This document is an extract of a larger publication.

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



FINDINGS:

F1. NPD rarely assesses the $50 per cart fine upon retail establishments for violations of the Municipal Code 870.

F2. NPD does charge administrative costs for abandoned carts if not picked up by the retail establishment within three days of being notified.

F3. Phone numbers were lacking on carts at retail establishments. Some carts didn't have the name of the business.

F4. All of the businesses interviewed stated that they have never been fined for violations of the cart ordinance.

RECOMMENDATION:

R1. Consider enforcement of the City of Visalia Abandoned Shopping Cart Ordinance by assessing and collecting fines/penalties for non-compliance when appropriate.

R2. Enforce requirement for phone numbers and store name to be on all carts.

REQUEST FOR RESPONSE:

City of Visalia's Community Development Department
Findings F1-F4 Recommendations R1-R2



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SOUTH COUNTY DETENTION FACILITY



SUMMARY:

A grand opening and ribbon cutting for the new South County Detention Facility was held in August 2019. The Tulare County Civil Grand Jury decided to look at the new facility.

BACKGROUND:

Tulare County was formed in 1852. In the following year, Visalia was named the County seat. During 1854, the Tulare County Board of Supervisors recognized the need for a jail. The first construction of a jail and courthouse was in 1876. In 1962 a new jail was constructed on Burrel Avenue. This jail has since been closed and is scheduled for demolition. The Bob Wiley Detention Facility located at 36712 Road 112 in Visalia was completed in 1992. This facility can house 898 inmates and is operated by the Tulare County Sherriff's Department. In light of the South County Justice Center courthouse located in Porterville, the Board of Supervisors decided to build a South County Detention Facility near the Porterville Airport, which is now functional.

The project to build a new detention facility began in 2012 when Tulare County received funding from AB 900 grant funding process through the State of California. There were various meetings and interviews with State officials based upon the need for additional infrastructure. Construction was completed in June of 2019. The state Fire Marshall approved and granted occupancy June 14, 2019.

The new $72 million, 100,000 square-foot South County Detention Facility is the first built in Tulare County since the Adult Pre-Trial Facility was built in 1999 and the only detention center built south of Visalia in Tulare County. The new facility is located on Scranton Avenue near Newcomb Street. It was paid for with a $60 million grant from the State of California and a $12 million onetime expenditure from the County.

After the groundbreaking on June 8, 2016, Tulare County and the City of Porterville worked with several local and state agencies and companies to build the facility. The DLR Group was the architect, Bernards Brothers were the general contractors and Vanir Construction Managers oversaw the construction.

METHOD OF INVESTIGATION:

1. Site visit
2. Interviewed appropriate personnel
3. Reviewed specific documents

DISCUSSION:

The facility uses a modern pod design with four units branching off one central control station. It has a kitchen, bakery, laundry room, medical area, booking/intake, an administration area and visitation services. The building is designed to provide the safest environment for both detention officers and inmates by utilizing with high definition security cameras and an integrated highly sophisticated security system throughout the building. It currently can house up to 519 inmates.

There are plans for a farm and ranch operations on site similar to the North County facility which provides a significant amount of the food consumed by inmates.
The South County Detention Facility houses inmates who are on trial at the courthouse in Porterville, a few miles away.

.Inmates have recreation space, storage space for their belongings, and multi-purpose rooms for programming and various classes.

The facility is focused on rehabilitation and has developed programs for the inmates. These programs include GED and college credits, vocational training, life skills and assistance for employment.
Although the facility has a fully equipped kitchen, there is no specific timeline for staffing it. Food is transported daily from the Bob Wiley Facility.

FINDINGS:

F1. The location saves transportation times and costs for transport to South County Court House.

F2. The location reduces costs for Porterville Police Department for transportation to Visalia facilities and saves time in the booking process.

F3. There are costs incurred to transport premade food from the Bob Wiley Facility.

RECOMMENDATION:

R1. Source staffing and funding to open the kitchen and farm operations.

REQUIRED RESPONSES:

1. Tulare County Sheriff's Office Findings F1-F3 Recommendation R1
2. Tulare County Board of Supervisors Findings F1-F3 Recommendation R1



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SPECIAL DISTRICTS WEBSITE REQUIREMENT

SUMMARY:

Special districts are local government agencies that provide essential services to residents of the districts, including sewage treatment, water, fire protection, sanitation, utilities and cemetery operations. There are 132 independent special districts including joint powers agencies within Tulare County. These special districts have annual combined operating income in excess of $1.3 billion with individual special districts budgets ranging from $12,800 to $40.2 million per year.

