**Finding 3**

Agendas were incomplete and did not comply with the information required by the Brown Act.

**We agree with this finding.**

**Recommendation 3**

Comply with California Government Code § 54954.3(a) (1). Every regular meeting of a legislative body of a local agency including advisory committees, commissions, or boards, as well as standing committees of legislative bodies must be preceded by a posted agenda that advises the public of the meeting and the matters to be transacted or discussed. The agenda must be posted at least 72 hours before the regular meeting in a location 'freely accessible to members of the public.' The courts have not definitively interpreted the 'freely accessible' requirement. The California Attorney General has interpreted this provision to require posting in locations accessible to the public 24 hours a day during the 72-hour period, but any of the 72 hours may fall on a weekend.

The agenda must state the meeting time and place and must contain a brief general description of each item of business to be transacted, or discussed at the meeting, including items to be discussed in closed session. It is recommended that a signature line be placed at the end of the agenda indicating when and where the agenda was posted.

**All agendas now comply with California Government Code § 54954.3(a) (1). All agendas are now prepared in compliance with the Brown Act. Every item on the agenda includes information as to what the item is and are posted at the District at least four days in advance of the meeting for regular meetings. The agendas are now published in English and Spanish. Documents of all items to be brought up at the Board meetings are prepared and distributed with the agenda to the Board Members.**

**Finding 4**

Several of the minutes the Grand Jury received did not reflect what was actually discussed at Board meetings.

**We agree this may have been the case from time to time, but not always the case.**

**Recommendation 4**

The Grand Jury noted that an audio recording is made of the meetings by the Manager. It is recommended that the meeting be transcribed by Monday of the following week so that the recordings are fresh and that only items in the recording be placed in the minutes.

**All minutes are now recorded and transcribed from the recording. The recording is maintained at the District office and is available for the public to review.**

**Finding 5**

An 'emergency item' was added to the agenda in one meeting to include a report of the contractor working as the water master. As this was not included in the agenda for the meeting, it should have not have been discussed as it was not an emergency as required by the Brown Act.

**We agree with this finding.**

**Recommendation 5**

Comply with California Government Code § 54950-§ 54963 "The Brown Act generally prohibits any action or discussion of items not on the posted agenda. However, there are three specific situations in which a legislative body can act on an item not on the agenda:

- When a majority decides there is an 'emergency situation' (as defined for emergency meetings);
- When two-thirds of the members present (or all members if less than two-thirds are present) determine there is a need for immediate action and the need to take action 'came to the attention of the local agency subsequent to the agenda being posted.' This exception requires a degree of urgency. Further, an item cannot be considered under this provision if the legislative body or the staff knew about the need to take immediate action before the agenda was posted. A new need does not arise because staff forgot to put an item on the agenda or because an applicant missed a deadline; or
- When an item appeared on the agenda of, and was continued from, a meeting held not more than five days earlier."

Only items listed on the printed agenda can be discussed at a meeting. Reports such as the water report which was not listed on the agenda could be brought forward during the time for public comment, but no action could be taken by the Board on the item.

California Government Code § 54954.2 (a) (2) states "No action or discussion shall be undertaken on any item not appearing on the posted agenda, except that members of a legislative body or its staff may briefly respond to statements made or questions posed by persons or persons exercising their public testimony rights under Section 54943.3."

**Procedures are in place to prevent an item being brought up at a meeting which is not listed on the agenda. The item in question was information only as no action was required but there is now a section of the agenda which includes all contractor information.**

**Finding 6**

Board meetings often did not reflect a Board completely informed and prepared for topics scheduled for discussion. Packets for Board Members were incomplete and not provided in a timely manner.

**We agree with this finding.**

**Recommendation 6**

Comply with California Government Code § 54954.3(a) (1) All documents must be available to the Board at least 72 hours in advance. Additional copies of all documents provided to the Board must be available for examination by the public. Comply with California Government Code § 54954.2 (a) (1) "At least 72 hours before a regular meeting, the legislative body of the local agency, or its designee, shall post an agenda containing a brief general description of each item of business to be transacted or discussed at the meeting, including items to be discussed at the meeting, including items to be discussed in closed session. A brief general discussion of an item generally need not exceed 20 words.

