2015-2016 Final Report

Kings County Grand Jury

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THE HONORABLE SUPERIOR COURT JUDGES
and the
2015 – 2016 KINGS COUNTY GRAND JURY

JUDGE Julienne Rynda

JUDGE Thomas DeSantos

JUDGE James LaPorte

JUDGE Michel Reinhart

JUDGE Jenifer Giuliani

JUDGE Robert S. Burns

JUDGE Donna Tarter

JUDGE Steven Barnes

Raymond Garcia *Sergeant at Arms*

Wyleen Luoma

Sumner (Curly) Keyes *Treasurer*

Darren Clayton *Recording Secretary*

Dick Hoffmaster *Foreperson Pro Tem*

Kevin Scott

Nick Kinney *Foreperson*

Linda Mackey

Kathy Clendaniel *Corresponding Secretary*

Edward Luena *Snack Master*

Roberta Gilbert *Social Chair*

Leonard Hadd

Wilnetta McGraw

Peter Farrington

Arnie Garza

Anne Sutton *Historian*

Chris Jordan

Rick Burnias

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Full Report Available Online at:

www.countyofkings.com/departments/grand-jury/annual-reports

Letters

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County of Kings
Grand Jury
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(559) 852-2892 – fax (559) 924-1009

June 6, 2016

The Honorable Jennifer Giuliani
Advising Judge, Superior Court of the State of California
Kings County Government Center
1400 West Lacey Boulevard
Hanford, CA 93230

Dear Judge Giuliani:

On behalf of the members of the 2015-2016 Kings County Grand Jury, and in compliance with California Penal Code Section 933, it is my privilege to present the Final Report to the Superior Court and the people of Kings County. The Civil Grand Jury process is unique in that it brings 19 people all from different backgrounds and areas of Kings County together to work as a team for the benefit and best interest of the citizens of Kings County.

The State of California authorizes county grand juries and charges them with investigating the workings and efficiencies of county and local governments. The 2015-2016 Final Report contains 21 Investigative Reports. The Reports are the result of selections from complaints initiated from concerned Kings County citizens and/or inquiries covering a wide range of topics; the topics selected for study were done so by a "super majority" vote of the Grand Jury members. Many dedicated hours went into interviews, research, drafting and collaboration among the Grand Jury members to produce a compilation of thoughtful and thorough investigations. 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.

The support and encouragement Your Honor provided throughout the year is appreciated by all members of the Jury, especially myself. In addition, we thank the Court Staff for the many instances where they aided us in administrative matters on a regular basis. In addition, we thank the Offices of the District Attorney and County Counsel for their guidance and support of legal matters.

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

Jennifer Giuliani
Judge

June 6, 2016

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

The 2015-2016 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 2015-2016 Grand Jury, with special thanks to their Foreperson, Nick 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,

Jennifer Giuliani
Judge of the Superior Court

Kings County Superior Court
1640 Kings County Drive
Hanford, CA 93230
(559)582-1010, ext. 6002

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County Government

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KINGS COUNTY VETERANS SERVICES

SUMMARY

In light of the large Veteran population residing within Kings County, the Grand Jury decided to do an investigation of the scope and nature of Veterans' services available to and/or provided within the County.

The following County Departments were evaluated by the Grand Jury:

- Kings County Public Guardian/Veterans Services Office – The Grand Jury concluded that a number of essential services were made available to local Veterans through the collaborative efforts of the Veterans Services Office working in conjunction with other local entities, such as the Kings County Behavioral Health Department's Veterans Services Unit. It was apparent to the Grand Jury that the Veterans Services Office was effectively providing crucial services to Veterans in an accessible and proactive environment.

- Kings County Behavioral Health/Veterans Services Unit – The Grand Jury was also impressed with the partnership between the Veterans Services Office and Kings County Behavioral Health (KCBH) Veterans Services Unit who work collaboratively to complement their respective services to Kings County Veterans. KCBH provides essential mental health services to Veterans, including alcohol, drug and crisis intervention. In the very near future, KCBH will open the county's first residential crisis housing for local Veterans. KCBH also provides mental health services to Veterans by partnering with a number of other resource support networks.

- Veterans Resource Center – On April 6, 2016, the Hanford branch of the Kings County Library opened a Veterans Resource Center for the purpose of providing Veterans with information and answers concerning claims and benefits which might be available to local Veterans, including directing them to the Kings County Veterans Services Office.

- Collaborative Justice Veterans Treatment Court – Veterans who have been charged with criminal offenses may be eligible to participate in a multi-Departmental collaboration between the Veterans Services Office, the KCBH Department and the Superior Court of the State of California. The Veteran is required to attend regularly scheduled Court hearings and to participate in various programs, including drug and alcohol counseling, drug testing, domestic violence counseling and other programs in order to successfully complete his/her program. Successful completion of the program can also result in the expungement of the triggering offenses from the Veteran's official Court record.

The Grand Jury found the concept of the Collaborative Court to be enlightened and was particularly impressed by its consistently high successful "graduation" rate.

In addition to the county departments, the Grand Jury also examined:

- Kings County Housing Authority - The Grand Jury was also impressed by the Kings County Housing Authority's collaboration with the Veterans Administration supportive housing program which assists Veterans and their families to qualify for subsidized housing under the auspices of the Housing and Urban Development Department (HUD). Additionally, the Housing Choice Voucher Program allows very low-income Veterans' families to rent, lease and even purchase, safe and affordable privately-owned housing.

- Other Veterans' organizations – The Grand Jury also interviewed representatives from two non-governmental Veterans organizations, the American Legion and "Our Heroes' Dreams". The Grand Jury was impressed at the scope and variety of the programs and membership benefits of those self-help Veterans organizations.

BACKGROUND

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…"

METHODOLOGY

The Kings County Grand Jury conducted interviews with representatives of Kings County Veterans Services, Kings County Behavioral Health Department, Kings County Housing Authority, the Kings County Collaborative Courts and Veterans Service Organizations. The Grand Jury also attended a Collaborative Court session and conducted research online, including the Department of Veterans Affairs (VA) website.

DISCUSSION

Public Guardian /Veterans Services Office

In Kings County, the Office of Public Guardian and Veterans Services Office are combined into one department and are facilitated by the same staff. Kings County is now the only county in California to incorporate both entities into one office. This collaboration between the Public Guardian Services and Veterans Services appears to enhance their effectiveness in their delivery of services.

Public Guardian

> "The Public Guardian provides a vital service to persons unable to properly care for themselves or who are unable to manage their finances. The service is provided through a legal process known as conservatorship.
>
> Initially, the primary responsibility was for the finances of persons civilly committed to psychiatric facilities. As society evolved and laws changed to meet new social challenges, the role of the Public Guardian broadened to include more responsibility for the care of the individual. The landmark LPS Act of 1969 and subsequent changes to the Probate Code meant that the Public Guardian became the substitute decision maker for vulnerable populations of the county with grave mental disabilities."
> (http://www.countyofkings.com/departments/general-services/public-guardian)

Currently the Public Guardian manages approximately 89 conservatorships throughout the county and 95 "Representative Payee Services" involving Social Security disability incomes.

Veterans Services Office

During the course of the Grand Jury's investigation, it was discovered that the term "Veteran" might not be accurately understood. The generally accepted definition is that a Veteran is anyone who served on active duty in any of the Armed Forces regardless of time in service, service in combat zones, or location. For example, a female who served in the U.S. Navy during peacetime for four years has the same Veteran status as a male who served in the Army for 30 years. Unfortunately there are still many individuals who served in the Armed Forces who are not aware that they have Veterans' status or who consider themselves Veterans.

At the present time, there are approximately 12,500 Veterans residing in Kings County and the Veterans Services Office provides services to approximately 2,500 of those individuals on an ongoing basis each year. The Veterans Services Office is also the liaison or 'gateway' to the Federal Veterans Administration's claims and benefits departments. Benefits which are available to Veterans include:

- Disability benefits
- Benefits for surviving children, spouses, and parents of Veterans
- Pension benefits
- VA healthcare enrollment
- Burial benefits
- Veterans Administration Home Loan program
- California Veterans (CalVet) Home Loan program
- Identification cards and Driver's License Identification
- College Fee waiver program for children of disabled Veterans

Driver's License Identification Program:

In November 2015, the California Department of Veterans Affairs and the California Department of Motor Vehicles launched the Veteran Driver's License Initiative. This allows California Veterans to obtain a "Veteran" designation on their California Driver's License. In order to obtain a Veteran designation, the Veteran must first go to a County Veterans Services Office for the necessary paperwork. This Veteran designation enables California Veterans to access certain privileges, benefits, or compensation associated with being a Veteran without the need to carry and produce their Certificate of Release or Discharge from Active Duty (DD Form 214). The designation also allows Law Enforcement representatives to easily identify

Veterans and can also alert them to a possible nexus between allegedly criminal behaviors by Veterans which may in fact be the result of Post Traumatic Stress Disorder (PTSD) or Traumatic Brain Injury (TBI) or other service-related mental or physical conditions. The drivers' license designation could also be useful in tracking Veteran suicides in California, which California does not presently track.