California legislation SB 929, requiring "Special Districts to have Internet Web Sites," became effective on January 1, 2020, and requires every independent special district to maintain a website that clearly lists:

- agendas and minutes on the website
- contact information on the website
- compliance with California Public Records Act requirements using the website
- Conflict-of-Interest policy

There are limited special exceptions to the law, which must be declared as a hardship to the special district within the first meeting of each year, beginning January 1, 2020.



The Tulare County Civil Grand Jury (TCCGJ) decided to review the Tulare County special districts for website compliance with this legislation.

BACKGROUND:

The Little Hoover Commission was formed in 1962 to improve government agencies in California. Their report #155 of May 2000 found, "independent special districts often lack the kind of oversight and citizen involvement necessary to promote efficient operation and evolution." In their report #239 of August 2017 one of the commission's recommendations was that the state should, ". . . expand transparency by requiring every district to have a website with basic information . . ."

To ensure transparency and provide an opportunity for public participation in such meetings, State law SB 929 requires, among other things, public agencies to maintain a website to post agendas online. Public agencies that maintain a website must meet the requirements by posting a current agenda or a direct link to the current agenda on the agency's primary homepage. Under either option,

AB 2257 *(Local Agency Meetings: Agenda: Online Posting)* requires all current online agenda postings to be:

- downloadable, retrievable, indexable, and electronically searchable by commonly used search applications.
- machine-readable and platform-independent; what this means is a stand-alone website and not Facebook, Twitter, or any other social media.
- available to the public free of charge without any restrictions that would impede the reuse or redistribution of the agenda (i.e., no restrictions on printing the agenda or attaching it to an email).

The California Public Records Act requires a public agency to allow the inspection of any public record during the agency's office hours. AB 2853 (Local Government: Economic Development Subsidies) allows an agency to comply with the Act's inspection requirement by posting any requested public record on its website, and in response to the request for a public record, directing the person requesting such records to the location on the agency's website. If the person making the records request asks for a copy of the record because they cannot access or reproduce the record posted online; the agency is obligated to produce a hard copy of the record.

Transparency and accountability help to ensure the electorate is well informed regarding how each special district is performing the people's business. Three key elements for ensuring transparency for special districts are the submission of annual audited financial reports to the State Controller and to the Tulare County Auditor-Controller, the requirement to adopt a Conflict-of-Interest policy and compliance with the "Ralph M. Brown Act."

The Fair Political Practices Commission has adopted a regulation that can be incorporated by reference in special district policies to meet the Conflict-of-Interest requirement or reference the California Code of Regulations [title 2, §18730] in their policies).

The consequences of noncompliance with a district website can lead to fines of up to $1,400 to $4,000 by the State. The biggest website downfall is the ADA requirements for the hearing and sight-impaired public.

METHOD OF INVESTIGATION:

1. The TCCGJ reviewed 132 Tulare County special districts and joint powers agencies.
2. Conducted website research on California rules and regulations governing special districts.

DISCUSSION:

All special districts were reviewed for existence of a website. 80% were found to be lacking in compliance with the new laws in one form or another. Although some districts have websites, only 20 were in full compliance. Only one district has provided an approved hardship exemption.
The TCCGJ's analysis of websites revealed weaknesses in other areas including transparency and outreach. For example, the TCCGJ found that not all districts have a website and that some websites were not updated with current information. A conflict-of-interest policy was not always included. The law also requires convenient access to agendas on the website.

FINDINGS:

F1. Websites are an important tool for the public to access information concerning their special district, yet not all Tulare County special districts have a website.

F2. Meeting California Public Records Act requirements can be cumbersome, especially for smaller special districts and those who do not have normal business hours.

F3. The requirements can be fulfilled by posting the requested document on their website.

RECOMMENDATIONS:

R1. All special districts must have a website that complies with SB 929.

R2. Special districts should consider using their websites to fulfill California Public Records Act requests.

R3. All special districts must adopt a Conflict-of-Interest policy.

R4. All special district websites must be ADA-compliant and easily accessible by the visually and hearing impaired.

REQUEST FOR RESPONSES:

1. No responses are required.



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