**All agendas now comply with California Government Code § 54954.3(a) (1). All agendas are now prepared in compliance with the Brown Act. Every item on the agenda includes information as to what the item is and are posted at the District at least four days in advance of the meeting for regular meetings. The agendas are now published in English and Spanish. Documents of all items to be brought up at the Board meetings are prepared and distributed with the agenda to the Board Members.**

**Finding 7**

The staff rarely reports correspondence to the Board. Presentations to the Board by the staff are incomplete, often erroneous and not properly presented. Requests for information by the Board to the staff had been made without response.

**We agree in part with this finding, but as described below, steps have been taken to correct this.**

**Recommendation 7**

The staff should report on all correspondence sent to the District which might be of interest to the Board. The staff should report to the Board all information requested.

**Presentations to the Board are now inclusive with all requests from the Board addressed in accordance with District procedures.**

**Finding 8**

The statistics of the water distribution system and the financial status of the District were not offered in an informational presentation. At most of the Board meetings the Grand Jury attended, the water statistics were not given to the Board.

**We agree with this finding.**

**Recommendation 8**

The Board and the public needs to be fully informed on status of the water plant and all wells. Monthly reports need to be presented at the monthly Board meetings either by the Water Master or his assistant. Items to be discussed should be the water pumped, water lost, water used, and the test results of all tests produced within the last month.

**The statistics of the water distribution system and plant are now provided at every district meeting along with information on any leaks and change of the customer base.**

**Finding 9**

A small safe was used in the office but was not secured. This safe could be removed from the office by just picking it up and walking away with it. A sheriff's report listed a break-in of the District office. The safe was stolen and the reporting party was able to give an exact count of the monies with denominations in detail along with other items in the safe. This never appeared on any financial statements obtained by the Grand Jury. The theft of the safe never appeared on any agenda or minutes of the Board meetings.

**We disagree, at least in part, with this finding. While there was a safe stolen, a discussion on this issue was on a subsequent agenda.**

**Recommendation 9**

The District should procure a safe and have it installed so that it cannot be removed from the office.

**The Board is unaware of the amount of money which was in the safe. A new wall safe has been installed in the District Office which is mounted directly to the studs. Procedures have been put into place where all payments are received by check or money order. The only cash maintained by the District is a petty cash fund which is limited to \$200.00. Receipts of expenditure of all funds is maintained by receipt and sent to the bookkeeper for replacement.**

**Finding 10**

The credit cards used by the District are not secured in the office when not in use.

**We disagree with this finding.**

**Recommendation 10**

The credit cards and petty cash should be locked in a safe. An inventory of the safe should be made daily with a log book kept on the inventory and kept separate from the safe.

**The only credit card maintained by the district is for gas. This card is locked in the safe and a receipt of use is kept with it in the safe.**

**Finding 11**

Over \$800 was used by the former president of the District to contract for the HGC to be incorporated as a 501 (c) (3) using the HGCSO as the address of the coalition

**We agree with this finding.**

### **Recommendation 11**

For the protection of the District and the public, a procedure should be created, and followed, for contracts. This should be included in the District's Policy and Procedure Manual. Any expense of the District should be listed in the Agenda and require a resolution be made for the exact amount of any expenses. No contract shall be entered into without the approval of the majority of the Board.

**The recommendation has not yet been implemented, but will be implemented in the future. This procedure is being implemented and will be in place within the two next regular board meetings**

### **Finding 12**

There is no employee handbook maintained by the District.

**We agree there was previously no employee handbook maintained by the District.**

### **Recommendation 12**

Prepare and put into place an employee handbook by ordinance or resolution. It is recommended that it be introduced in one Board meeting and approved or revised in the next. This would give the public and all Board Members time to examine it prior to passage. The handbook should have a signature page as an addendum for the employee to sign which should be maintained on file at the District Office.

**The recommendation has been implemented. An employee handbook was put into place prior to the Grand Jury report and modified to include the new requirements of the state in relation to sick leave. A signature page is included and a copy of the page is kept in the employees personnel record.**

### **Finding 13**

The Grand Jury found that bills received by the District were not always paid in a timely manner.

**We agree with this finding.**

### **Recommendation 13**

All District bills should be paid in a timely manner before they are past due. This will prevent services being cut off or delinquent charges being added.