Kings County Behavioral Health (KCBH)/Veterans Services

One of the most significant partners collaborating with the Veterans Services Office in assisting local Veterans is the Kings County Behavioral Health Department.

The primary mission of Behavioral Health is to provide mental health services, including alcohol, drug and crisis intervention to residents of Kings County, including Veterans, a number of whom are also homeless.

History:

The passage of Proposition 36 in California brought significantly more dollars to every California county and enabled Kings County to increase and maintain comprehensive mental health services to the citizens of Kings County, including its Veterans. In 2006, Behavioral Health became a separate Department within the Kings County organizational structure, but has not and does not receive Kings County general fund monies. Certain provisions of Proposition 36 continue to provide primary funding for mental health services, especially for substance abuse intervention and treatment.

Staffing:

KCBH has a staff of 33 employees, three of whom are dedicated to providing services to Veterans. However, at present, KCBH does not have a subject-matter expert on Veterans' Services on its staff. Historically, the California community mental health systems were never intended to address the needs of Veterans. At present, KCBH actively partners with the Kings County Public Guardian and Veterans' Services Office to provide mental health services to Veterans in a coordinated and proactive manner.

KCBH is soon to have the first-ever local residential crisis house within Kings County, which will initially house six adults. Additionally, KCBH presently has local realtors scouting for additional new sites for KCBH to build additional local residential facilities in the future.

The KCBH Recovery Support Services Coordinator has a number of case management options for individuals who struggle with severe mental illness. The Coordinator is linked to the following resource support networks:

- Kings View Center
- Veterans Administration
- Kings County Court / Judges
- Probation Department
- Prosecutors and defense attorneys
- Kings County Sheriff's Office
- Jail / Intake Processes

Approximately two years ago, the Veterans' Administration was poised to establish a local Veterans' Clinic, which would have addressed homelessness. It would also have made the benefits of the Veterans Administration available without the need to travel to Fresno to access those benefits. KCBH representatives told the Grand Jury that they were unsure why the clinic project did not go forward, and suggested that the suspension of those efforts may have been due to staffing shortages within the Veterans' Administration.

Veterans Resource Center

On April 6, 2016 the Kings County Library opened a Veterans Resource Center at the Hanford Branch Library. The resource center utilizes trained "work-study" personnel to answer questions that Veterans may have concerning available claims and benefits and may direct them to the Veterans Services Office at the Kings County Government Center. "Work-study" is a program offered by the Veterans Administration that allows Veterans attending college to work for the Kings County Veterans Services Office.

Collaborative Justice Veterans Treatment Court (CJVTC)

Veterans returning from wars or military service may have serious emotional as well as physical wounds. These mental health issues may go unobserved and untreated. As a result, Veterans may "self-medicate" by turning to alcohol or drugs, which can bring those Veterans into the criminal justice system for anti-social behaviors whose root cause may be an underlying mental health problem.

The Collaborative Justice Veterans Treatment Court engages Veterans who have been charged with criminal offenses in a comprehensive judicial program of treatment and rehabilitation services. The 'collaborative' aspect of the program is based upon a multi-departmental effort between the Veterans Services Office, Kings County Behavioral Health Department and the Justice Department.

A Veteran may be eligible for participation in the treatment program, regardless of his/her type of discharge from the service. However, charges of serious crimes such as murder or sexual assault will disqualify a Veteran from participating in the program. The program is voluntary and includes regular court appearances before a designated Collaborative Court Judge. Once the Veteran has successfully completed the program, the offenses may be expunged from their records per a Court order.

Program Rules:
The program is structured to provide every opportunity for participating Veterans to "pay their debt" to society while also requiring maximum accountability on the part of the Veterans. To maintain eligibility, the Veteran must attend all court-ordered treatment modalities, including drug and alcohol counseling, educational classes, program events and self-help meetings. Participating Veterans must also submit to random drug and alcohol testing.

There are four phases to the CJVTC program. Each phase consists of specific treatment objectives before moving on to the next phase.

Phase 1 takes approximately 13 weeks
Phase 2 takes approximately 13 weeks
Phase 3 takes approximately 26 weeks
Phase 4 (aftercare) takes approximately 26 weeks.

Successfully completing a phase of the program may take longer if a Veteran fails to fully comply with any court-ordered requirements. Upon completion of the CJVTC program, there is a celebratory graduation ceremony. Successful graduates may also continue to receive ongoing support through the VA Services or through KCBH. The CJVTC program also offers Veterans support in securing employment, such as assisting in the preparation of resumes.

Homeless Veterans and Housing

There are several programs available through the Kings County Housing Authority for low-income Veteran families and homeless Veterans to received subsidized housing.

- Housing and Urban Development, VA supportive Housing - This is a program developed through collaboration between the Veterans Administration and The Department of Housing and Urban Development. This program uses a multi-pronged approach to move Veterans and their families out of homelessness and into permanent housing by dealing with the economic effects of homelessness as well as the Veteran's clinical needs, such as treatment for drug addiction or Post Traumatic Stress Disorder. The Veteran must meet the definition of homeless as defined in the McKinney Homeless Assistance Act (2009), be eligible for VA health care services, and must need case management services.

- Housing Choice Voucher Program - Housing choice vouchers allow very low-income families to rent, lease or purchase affordable privately-owned rental housing.

Veterans Organizations

The Kings County Grand Jury interviewed representatives from two of the Veterans Organizations that operate in Kings County, the American Legion and "Our Heroes' Dreams".

American Legion:

Chartered by congress in 1919 after World War I as a patriotic Veterans' organization, the American Legion focuses on service to Veterans, Service members, and their communities.

Post 3 – Hanford CA - Is an all-volunteer membership-driven organization that is composed of multiple sub-organizations such as the Auxiliary, The Sons of the American Legion and The American Legion Riders. Meetings are held the first Tuesday of the month. Presently, Post 3 has 280 members.

Programs:

Boys State – Is an educational program sponsored by the American Legion in which high school students become involved in the operation of their local, county, and state governments. The program began in 1935 and includes activities such as legislative sessions, court proceedings, law enforcement presentations, assemblies, bands, chorus and recreational groups.

Boy Scouts Troop 432 – Is a local Boy Scout group founded in 2013. The Boy Scouts of America is a values-based youth development organization that provides programs for young people to build character, to become familiar with the responsibilities of participating in citizenship, and to develop personal fitness.

Other projects and organizations supported by the American Legion include the Special Olympics, Valley Children's Hospital fund-raising telethon and a Vietnam Wall, which is presently sited in Dinuba, CA.

Our Heroes' Dreams:
Our Heroes' Dreams is a non-profit organization founded in Hanford, CA for the purpose of improving the lives of Veterans and their families by helping them accomplish goals and aspirations which they might otherwise be unable to achieve due to their disabilities. The organization operates programs such as a Healing Safari, Veterans Community Response Corps, Operation 22, the Adrenaline Program and other counseling services.

- Healing Safari: Veterans and their families attend various camps that include skydiving, riding elephants and swimming with dolphins.
- Veterans Community Response Corps: Is an emergency response program in which Veterans are trained by the American Red Cross and the Navy's Emergency Response and Search and Rescue teams to be able to provide community assistance in the time of a natural or a man-made disaster.
- Counseling programs: These programs include PTSD counseling in conjunction with family, financial, marriage, spiritual, and personal growth counseling.
- Operation 22: Is a program designed to heighten public awareness of the twenty-two (average) Veteran suicides that occur each day. The program is also developing a ranch to assist 900-1100 Veterans a year.

- Adrenaline: Allows Veterans to be certified to scuba dive and sky dive, to go sailing, to water and snow ski, and to attend fishing and hunting trips. The purpose of such activities is to motivate participating Veterans to become re-engaged in an active and involved life style.

FINDINGS AND RECOMMENDATIONS

Finding 1
The Grand Jury finds that the Kings County Veterans Services Office provides a variety of crucial services to local Veterans and does so in a proactive and collaborative environment which includes multiple organizations and resources. This approach effectively enhances the ability of Veterans and their families to access essential support services.

Recommendation 1
None

Finding 2
The Kings County Behavioral Health Department's primary mission regarding Veterans, a number of whom are homeless, is to provide them mental health services, including alcohol, drugs and crisis intervention. The Grand Jury finds that the services provided are proactive, accessible and beneficial to Veterans in crisis or needing treatment.

Recommendation 2
None

Finding 3
The Kings County Behavioral Health Department does not have a subject-matter expert on Veterans services currently on their staff, which limits the scope of their services to Veterans.

Recommendation 3
The Kings County Grand Jury recommends that the Kings County Behavioral Health Department intensify its efforts to obtain a Veterans subject-matter expert on its staff.

Finding 4

The Kings County Behavioral Health Department will soon have its first local residential crisis house which will provide housing for six adults. Currently the KCBH is out looking for additional suitable sites to expand its crisis housing capacity.

Recommendation 4

None

Finding 5

The Collaborative Justice Veterans Treatment Court provides a unique opportunity for Veterans who may have ended up in the criminal justice system through pre-existing mental conditions, such as Post Traumatic Stress Disorder, to pay their debt to society through voluntary participation in a Court-supervised, multi-disciplinary environment.

Recommendation 5

None

COMMENTS

The Grand Jury thanks all those interviewed during the course of this very informative investigation into the services available to Veterans throughout Kings County.

REQUIRED RESPONSES:

None

INVITED RESPONSES:

Public Guardian/Veterans Services Office

Kings County Behavioral Health Department

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PEOPLESOFT

SUMMARY

The Kings County Grand Jury received an anonymous complaint in regards to the installation and transition of the county payroll system to the electronic PeopleSoft program. Understanding the importance of the program, and how the then-current manual input payroll system operated, the Kings County Grand Jury decided to investigate.

BACKGROUND

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

METHODOLOGY

The Kings County Grand Jury received an anonymous complaint regarding the implementation of the PeopleSoft payroll system into the county. Specifically:

- that the "live" date was scheduled for December 2014,
- concerns that the county was pouring money into a system that was not operational,
- that employees were quitting due to the PeopleSoft program,
- that personal connections existed between a key Information Technology (IT) Department employee and an outside organization contracted to assist in the transition.

The Kings County Grand Jury conducted interviews with personnel from the IT Department, and reviewed pertinent Board of Supervisors meeting minutes. The Kings County Grand Jury also conducted internet research on the PeopleSoft program and the support company, LCS Technologies.

DISCUSSION

History

Prior to the implementation of the PeopleSoft program, the county's payroll system used a program called "E-Finance". Employees completed their paper timesheets by hand and the hours were then manually entered into the system. Personnel in the finance department tabulated vacation days and sick days. This method of manual data entry was susceptible to human error and lead to inconsistencies in accounting as well as in calculating how many sick or leave days each employee actually had versus what was shown in the records.

Software

Oracle is the parent company that owns the PeopleSoft program. The PeopleSoft program is divided into multiple "modules" depending on customer needs. Businesses "license" the right to use the programs, but do not "purchase" the programs. Businesses have the ability to select which modules they wish to license based on their specific needs and costs. Kings County chose to license the Human Resource Module and Payroll Modules in order to more efficiently track leave time and set salary schedules.

Interdepartmental delays in Human Resources, loss of key personnel in the IT Department, and Oracle's shifting of its program support from version 9.0 to version 9.2 created delays in the implementation of the payroll modules.

The county had to go through four phases to implement a tailored PeopleSoft payroll module:

> Phase 1: Due to "round the clock" working hours of departments such as the Fire Department, these schedules had to be created in the system. The standard program typically allows for normal working hours, but not for varying or extended shifts,
>
> Phase 2: Time Card implementation with de-bugging and error corrections,
>
> Phase 3: Training all County employees to use the computerized system,
>
> Phase 4: A run of the manual system and automated system simultaneously to compare and test the system.

As of January, 2016, the County had transitioned to the new version of Oracle Software, completed four payroll cycles with the PeopleSoft system, and began efforts to select a consulting company to assist with future program updates as they are released.
Throughout the course of its investigation, The Kings County Grand Jury found no basis in the complaint that an employee of the IT Department had benefitted personally or financially from either the implementation of the PeopleSoft program or by the selection of the support company contracted to assist in the tailoring of the payroll module.

FINDINGS AND RECOMMENDATIONS

Finding 1
The Grand Jury finds that factors beyond the County's control, such as employee turnover and software revisions, led to the delay in the implementation of the PeopleSoft payroll module.

Recommendation 1
None

Finding 2
The Grand Jury finds no basis in the allegation that the County was "pouring money into a system that was not operational" and further finds that the purchase of the licensing agreements from Oracle was conducted in compliance with County policy.

Recommendation 2
None

Finding 3
The Grand Jury could find no connection between the integration of the PeopleSoft program and employee turnover during the implementation phase.

Recommendation 3
None

Finding 4
The Grand Jury finds there is no personal connection between any employee of the IT Department and the company that created the PeopleSoft program,

or between IT personnel and the company contracted to assist with the transition. No one in the IT Department benefited financially or personally from PeopleSoft's implementation.

Recommendation 4
None

COMMENTS

The Grand Jury thanks those interviewed during the course of this investigation.

RESPONSE REQUIRED

None

INVITED RESPONSES

Kings County Board of Supervisors

Kings County Administrative Office

Kings County IT Department

SIGNAGE AND CODE ENFORCEMENT

SUMMARY

A city or county ordinance is a type of authoritative law, rule, or regulation made by a city or county government, as opposed to a law made by a state, province, or national government. It is intended to address issues of local concern, and applies to people subject to the cities' or counties' jurisdiction. Most ordinances are enacted by a city council or a board of supervisors, and they have the equivalent power and force of a statute.

The Kings County Grand Jury received a complaint in regards to the numerous signs located at the intersection of 10th Avenue and Highway 43. In response to the complaint, the Grand Jury decided to review code enforcement practices throughout Kings County.

BACKGROUND

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

METHODOLOGY

The Kings County Grand Jury conducted interviews with staff members of the Kings County Development Agency's Building Division and the Building Inspection Administration and Code Compliance Division.

The Grand Jury also conducted interviews with code compliance officials from the cities of Hanford, Avenal, Lemoore, and Corcoran who are responsible within their cities for conducting building inspections, enforcing codes, investigating violations, and imposing fines. In addition, the Grand

Jury also obtained documents and reviewed the codes, ordinances, zoning regulations and restrictions for the County's Public Works Department as well as those in the cities within Kings County.

Zoning

The area of concern for the complaint falls into different zones of governmental control. The west side of Highway 43 from 10th Avenue to Lacey Boulevard is the responsibility of the City of Hanford. The east side of Highway 43 falls under the jurisdiction of both Kings County and the state of California. The signage in question, depending on which side of the fence it is on, is located on state right-of-way, county property or private property.

DISCUSSION

The Grand Jury interviewed the complainant who had contacted the Code Enforcement Office at the Kings County Government Center concerning the disrepair and untidy appearance of the signs at 10th Avenue and Highway 43. The complaint further stated the call was unproductive and the complainant received no follow-up by the enforcement office.

Kings County

The Grand Jury interviewed the staff of the Community Development Agency for Kings County which is responsible for building inspections, zoning and code enforcement. Complaints received are usually by phone calls directed to the building division, which keeps logs of the complaints and then prioritizes those complaints. Complaints that are concerning health and safety concerns are given top priority and assigned to building inspectors.

Kings County Staffing

Currently in Kings County, the department is allocated two building inspectors and one permit technician to cover all new construction and complaints for the jurisdictional areas of Kings County. Prior to 2011, the Code Enforcement Division of the Community Development Agency employed code enforcement officers as well as building inspectors. These code enforcement officers were proactive in finding code violations and resolving them.

In 2011, the Kings County Board of Supervisors passed budget cuts to the Community Development Agency eliminating the positions of code

enforcement officers. As a result the responsibilities of code enforcement now fall directly to the building inspectors. Due to workloads, the resolution of complaints have become reactive instead of proactive.
Information obtained by the Grand Jury indicates that signage complaints are very time consuming and rarely acted upon unless the complaint is in regards to a health or safety issue.

The processes for handling complaints are:

- Prioritize the complaints based upon their severity
- Investigate
- Verbal Warning
- Written Citation
- Written Notice with fine attached.

Obtaining compliance to violated ordinances can takes months to resolve due to staffing shortages.

The property owners are legally responsible for code compliance of any signs on their property. Fence signs or free standing signs are problematic as to where they are positioned on the property line and if they encroach upon county or state property rights-of-way. This creates a need for coordination between city, county and state ordinances and their respective code compliance offices.

City Governments
The Grand Jury conducted interviews with city officials from Lemoore, Hanford, Corcoran, and Avenal finding similar code and signage ordinances throughout those cities. Complaints received at the city level, based on non-compliance or health and safety issues are generally directed to the law enforcement officials of those cities who make courtesy calls before starting legal action. Before issuing citations and fines, local law enforcement educates the citizens on codes that are in violation, attempting to gain compliance through verbal warnings.

FINDINGS AND RECOMMENDATIONS

Finding 1

The jurisdiction falls directly on Kings County and not the City of Hanford for the complaint received regarding signage issues at 10th Avenue and Highway 43.