**The recommendation has been implemented. All bills received by the district are processed the day of receipt for payment.**

### **Finding 14**

The Board and the general public are uninformed with regard to the financial health and operation of the District.

**We agree with the finding.**

**Recommendation 14**

All records of the District should be available to the public. It has been reported and observed by the Grand Jury, that some Board Members have been unable to get answers to inquiries concerning District finances and operations.

**The recommendation has been implemented. All payments are available and on a running total for the month which is available for anybody to see. The General Manager is keeping the District Office open for extended hours to be available for any inquiries by the public.**

**Finding 15**

Home Garden Community Service District Board Members and residents have serious questions and concerns with regard to the development and financial status of the local park.

**We disagree at least partially, with this finding.**

**Recommendation 15**

The complete records of the park need to be available to the public. It is recommended that an audit be made regarding this account.

**Copies of all records on the park are available at the District Office. The contractor for the park has a contract with the state and Home Garden CSD for a completion of July 2016. There is a penalty which will be assessed if it is not completed on time per the agreement between the State and Home Garden.**

**Finding 16**

Interviews further indicated that the Grant Administrator of the park is not in control of the grant's financial documents and these documents were not available to the Grant Administrator or for the Grand Jury

**We agree in part, but this has been addressed as described below.**

**Recommendation 16**

The staff member designated as the Grant Administrator of the park should have access and maintain all the records for the park.

**The grant administrator and the district have complete information on file concerning the operation of the park project.**

**Finding 17**

CORE software indicated an error of over six thousand dollars at one time when comparing the District information to the bookkeeper's information. This error reportedly occurred because of a loss of power at the District Office

**We agree in part. There was an error, but not due to loss of power.**

**Recommendation 17**

Investigate the possibility of installing a small power backup system for the billing computer. A backup supply of thirty minutes would provide adequate time to shut down the billing computer normally.

**The recommendation requires further analysis. The error was an operator induced error. It appears that the software maintains all entries even with a power failure. Training has been implemented to correct any future occurrences. A back up power supply will be investigated and put into place during the next three months if it is found to be necessary after further evaluation.**

**Finding 18**

Testimony by community members indicated their bills had been paid but were listed as delinquent. One instance presented was the inability of the manager to verify and relay any information about a delinquent payment to a customer or when the delinquency had occurred.

**We agree with this finding.**

**Recommendation 18**

The CORE software system should be analyzed and recommendations made to the Board to remove 'dead' accounts. This analysis should be made as a part of a normal Board meeting. After cleaning up the books, they should be checked continually to maintain accuracy.

**The recommendation has been implemented The removal of all "Idle" or "Dead" accounts was accomplished after the July Board Meeting. All items which did not have information available, or which were too old to trace were removed from the system. The billing system is checked weekly by the General Manager to ensure that it is up to date.**

**Finding 19**

Delinquent fees are not added to monthly billing charges in accordance with California Government Codes § 61115 (a) (3) (C)

**We agree with this finding.**

**Recommendation 19**

California Government Codes § 61115 (a) (3) (C) states "To provide for a basic penalty for the nonpayment of charges of not more than 10 percent, plus an additional penalty of not more than 1 percent per month for the nonpayment of the charges and the basic penalty. The board of directors may provide for the collection of these penalties." The CORE software should be able to compute the proper delinquent charges for the billing. If this is not possible, an investigation should be initiated to obtain a billing system which will include all the features needed.

**The Board of Directors in their July meeting passed by motion to keep the late charges at \$5.00. Along with the late charges a program for notification of late payments and penalties were sent to all customers with the August 2015 bill.**

**Finding 20**

The Grand Jury was informed during interviews that the CORE software does not include an audit system. The Grand Jury was informed that some entries were changed and there was no way to tell who made the change.

**We disagree wholly or partially with the finding.**

**Recommendation 20**

It is recommended that if the CORE software has an audit trail, it be turned on and the staff be trained in its use and utilized. If it does not provide an audit trail, the district should investigate getting a billing system which includes this feature.

**In part, the recommendation will not be implemented because it is not reasonable at this time. Until the District has a better understanding of its financial status, such a move will not be undertaken. However, steps will be taken to identify all individuals who log into the system.**

**Finding 21**

No policy or procedure manual was made available to the Grand Jury which included the policy and procedures required by the Government Codes.