Recommendation 1
None

Finding 2
In 2011, the Board of Supervisors approved budget cuts, resulting in the elimination of positions in the Code Enforcement Division of the Community Development Agency. This greatly increased the responsibility and workload of that agency's building inspectors, which has resulted in a reduction of code enforcement.

Recommendation 2
The Grand Jury recommends that the Board of Supervisors, along with the Community Development Agency revisit the budget to include using funds obtained through fines, citations, and other fees in order to either hire more building inspectors, or re-establish an allocation for code enforcement officers for the county.

Finding 3
The Grand Jury finds there is an inadequate level of communication and coordination between the code enforcement efforts of the City of Hanford with those of Kings County.

Recommendation 3
The City of Hanford prides itself on its appearance and standards; however, one of the major entrances into the city is cluttered with visually unappealing signage. The Grand Jury understands that the City has no jurisdiction as to the east side of Highway 43 at 10th Avenue; however, communication and coordination between local and county officials should be able to resolve this matter.

COMMENTS

The Grand Jury thanks all those interviewed during the course of this investigation, as well as commend the efforts of those public employees who remain enthusiastic and dedicated to the goal of improving their communities in spite of severe budgetary constraints.

REQUIRED RESPONSES

Pursuant to Penal Code, §933.(c) and §933.05, the Grand Jury requests responses from individuals and governing groups as follows:

Kings County Board of Supervisors is required to respond to findings and recommendations 2 and 3.

INVITED RESPONSES

Hanford City Council is invited to respond to finding and recommendation 3.

JOE NEVES
STRATFORD-LEMOORE,
DIST. I

RICHARD VALLE
CORCORAN -AVENAL,
DIST. II

DOUG VERBOON
NORTH HANFORD –
NORTH LEMOOORE, DIST. III

RICHARD FAGUNDES
HANFORD, DIST.V

CRAIG PEDERSEN
HANFORD-ARMONA, DIST. IV

COUNTY OF KINGS
BOARD OF SUPERVISORS

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May 10, 2016

Honorable Steven Barnes
Kings County Superior Court
1640 Kings County Drive
Hanford, CA 93230

Dear Judge Barnes,

This letter will serve as the Kings County Board of Supervisors' response to the Grand Jury report entitled "Signage and Code Enforcement." Consistent with the Grand Jury's request this response covers findings and recommendations 1, 2, and 3. In addition, the Director of the Community Development Agency findings and recommendations 2 and 3, a copy of which is attached to this letter.

Finding 1 of the report states:

> **The jurisdiction falls directly on Kings County and not the City of Hanford for the complaint received regarding signage issues at 10th Avenue and Highway 43.**

Response:

> The investigation encompasses the jurisdiction of Kings County, the City of Hanford, and the State of California. Regarding this issue many of the signs were located on the State right of way and subsequently removed by Caltrans.

Finding 2 of the report states:

> **In 2011, the Board of Supervisors approved budget cuts, resulting in the elimination of positions in the Code Enforcement Division of the Community Development Agency. This greatly increased the responsibility and workload of that agency's building inspectors, which has resulted in a reduction of code enforcement.**

Recommendation 2:

> The Grand Jury recommends that the Board of Supervisors, along with the Community Development Agency revisit the budget to include using funds obtained through fines, citations, and other fees in order to either hire more building inspectors, or re-establish an allocation for code enforcement officers for the county.

Response:

The funds obtained through fines, citations, and other fees are allocated to other vital programs within the County therefore no discretionary funding is available to fund hiring more building inspectors or code enforcement officers. As revenues become available the Board of Supervisors will take this under review.

Finding 3 of the report states:

The Grand Jury finds there is an inadequate level of communication and coordination between the code enforcement efforts of the City of Hanford with those of Kings County.

Recommendation 3:

The City of Hanford prides itself on its appearance and standards; however, one of the major entrances into the city is cluttered with visually unappealing signage. The Grand Jury understands that the City has no jurisdiction as to the east side of Highway 43 at 10th Avenue; however, communication and coordination between local and county officials should be able to resolve this matter.

Response:

The Kings County Community Development Agency and the City of Hanford work together to resolve code compliance issues by communicating any complaints received that fall within their respective jurisdiction. As was the case regarding many of the signs within this complaint, compliance issues that fall within the State right of way are reported to Caltrans – Office of Outdoor Advertising.

Our agency will continue to resolve code compliance issues with the established prioritization method of assessing the severity of the complaint and determine whether it is a matter of public health, life or safety. If this is determined to be the case the complaint is investigated immediately. All other complaints are investigated as staff time allows.

In closing, the Board of Supervisors appreciates the concern raised by the Grand Jury and thanks them for their findings and recommendation related to signage and code enforcement.

Sincerely,

Doug Verboon

Doug Verboon
Chairman, Board of Supervisors

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Health and Education

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ADVENTIST HEALTH BIRTH CENTER

SUMMARY

The Kings County Grand Jury was made aware of the opening of the Adventist Health Birth Center in Hanford. It was decided that a visit to the facility was warranted.

BACKGROUND

The Grand Jury was invited to visit the Birth Center.

METHODOLOGY

The Kings County Grand Jury toured the Adventist Health Birth Center. The Grand Jury also obtained information from the internet.

(Photo Credit: https://www.adventisthealth.org/central-valley)

DISCUSSION

<u>Birth Center</u>
Hanford Family Birth Center opened on March 6, 2016. The new birth center is a 49,000 square foot facility which cost $45,000,000 to build.

The Grand Jury was given a tour of the Birth Center facility which is connected to the Adventist Health Center by a corridor, thus facilitating the ease of movement between the two facilities.

There is a beautifully landscaped center courtyard visible when entering the Birth Center which features several statues. It was noted by the Grand Jury that visitors were in the courtyard enjoying the statues as well as the courtyard in general at the time of the tour.

A member of the administrative staff led the tour for the Grand Jury and discussed the use of each section of the facility.
The features of the new facility include:

- 10 beds for labor and delivery
- 16 beds for after delivery
- 4 rooms for evaluation
- 6 neonatal intensive care beds with Valley Children's Healthcare
- New equipment and technology
- Two operating rooms

The facility is well designed inside and out with primary consideration given to the comfort and wellbeing of all patients. All rooms are private with ample space for family or caregiver including a couch on which to rest and/or sleep. Each room has a view of the outside of the facility or to an inside landscaped courtyard.

Following the birth, the baby stays with the mother during her stay in the hospital, except in case of medical treatment needed for the baby. For a birth without complications, the mother and child generally stay in the Birth Center for 24 to 36 hours. For Caesarian Sections or complicated births the stay is as long as the doctor orders.

Staffing
A doctor, midwife, registered nurse and anesthesiologist are on duty 24 hours a day 7 days a week. There are six neonatal intensive care beds which are staffed by Valley Children's Healthcare personnel also 24 hours a day 7 days a week.

Security
The Birth Center has a security team which has members on duty at all times. A security station is located at the main entrance and has a "state of the art" monitoring system which provides complete information regarding patients. These monitoring systems are also located at each nurses' station.

Each baby wears a wristband with a built in monitor. If the baby is removed from the assigned room unexpectedly, an alarm sounds and all Birth Center doors are locked while all members of the staff investigate.

An alarm sounded while the Grand Jury was on the tour which provided an opportunity to witness how staff handled a possible emergency. A monitoring system displayed the area of the problem which showed the security team member where to go to investigate while all entrances were manned by staff members.

Naval Air Station Lemoore

Naval Air Station (NAS)-Lemoore has contracted with Adventist Hospital to provide the use of the Birth Center for their patients and has its own medical staff assigned to the facility. The NAS-Lemoore medical staff will also provide medical services to nonmilitary patients if necessary.

FINDINGS AND RECOMMENDATIONS

Finding 1

Adventist Health is to be commended for the design and construction of this outstanding facility.

Recommendation 1

None

Finding 2

The birthing needs of Kings County are met by a complete medical team on duty at all times. Prior to the building of this facility, birthing needs were handled on an "on-call" basis.

Recommendation 2

None

Finding 3

Birthing care is greatly enhanced through its partnerships with NAS-Lemoore and Valley Children's Healthcare.

Recommendation 3

None

COMMENTS

The Kings County Grand Jury thanks the staff of the Adventist Health Birth Center for the tour and information. The Grand Jury was also impressed not only with the facility but also the attitude of members of the staff with whom contact was made.

CITY OF LEMOORE RECREATION CENTER

SUMMARY

The Kings County Grand Jury was made aware of the Lemoore Recreation Center located at 721 West Cinnamon in Lemoore and the tremendous use of the building by residents of the city. It was decided that a visit to inspect the facility was in order.

BACKGROUND

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…"

METHODOLOGY

The Kings County Grand Jury toured the Lemoore Recreation Center located at 721 West Cinnamon in Lemoore to see the facility and examine the many uses offered to the community. The Grand Jury was given a tour of the facility including the large main area which houses an indoor soccer field, basketball courts, boxing ring, walking track and padded gymnastics area. There are also facilities which include a child care area, commercial kitchen, air rifle/archery range, Crossfit physical training area, dance room and multimedia conference room and also an area which is rented to the Kings Community Action Organization (KCAO) for storage of food for the community food bank. All or part of the facility can be rented for private events at a very reasonable fee.

A member of the administrative staff led a tour of the facility for the Grand Jury and discussed the use of each section of the facility. The Grand Jury was impressed not only with the facility but also the attitude of members of the staff who encourage use of the facility.

Members of the Grand Jury were given copies of the 60 page information booklet (2016 Recreation Guide) which is distributed by mail to every household with a 93245 zip code. This publication explains in depth each activity offered by the department.

Officials at the Lemoore City Hall provided budget information as well as financial history relating to the Recreation Center.

DISCUSSION

The Lemoore Department of Recreation's mission statement is: "To strengthen and enrich our community by creating recreational areas and programs, promoting events and making the public aware of all that the City of Lemoore has to offer." In addition to the Recreation Center, the Parks and Recreation Department also maintains and operates seven parks, the Civic Auditorium and the Veterans Hall.

The Lemoore City Council has the overall responsibility for the Parks and Recreation Department. The city of Lemoore also has a Lemoore Parks & Recreation Commission (consisting of seven commissioners who volunteer their time) which provides the residents of Lemoore a voice in the city's Parks and Recreation Department. The commission is actively involved in the day-to-day operations of the department.

The building which is now used as the Lemoore Recreation Center was originally built to house a large commercial business which went out of business. The city of Lemoore purchased the facility for 2.5 million dollars in 2002 and later sold half of the facility for 1.7 million dollars. The remaining section of the facility was turned into an indoor recreation multi-use building.

As stated in the 2016 Recreation Guide, the many features of the Recreation Center include:

- Indoor Soccer Field
- Boxing Ring
- Basketball Courts
- Dance Room
- Multimedia Room
- Indoor Playground
- Indoor Walking Track
- Crossfit Physical Training Room
- Air Rifle/Archery Range
- Commercial Kitchen

- Summer Day Camp Room/Area

Most of these facilities can be used at the same time which permits different interest groups to use the center concurrently. The staff is very encouraging and works to facilitate as many activities as possible.

Each activity is scheduled at a time to meet the needs of the majority with the times being published. The most nonrestrictive time is for the open walking track which is available Monday through Friday from 7:00 AM to 8:30 PM.

FINDINGS AND RECOMMENDATIONS

Finding 1
It appears farsighted of the city of Lemoore to purchase the facility located at 721 West Cinnamon in Lemoore at the time when it was vacant.

Recommendation 1
None

Finding 2
The staff at the Recreation Center is dedicated to offering a quality recreation program which is of great benefit to the community.

Recommendation 2
None

Finding 3
The 60 page publication (2016 Recreation Guide) distributed to the residents of Lemoore and is an effective means to communicate the offerings and benefits of the recreation department.

Recommendation 3
None

COMMENTS

The Kings County Grand Jury thanks the staff of the Lemoore Recreation Department's Recreation Center for the tour, information and publication.

RESPONSE REQUIRED

None

INVITED RESPONSES

City of Lemoore Recreation Department

Lemoore City Council

CORCORAN HIGH SCHOOL

SUMMARY

The Kings County Grand Jury was made aware of the Technology Learning Center located on the campus of Corcoran High School and decided that a visit to the facility should take place. The visit by the Grand Jury was expanded to include the entire campus with emphasis on the master plan for the improvement of most campus facilities. The Grand Jury was impressed not only with the campus improvements but also the atmosphere on the entire campus as displayed by both students and staff.

BACKGROUND

The Grand Jury decided that it was important to understand the technology facility that was built at Corcoran High School because of its being considered a "state of the art" building and program.

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 toured the campus of Corcoran High School to observe the learning environment and interactions of the education technology between teachers and students. The Grand Jury was given a tour of the campus including the auditorium, kitchen and campus improvements. A member of the administrative team discussed the overall plans for the campus including a multi- year restoration of the campus. It was explained that the District's plan was to restore the exterior of the school during the current year and restore the interior during the 2016 calendar year. The District had already restored the school's auditorium.

DISCUSSION

The first meeting to discuss the possibility of establishing a high school in the southeast portion of Kings County was held in January of 1909. A grammar school had begun several years before, but after completing eighth grade, students had to travel to Tulare if they wanted to attend high school.

A petition to form a high school district was presented to the Kings County Superintendent of Schools on August 12, 1912. Corcoran High School was opened on August 28 of the same year with a staff of two. The High School boundaries were the same as the Corcoran Elementary District. Commencement exercises were held for the first graduating class on June 4, 1914, with three students as graduates.

A bond was issued in 1913 for the construction of a new high school on a ten acre site south of Whitley Avenue. The new facility was opened for classes for the 1914-1915 school year. The buildings used for the high school were declared unsafe in 1937 and a new structure was approved. Construction began in October of 1938 and the building was opened for the 1939 school year. This building continues to be used as the main school facility.

Additional facilities were added as more students enrolled and Corcoran grew. Currently the School District has approximately 3,300 students enrolled in grades K-12 with 845 students enrolled in grades 9-12.

The members of the Grand Jury appreciated the opportunity to have a discussion with a very knowledgeable member of the Corcoran High School administrative team. This provided an opportunity to learn about the school which included the goals for improvement of the physical facility. It was also pointed out that many of the current staff were graduates of the school and grew up in Corcoran. There is a great deal of loyalty to both the school and community.

A tour of the campus allowed the Grand Jury the opportunity to see the campus firsthand and Grand Jurors were impressed with how clean the campus appeared. It also allowed the opportunity to observe students who were not in class. Each of the students had a “hall pass” and was out of class legally. It was noted that both students and staff were very friendly and helpful during the visit. Corcoran High School also has a School Resource Officer who works with campus security and safety.

The school’s auditorium has had extensive work done to restore it to a state of pride. Emphasis has been put back on the areas of music and drama and these programs will utilize the auditorium.

The Grand Jury was also shown the kitchen where all food services are coordinated. This facility was very impressive with great care taken to follow all health regulations.

The Technology Learning Center is utilized by the entire community and is often scheduled for use by various community groups in addition to use by the school.

The Technology Learning Center is a 22,000 square foot facility equipped with eight multi-use classroom projectors, high-definition LCD panels, document cameras, video conferencing systems, Apple MacBook carts with an average of 30 laptops each, a Mac lab with 32 Apple MacPro workstations and a full wireless network with 16 access points.

Corcoran High School appears to be on the cutting edge with the availability of a computer for every student. Three staff members make up the technology team and provide help and repair service to students as needed.

The school has also started a very active after-school program or eighth period. A wide variety of classes are offered to students who are willing or have to stay at school because of transportation issues after the regular classes have ended for the day. These eighth period classes range from courses offered by the local community college to classes of special interest. These classes are in addition to the regular athletic programs offered.

FINDINGS AND RECOMMENDATIONS

Finding 1
There is a great deal of loyalty at Corcoran High School by both students and staff.

Recommendation 1
None

Finding 2
The Corcoran Joint Unified School District has developed a master plan to refurbish both the interior and exterior of the school.

Recommendation 2
None

COMMENTS

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

REQUIRED RESPONSES

None

INVITED RESPONSES

Corcoran High School Principal

Corcoran Joint Unified School District Board of Trustees

HANFORD WEST HIGH SCHOOL BASEBALL

SUMMARY

The 2014-2015 Grand Jury received an anonymous complaint which asserted that the Hanford West High School (HWHS) varsity baseball team was in violation of recent California legislation Assembly Bill 1575 (AB 1575) by charging HWHS students to "pay-to-play" summer club baseball. Specifically, the anonymous complaint made the following charges:

- Fees for summer baseball were paid directly to the club ball coach;
- The summer/fall club ball program was being operated under the umbrella of HWHS and was not a private baseball program;
- Students were required to participate in summer baseball in order to play on the HWHS varsity baseball team;
- Student baseball players who wanted to participate in summer ball were required to pay a fee to do so;
- Student baseball players were also required to participate in fundraising in order to play on the HWHS baseball team.

(Note: At the time of the 2014-2015 Grand Jury investigation, the HWHS coach was also the club ball coach).

The 2014-2015 Grand Jury investigated the anonymous complaint and made the following findings:

- Paying summer baseball fees directly to the coach was not a violation of AB 1575 because the summer club ball program was not affiliated with the HWHS baseball program;
- Summer league student baseball players were not required to participate in summer baseball in order to play HWHS varsity baseball;
- Fundraising was not required of student athletes as a precondition to playing HWHS varsity baseball.

The only recommendation made by the 2014-2015 Grand Jury was that parents should be made more aware of the distinction between the HWHS baseball program and the local youth summer baseball program. The 2014-

2015 Grand Jury also suggested that the anonymous complainant file a written complaint with the upcoming 2015-2016 Grand Jury.