**We agree with the finding.**

**Recommendation 21**

California Government Code § 61063 (a) "Each district shall adopt policies and procedures, including bidding regulations, governing the purchasing of supplies and equipment not governed by Article 43 (commencing with Section 20680) of Chapter 1 of Part 3 of the Public Contract Code. Each district shall adopt these policies and procedures by rule or regulation pursuant to Article 7 (commencing with Section 54201) of Chapter 5 of Division 2 of Title 5."

**A procedure manual was accepted by the Board during their July meeting. Additional policies for District purchasing and bidding will be put into place during study sessions over the next two months. The district has joined with the county for purchasing of supplies with the county on the vendor contract.**

**Finding 22**

The Grand Jury found no indication of any budget or Board minutes which indicate any plans in place to support and maintain the park after completion.

**We disagree wholly or partially with the finding.**

**Recommendation 22**

The District should put in place plans to provide financing for the upkeep of the Park after it is turned over to the District. This would require a Proposition 218 of 1996 hearing.

**The District is working to procure grants to cover the extra expenses for the park and will continue to contact business for more assistance as the park is progressing.**

**Finding 23**

Many of the Board minutes indicating a closed session did not include the information required to be on the agenda. This is required by the California Government Code § 54954.5.

**We agree with this finding.**

**Recommendation 23**

Comply with the requirements of the California Government Code § 54954.5 which states “For purposes of describing closed session items pursuant to Section 54954.2, the agenda may describe closed sessions as provided below. No legislative body or elected official shall be in violation of Section 54954.2 or 54956 if the closed session items were described in substantial compliance with this section. Substantial compliance is satisfied by including the information provided, irrespective of its format with respect to a closed session held pursuant to Section 54956.7.”

**The recommendation has been implemented. All agendas and minutes comply with the requirements of Section 54956.7 of the California Government Code.**

**Finding 24**

The Grand Jury discovered the District did not have a records retention program in place as required by California Government Code. A number of documents requested by the Grand Jury could not be produced. The Grand Jury was informed that these records were destroyed by previous employees and/or Board Members. No records as required were available indicating what documents were destroyed.

**We agree with this finding.**

**Recommendation 24**

The District should put in place a records retention program. All agendas, minutes and maps of utilities should be on file forever. An excellent guide may be found at: <http://archives.cdn.sos.ca.gov/local-gov-program/pdf/records-management-8.pdf>. This guide also lists the state and federal codes which establishes the retention requirements.

**The recommendation has been implemented. A records retention policy was presented for a first reading during the July Board meeting and will have its final reading during the August meeting.**

**Finding 25**

Notification to the County Elections Division of a vacancy on the Board were not made in a timely manner and did not comply with California Government Code § 1780.

**We agree with this finding.**

**Recommendation 25**

Within fifteen days after a notification of a vacancy on the board, the County Elections Division must be notified. The vacancy must be posted for at least fifteen days in at least three places within

the District. An appointment to fill the vacancy must be made by the Board within 60 days of the original notification.

**The recommendation has been implemented. Any future vacancies to the Board will be in compliance with the California Government Code § 1780**

**Finding 26**

Newly elected directors were not sworn in until the end of the January meeting.

**We agree with this finding.**

**Recommendation 26**

California Government Code § 61042 (a) states "The term of office of each member of a board of directors is four years or until his or her successor qualifies and takes office. Directors shall take office at noon on the first Friday in December following their election." Newly elected Directors should be sworn in as required by the code. It is recommended that they be sworn in at the start of the meeting so that they might participate in the meeting.

**The recommendation will be implemented with the upcoming election. All new directors will be sworn in at the District office in accordance with the Government Code.**

**Finding 27**

The Grand Jury found that the Directors did not have proper training in the Brown Act. Newly elected Directors come under the Brown Act when the elections are certified by the County Elections Division.

**We agree in part, as newer Board members received that training.**

**Recommendation 27**

All directors should have training in the Brown Act. It is recommended that this training be scheduled for the first meeting in November after an election to include current and newly elected Board Members. This training must be done in an open meeting.