A second complaint, which was written and signed, was filed with the 2015-2016 Grand Jury. A second investigation was then conducted by the 2015-2016 Grand Jury. The 2015-2016 Grand Jury made the following findings upon the completion of its investigation:

- HWHS student baseball players were not required to participate in summer ball in order to play HWHS varsity baseball;
- HWHS baseball players and parents were not required to participate in fundraising as a condition of playing HWHS varsity baseball;
- Payment of fees directly to the summer ball baseball coach did not violate AB 1575 because the summer baseball program was a private program and was not affiliated with the Hanford Joint Union High School District.

The only recommendation made in the 2015-2016 Grand Jury report was that all future communications regarding the activities of the HWHS baseball program should clarify that all HWHS fundraising efforts are entirely voluntary and not a factor in a player's ability to play HWHS varsity baseball.

BACKGROUND

The 2014-2015 Kings County Grand Jury received an anonymous complaint which asserted that the Hanford West High School baseball team was in violation of the "Williams Act" by charging student athletes to "pay to play" baseball. *(Note: There is no Williams Act. The anonymous Complainant was likely referring to the 2004 case of Williams vs California).* As a result of the Williams Case, the California Legislature enacted AB 165 which was amended by AB 1575 in 2012. The primary goal of AB 1575 was to identify, eliminate and prevent the charging of student fees for school activities in violation of a student's constitutional right to a free public education. This legislative enactment prohibited public schools from imposing fees on students for their participation in both curricular and extracurricular activities such as the Hanford West Baseball Program. AB 1575 prohibited charging students for necessary equipment and supplies to participate in school-sponsored sports activities. It specifically did *not*

prohibit schools, classes, sports teams or clubs from voluntarily participating in fundraising activities to raise money for such activities.

A second complaint, properly signed, was submitted to the 2015-2016 Grand Jury which initiated its own investigation into the 2014-2015 complaint. The second complaint also alleged that the HWHS baseball coach was improperly charging students $100 to play in the summer club ball program with all such fees to be paid directly to the coach by cash or check. It also accused the coach of requiring any player who was interested in playing HWHS varsity baseball to participate in summer club baseball and to attend a minimum of 70% of the summer baseball games and practices.

According to the complaint, the summer baseball coach had improperly linked the summer ball program to the HWHS baseball program by charging student players $100, by requiring that they also play summer ball and attend at least 70% of all summer ball games and practices. The complaint also asserted that the summer baseball coach had further mandated that those players either participate in fundraising or purchase certain necessary items.

The 2014-2015 Grand Jury made the following findings:

- It was not improper for the coach to request and receive fees for the expenses of the summer baseball league as club ball (summer and fall) was not a school-sponsored activity.
- Student athletes were not required to participate in summer league baseball in order to play for the HWHS baseball team.
- Fundraising was not mandatory and was not required in order for a student to play on the HWHS baseball team.

METHODOLOGY

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. . ."

The 2015-2016 Grand Jury interviewed staff members of the Hanford West High School Athletic Department and administrative staff of the Hanford Joint Union High School District. Pertinent documents and records were also reviewed by the Grand Jury.

DISCUSSION

As recently as 2013, HWHS baseball players were strongly encouraged to participate in summer club baseball if they were interested in starting the season with the Hanford West varsity baseball team. The 2013 Summer Schedule of games included the following statement*: "Also, if a player is interested in starting the season with the varsity squad, they must attend a minimum 70% this summer (which includes practices)."*

The HWHS Huskies Baseball Program Monthly Schedule for 2013 also included the following language: *"While we cannot set mandatory attendance for out-of-season dates (i.e. summer and fall baseball, they can be used to determine proper assessment of a player. If a player chooses not to participate in our summer and fall programs, he is choosing not to be assessed by our coaching staff. Remember, varsity athletics, as per our district handbook, is a privilege and not a right"*. Therefore, it is apparent that participation in summer ball was strongly encouraged as a means of enhancing a player's chances to start the HWHS baseball season as a member of the HWHS varsity squad.

According to members of the HWHS Athletic Department, the "70% percent" summer ball requirement was deleted from the HWHS Program Rules when the legislation prohibiting schools from charging students fees to participate in either curricular or extra-curricular activities was enacted. Members of the HWHS athletic department also emphasized that the opportunity to play on the high school's varsity squad was largely dependent on the student player's performance during try-outs. New freshmen players, in particular, could be selected for the HWHS varsity team based upon the quality of their try-outs. Players who did not initially "make the cut" to play on the varsity team could qualify for the HWHS junior varsity team with the goal of advancing to the varsity squad over time and with improved skills. Players could also play on other club ball teams with various coaches as a means of qualifying for the HWHS varsity team. Additionally, the selection of players for the varsity baseball team was not made by any one baseball coach in particular: numerous "evaluators" were involved in those decisions.

<u>Discontinuation of Club Ball</u>
The current HWHS coaching staff intends to integrate aspiring HWHS baseball players into various fall and summer teams and club teams from

both within and without the local area with the goal of exposing them to a broader learning and training experience.

Mandatory Participation in Fundraising

As a result of the enactment of AB 1575, student players and their parents could no longer be required to participate in fundraising to support sports teams such as the HWHS baseball program as a condition of being able to play on such teams. However, AB 1575 did not prohibit fundraising activities nor did it prohibit providing prizes for voluntary participation in such fundraising activities, or the imposition of certain fees:

> *"This bill would provide that this prohibition is not to be interpreted to prohibit solicitation of voluntary donations, voluntary participation in fundraising activities, of school districts, schools, and other entities from providing pupils prizes or other recognition for voluntarily participating in fundraising activities and should not be interpreted to prohibit the imposition of a fee, deposit, or other charge otherwise allowed by law".* (AB 1575 Legislative Counsel's Digest)

Participation in HWHS fundraising, such as operating the snack bar, selling banner ads and Christmas trees, which were crucial for making enough money to buy uniforms and equipment, was voluntary, not mandatory. Parents were urged, for example, to be snack bar workers, or to provide new and different foods for sale at the snack bar during games, instead of the usual hot dogs and nachos. No information provided to or obtained by the 2015-2016 Grand Jury indicated that the participation of HWHS baseball players or their parents in fundraising efforts for the baseball team was other than voluntary.

Payment of Summer and Fall Club Ball Fees Directly to the Club Ball Coach

For a period of time, and as recently as 2014, parents' payments for participation in summer and fall club ball were made directly to the club ball coach either by cash or check. Since those club ball programs were private, payment could not be made through any HWHS fiscal account. The coach would figure out the total costs for umpires, equipment, tournaments and games then divide the total costs among the players. Since the operation and activities of the summer and fall club baseball leagues were not sponsored by, nor under the purview of Hanford West High School or Hanford Joint

Union High School District, the payment of fees directly to club ball coaches for participation in those activities was not prohibited by AB 1575.

FINDINGS AND RECOMMENDATIONS

Finding 1

The ability of a student baseball player to qualify for the HWHS varsity squad was not solely determined by the player's participation in summer club ball. A number of other factors, such as try-outs, were key in the selection of players to the varsity team. The investigation of the 2015-2016 Grand Jury did not substantiate that any aspiring HWHS player was prevented from playing HWHS varsity baseball based solely upon his failure to attend 70% of summer club ball or that the HWHS Athletic Department was in violation of AB 1575.

Recommendation 1

Since there is no further summer club ball involving HWHS players planned, there is no recommendation for the ensuing HWHS baseball season.

Finding 2

The 2015-2016 Grand Jury concurs with Finding 3 of the 2014-2015 Grand Jury that HWHS baseball players and their parents were not required to participate in fundraising as a condition to playing on the HWHS varsity baseball team. The Grand Jury further finds that the HWHS Athletic Department did not mandate fundraising in violation of AB 1575.

Recommendation 2

All written communication, such as game schedules, updates, communication to parents and booster clubs, should clarify that all fundraising efforts are voluntary and will not be considered as a factor in the ability of HWHS students to play varsity baseball.

Finding 3

The direct payment of fees to a summer and fall club ball coach did not violate AB 1575 or any HWHS policy or regulation insofar as the club ball program did not operate under the auspices of the Hanford Joint Union High School District policies, but was a private, non-public organization.

Recommendation 3
None

COMMENTS

The Grand Jury thanks all those who provided information regarding this inquiry.

INVITED RESPONSES

Hanford Joint Union High School District Board of Trustees

INDEPENDENT LIVING PROGRAM

SUMMARY

The Independent Living Program (ILP) advocates for barrier-free access and equal opportunity for young adults with disabilities to participate in community life. The program examines strategies to achieve employment for youth with chronic health issues. The ILP provides links to information, accessibility, assistive technology and other resources that contribute to living independently.

The goal of the ILP is to teach moderate to severely disabled students independent living skills as they transition from high school to adulthood.

BACKGROUND

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 staff of the Special Education Department of the Kings County Office of Education, toured the adult transition programs at the ILP campus in which a presentation was given followed by a question and answer period. The Grand Jury also utilized pertinent websites and pamphlet information.

DISCUSSION

The Independent Living Program (ILP) is facilitated by the Shelly Baird School as part of the Special Education Department under the umbrella of the Kings County Office of Education. The Lemoore ILP campus is located in the multi-purpose building of the Kings County Office of Education Support Services at 876 D Street, Lemoore. The Hanford ILP campus is at the Shelly Baird School located at 959 Katie Hammond Lane, Hanford.

The overall purpose of the ILP program is to assist individuals with disabilities throughout each stage of their lives to become productive members of the community. The program consists of six phases which are

designed to encompass every level of behavioral and mental development. These phases are conducted through the local services of the Central Valley Regional Center, Shelly Baird School, and the Individualized Education Program.

The Adult Transition Phase of the ILP is designed to provide educational opportunities and support for adult students with disabilities. These students are typically young adults between 18-22 years of age who have attended high school but have not earned enough credits to receive a high school diploma.

Central Valley Regional Center

The Central Valley Regional Center (CVRC) provides diagnosis and assessment of the student's disability in order to determine his/her eligibility for programs offered by the CVRC and other program providers. These programs are intended to coordinate, monitor and support the individual from birth to end of life. Following are some of the services provided by the Regional Center:

- Information and referral
- Counseling
- Life-long individualized planning
- Advocacy for the protection of legal, civil and service rights
- Planning, placement and monitoring for 24 hour out-of-home care
- Outreach/community education about developmental disabilities

Individualized Education Program

Designed for each student, the Individualized Education Program (IEP) emphasizes functional skill areas which include language and communication development, pre-academic/academic skills, social skills, community interaction, daily living skills, vocational skills, leisure and recreation. The student may receive related services as needed, such as adapted physical education, vision support, hard-of-hearing support, occupational therapy, speech therapy, physical therapy, and assistive technology services. The parent has the option of his or her child to be enrolled in the IEP; there is no legal requirement after the age of 18.

For example, a student enrolled in the Shelly Baird School program has gone through a battery of tests and evaluations to determine his/her level of

learning ability and motor skills. Each student is evaluated annually with the IEP review, always striving for the least restrictive placement. There is also a three-year assessment in which all the team specialists conduct a conference meeting together with the parents, to assess goals.

Independent Living Program

The mascot of the ILP is the eagle and its motto is "SOAR":

S = Safety
O = Opportunities
A = Act responsibility
R = Respect

ILP students at the Lemoore Center are adults aged 18-22 with moderate disabilities. The instruction is based on the cognitive level of understanding and is not solely focused on the standard educational subjects of math or reading. This allows the program to focus on life skills rather than typical academics. The staff is highly trained and gives the students opportunities to learn life skills for a smooth transition into adulthood.

The class day is 8am to 2pm with half-days two Wednesdays per month. Typical weekly activities in learning to be independent are many and vary from one week to the next. These activities may include:

- Grooming/hygiene
- Knowing the calendar/weather/time
- Interacting appropriately with strangers, acquaintances and family
- Going to the stores and buying items for self or gifts
- Planning menus and buying ingredients to prepare food as well as cleaning of the work area
- Serving the community by selling cookies and lunch to the staff of the Kings County Office of Education, delivering the food they prepare and collecting payment
- Learning socialization skills such as enjoying music or dancing, bowling and attending movies
- Learning how to navigate transportation services such as the Kings Area Rural Transit (KART)
- Touring community colleges
- Interacting with animals at the various animal shelters

In addition to the activities provided through the Independent Living Program to the students, there are several community organizations which support various events throughout the year and invite the ILP students to participate.

These events include participating in the Special Olympics, Easter egg hunts, Christmas events, Halloween parties, and other seasonal celebrations. City and county fire departments also give instruction on safety and the Sheriff's Office gives demonstrations of its K-9 Unit.

Students usually graduate from the ILP at the age of 22. Some graduates may choose to receive services from the Department of Rehabilitation which may include job placement and vocational training. Other graduates may attend college courses offered by Fresno State or Taft College, while others may elect to contact the Job Training Office to help find employment.

Most of the students of the ILP obtain jobs with local businesses within the community. These jobs are funded through the Workability Program and in some cases the students are hired by the employer as a result of this program after graduation.

FINDINGS AND RECOMMENDATIONS

Finding 1

The Adult Transition Program of Independent Living gives educational opportunities and support for young adult students with disabilities 18-22 years of age, who have not received a high school diploma. It is specifically designed instruction which focuses on daily living, community skills and post-secondary education in local colleges, thus meeting the unique needs of the individuals with exceptional requirements.

Recommendation 1

None

Finding 2

The kitchen at the ILP facility is small, even though a large part of the students' living skills involve cooking programs. The staff voiced concern about the size of the kitchen and expressed the need for a larger kitchen area with more appliances and storage.

Recommendation 2
The Kings County Office of Education should consider incorporating into its budget a much-needed and larger remodeled kitchen for the ILP students.

Finding 3
The staff facilitating the ILP program is dedicated, caring and hard-working and is to be congratulated for outstanding service to their students and the Kings County community.

Recommendation 3
None

COMMENTS

The Kings County Grand Jury appreciates the opportunity to tour the Independent Living Program's facility and thanks the staff and students for their hospitality. It was evident to this Grand Jury that they lived up to their motto, "We aren't special education teachers; we are teachers who work with special kids."

REQUIRED RESPONSES

Pursuant to Penal Code, §933.(c) and §933.05, the Grand Jury requests responses from individuals and governing groups within 90 days as follows:

Kings County Superintendent of Schools

ILP Program Director

Kings County Office of Education

Tim Bowers - County Superintendent of Schools

Kings County Board of Education	Area 1	Area 2	Area 3	Area 4	Area 5
	Mickey Thayer	*Mary Gonzales-Gomez*	*Mike Robinson*	*William Gundacker*	*Rachel Caudillo*

To: Steven D. Barnes, Presiding Judge

From: Tim Bowers, Kings County Superintendent of Schools

Re: Response to Grand Jury Report of the Independent Living Program operated by the Kings County Office of Education.

Date: May 24, 2016

The Grand Jury's visit resulted in a report consisting of three findings. Only Finding #2, had a recommendation, "The Kings County Office of Education should consider incorporating into its budget a much-needed and larger remodeled kitchen for the ILP students." It should be noted that the current facility has certain space restrictions and configuration that would be difficult to overcome to enlarge the kitchen. However, in the future if the ILP program relocates, larger more efficient kitchen facilities will be a consideration when selecting the location.

1144 W. Lacey Boulevard, Hanford, California 93230 Telephone 559.584.1441 Fax 559.589.7000 www.kingscoe.org

KINGS RIVER-HARDWICK ELEMENTARY SCHOOL

SUMMARY

The Grand Jury visited Kings River-Hardwick Elementary School because of general interest. Kings River-Hardwick Elementary is a charter school. The Mission Statement reads, "It is the mission of the Kings River-Hardwick School District to ensure that all students acquire the knowledge, skills, and attitudes necessary to realize their full potential and become productive citizens.

In addition, the District acknowledges the central role of the school in the rural community, and is committed to developing a spectrum of education, cultural, and social programs and services to respond to the needs of our communities and equal to the challenges of the next century."

BACKGROUND

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…"

METHODOLOGY

The Kings County Grand Jury toured the campus of Kings River-Hardwick Elementary School. Additional information was obtained from the school website. The tour included the playground, library, music room, audio visual center, cafeteria and several classrooms.

DISCUSSION

"The Kings River School District was created September 17, 1860, well before the formation of Kings County itself (established in 1893). In 1879, a wooden building was constructed on the present site; this existed until 1898 when it was replaced by a multi-room brick building. In 1914, a "U-shaped" building of brick and stucco was constructed, and in 1923, a multi-use building and additional classrooms were added. An earthquake seriously damaged the school in the summer of 1952, and, after a successful bond election in 1953, the existing school was constructed with 170 students enrolled." (Source: Kings-River Hardwick Website) Eventually the

neighboring schools of Excelsior, Hardwick and Wayne School underwent unification with Kings River.

Kings River-Hardwick is situated on 27 acres. There are 17 permanent classrooms, 20 portable classrooms, four sets of restrooms, a cafeteria, one art room, one library, three computer labs, one learning center, one music room, one staff lounge and one staff work room.

Current enrollment is 794 students as well as 17-18 preschool children. When there is an opening, it is quickly filled as there is a waiting list of students desiring to attend Kings River-Hardwick. The staff and teachers take pride in their school. Each student is known by name to the staff and is given positive reinforcement. In return, the students enjoy going to school. The number of students who cut or skip school is presently zero.