**Formal training will be held for all District Directors after the November elections which will be open to the public. Some Directors have received informal training in the past.**

**Finding 28**

The Grand Jury could not find any documents which appointed a District Secretary, or Treasurer. The 'District Manager' of the District does not perform the duties as listed in the California Government Code § 61050 for Community Service Districts for general managers. Investigations revealed the Manager exhibited limited knowledge of the job and did not appear to have the authority of the Board to perform the duties as required. A third party is contracted as the bookkeeper of the District.

**We agree with this finding.**

**Recommendation 28**

The District should comply with California Government Code § 61050.

“(a) The board of directors shall appoint a general manager.

(b) The county treasurer of the principal county shall serve as the treasurer of the district. If the board of directors designates an alternative depository pursuant to Section 61053, the board of directors shall appoint a district treasurer who shall serve in place of the county treasurer.

(c) The board of directors may appoint the same person to be the general manager and the district treasurer.

(d) The general manager and the district treasurer, if any, shall serve at the pleasure of the board of directors....

(f) The board of directors may require the general manager to be bonded. The board of directors shall require the district treasurer, if any, to be bonded. The district shall pay the cost of the bonds.”

The duties and responsibilities for the general manager include those listed in California Government Code § 61051.

“The general manager shall be responsible for all of the following:

(a) The implementation of the policies established by the board of directors for the operation of the district.

(b) The appointment, supervision, discipline, and dismissal of the district's employees, consistent with the employee relations system established by the board of directors.

(c) The supervision of the district's facilities and services.

(d) The supervision of the district's finances.”

Additional duties may be assigned at the direction of the Board.

It is recommended that the District utilize the Kings County Treasurer as the District Treasurer and Bookkeeper.

**The Board of Directors is pursuing actions that will bring the District into compliance with applicable statutes.**

**Finding 29**

The Grand Jury had requested agendas be faxed to the Grand Jury when published. This has rarely been done without a phone call to the District.

**The Board of Directors is not in a position to know if this is completely accurate.**

**Recommendation 29**

California Government Code § 54954 states: "Any person may request that a copy of the agenda or a copy of all the documents constituting the agenda packet, of any meeting of a legislative body be mailed to that person. If requested, the agenda and documents in the agenda packet shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof."

**Actions have been taken to comply with all appropriate Govt. Code sections as well as any other applicable regulations.**

**Finding 30**

An additional fee was found by the Grand Jury to be added to contracted services. These services include sewer, trash, and street lighting. Ten percent is added to these services without a Proposition 218 of 1996 hearing. A California court case<sup>10</sup> verified that user taxes masquerading as any other fee violate the law. The appellate court found against the City: 1) the California Constitution, as amended by Proposition 218, prohibits local governments from imposing new or increased taxes without first obtaining voter consent; 2) the City did not seek voter approval of the surcharge; and 3) the surcharge is an illegal tax listed as a franchise fee.

10 Jacks v. City of Santa Barbara (2015) 234 Cal.App.4th 925.

**We disagree with this finding as it pertains to the Home Garden Community Services District.**

**Recommendation 30**

If the district would pass through the charges of these contractors they would be in compliance of the California Proposition 218 of 1996 Finding 31 The Grand Jury found no increase in water rates since 2007. Power requirements are increasing because of the lowering of the water table, the increase in electrical charges, a rising cost of chemicals and the removal of sludge developed by the arsenic treatment plant have increased the cost of water delivery. Recommendation 31 The District needs to closely monitor its expenses in providing service.

**The arrangement for services for sewer with the City of Hanford allows for a portion of the fee to be retained by the Home Garden Community Services District. No such arrangement exists for trash collection which is contracted with a private hauler, and street lighting has been \$1.65 going back at least a decade and no additional fee is applicable.**

**Finding 31**

The Grand Jury found no increase in water rates since 2007. Power requirements are increasing because of the lower of the water table, the increase in electrical charges, a rising cost of chemicals and the removal of sludge developed by the arsenic treatment plant have increased the cost of water delivery.

**We agree with this finding.**

**Recommendation 31**

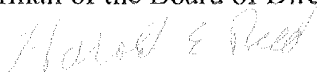
The District needs to closely monitor its expenses in providing service.

**We agree with this Recommendation.**

We would like to express our gratitude to the 2014-15 Grand Jury for its diligent work.

Sincerely,

Harold Reed  
Chairman of the Board of Directors

A handwritten signature in cursive script that reads "Harold Reed".