The school is divided into quadrants and there are two separate playgrounds: one for younger students (grades pre-K through 6) and the other for older students (grades 7 and 8). The Grand Jury observed children going between classes in an orderly manner. There are five aides outside during recess and should a problem arise between students, the vice-principal is quickly in front of the situation.

Safety is taken seriously at Kings River-Hardwick. The School Resource Officer is a Kings County Deputy Sheriff stationed at the school. Each classroom is equipped with a lock block on the inside of the door. Opening the door from the outside is impossible when the lock block is engaged.

The library is impressively decorated with murals drawn by the current librarian. It is well stocked and welcoming and E-books will be available in the future. Grades 1-6 students also have a 30-minute interactive telecommunication presentation available to them.

Students may learn to play bells, drums or other instruments, which are provided by the school and maintained in a student-accessible music room. The bell choir will be giving a performance for the Hanford Historical Society during the 2016 Christmas season as well as other organizations throughout the school year.

On the day of the tour, the Grand Jury visited a computer lab that houses 36 computers. The students were assigned to write a paragraph while the teacher taught them computer processing as well as writing skills.

There is also an after-school program which includes tutoring, athletic programs and provides "late buses" for the students who participate in those activities.

FINDINGS AND RECOMMENDATIONS

Finding 1
The Kings River-Hardwick Elementary School is a well run school with an exceptional staff and a well mannered student body that is there to learn in an encouraging environment.

Recommendation 1
None

Finding 2
The Kings River-Hardwick School offers a variety of music (choir, band and hand-bell choir), art and computer courses that are designed to enhance the students' fine arts education.

Recommendation 2
None

COMMENTS

The Kings County Grand Jury thanks the staff for the tour and information.

REQUIRED RESPONSES

None

INVITED RESPONSES

Kings River-Hardwick Elementary School District Superintendent

Kings River-Hardwick Elementary School District Board of Trustees

LEMOORE ELEMENTARY SCHOOL

SUMMARY

The 2015 – 2016 Kings County Grand Jury visited the Lemoore Elementary School (LES) which is part of the Lemoore Union Elementary School District because of general interest.

BACKGROUND

The 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 Lemoore Elementary School, conducted interviews and toured the campus. Additional information was obtained from the school's website.

DISCUSSION

The school's Mission Statement reads: "Lemoore Elementary School ensures all students will learn to their fullest potential." The LES Vision Statement states:
"Lemoore Elementary School will:

- Establish high expectations for all students and provide the support required to meet these expectations
- Provide a productive environment that fosters success skill by skill, student by student
- Commit to working collaboratively with staff and families."

Lemoore Elementary School is the oldest school in the Lemoore Union Elementary School District which includes Cinnamon, Meadow Lane and P.W. Engvall elementary schools, Liberty Middle School and University Charter School.

Lemoore Elementary School has three distinct permanent buildings and play areas. They are traditionally called Washington, Lincoln and Jefferson Buildings. Lemoore Elementary is the original school for Lemoore and is situated on 17 acres. The school currently serves approximately 596 prekindergarten through sixth grade students but has a capacity for 840 students. There is a staff of 52, of which 27 are teachers. The only administrative position is that of the Principal, who has no administrative support staff, such as an assistant principal.

The Grand Jury was informed that there is a real need for paid support staff in prekindergarten to help the certificated teachers prepare these students to enter kindergarten. Unpaid volunteers are currently used for these support roles in prekindergarten; however, volunteers are not always available on a regular basis.

During the tour, the Grand Jury was made aware of the security measures in place at the school. There is a lockdown system in place to address security concerns. If there is a threat, all doors are locked and will not be opened until the all-clear is sounded by authorities in charge. The entire campus is fenced which provides an additional safety feature.

FINDINGS AND RECOMMENDATIONS

Finding 1
The dedication of the entire staff was impressive.

Recommendation 1
None

Finding 2
There is a need for additional paid employee support staff in the prekindergarten to help the certificated teachers prepare students for kindergarten.

Recommendation 2
Add additional staff as the district budget will allow.

Finding 3
Additional administrative positions, such as an assistant principal, are also needed.

Recommendation 3
Add an assistant principal position as the district budget will allow.

Finding 4
All teachers and teacher aides interacted well with students.

Recommendation 4
None

COMMENTS

The Grand Jury thanks all those interviewed during the course of this investigation. The Grand Jury was impressed with the quality and dedication that the entire staff displayed. The student body was also impressive with their commitment to achieving a quality education.

RESPONSE REQUIRED

Pursuant to Penal Code, §933.(c) and §933.05, the Grand Jury requests responses from individuals and governing groups within 90 days as follows:

Lemoore Union Elementary School District Board of Trustees

Lemoore Superintendent of Schools

INVITED RESPONSES

Lemoore Elementary School Principal

Teaching • Learning • Inspiring

Lemoore Union Elementary School District

Board Members: Stephen Todd, Tim Wahl, Jim Inglis, Ed Mendes, Joette Sperlich
Richard Rayburn, Superintendent
Cheryl Hunt, Assistant Superintendent

"Building the Foundation for Success"

June 1, 2016

Honorable Steven D. Barnes
Kings County Superior Court
1640 Kings County Drive
Hanford, CA 93230

Dear Judge Barnes:

In accordance with Section 933(c) of the California Penal Code, this letter is the Lemoore Union Elementary School District's response to the Grand Jury report entitled "Lemoore Elementary School" received May 27, 2016.

Finding 1:
The dedication of the entire staff was impressive.
Recommendation 1:
None
District Response:
None

Finding 2:
There is a need for additional paid employee support staff in the prekindergarten [aka transitional kindergarten, or TK] to help the certificated teachers prepare students for kindergarten.
Recommendation 2:
Add additional staff as the district budget will allow.
District Response:
Although district revenue plays a significant role in determining how much and what type of staff is funded, the most significant determiner for staffing is need. We have surveyed staff and parents regarding priorities for spending, and first on the list is reading specialists for the elementary schools followed by physical education teachers for the elementary schools. Support staff for TK alone is not a priority nor is there a significant need. Our TK teachers are ably supported by parent/guardian volunteers, and they do an outstanding job preparing our children for kindergarten.

Finding 3:
Additional administrative positions, such as an assistant principal, are also needed.
Recommendation 3:
Add an assistant principal position as the district budget will allow.
District Response:
The board of trustees and district administration have discussed the possibility of restoring assistant principals to the elementary schools. Current and projected revenue does allow such an expenditure.

Sincerely,

Richard Rayburn, Superintendent

1200 West Cinnamon Drive • (559) 924-6800 • FAX (559) 924-6809
Mailing Address: 100 Vine Street • Lemoore, CA 93245
On the Web: www.luesd.k12.ca.us

SIERRA PACIFIC HIGH SCHOOL

SUMMARY

Sierra Pacific High School is the newest public high school in Kings County and had not been visited by the Kings County Grand Jury since its first year of operation when only ninth grade students were enrolled. Since then, there have been three graduating classes and the Grand Jury felt it was time to revisit the school.

BACKGROUND

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 toured the campus of Sierra Pacific High School to see the condition of the campus as the school had been open since the 2009-2010 school year and has had three graduating classes. The 2009-2010 Grand Jury visited the campus during its first year of operation when there were only ninth grade students enrolled. Members of the administrative team discussed every facet of the school's operation with the 2015-2016 Grand Jury and answered all questions before the members of the Grand Jury spent time visiting preselected classes. The entire campus was viewed as classes were visited.

DISCUSSION

Because of the population growth in the Hanford Joint Union High School District attendance area, a third high school in the district was needed to house the increasing number of students being enrolled. The district administration planned well in advance for the needed first phase funding for the new high school. Members of the community were involved in every area including the location of the school, design of the campus, mascot and school colors.

As stated in the 2009-2010 Grand Jury report,

> "The Hanford Joint Union High School District had not built a new high school in over 40 years. Phase one of the Sierra Pacific High School was completed in time for the beginning of the 2009/2010 school year. At this time, only freshman students are being enrolled. Each year a new freshman class will be added until school year 2012-2013, when all four classes will be attending. Phase two plans include building an administration building, wrestling room, aquatic center, maintenance facilities, library and media center."

The current student population growth in the district does not yet justify the second phase of the school being built at this time. This means that the administration, guidance office, career center and library are housed in future classrooms. This arrangement is not ideal but the staff members are making the best of the situation and have a good attitude in dealing with the limitation of the physical facility.

The administrative team met with the Grand Jury during the first part of the visit. An overview of school operations was provided and questions were answered. The teaching staff of the school is made up of many experienced teachers who transferred from the other district schools as well as teachers new to both teaching and the district.

Pre-visit goals were developed by the Grand Jury as follows:

- visiting classes for the entire class period
- visiting classes at all academic levels (basic classes to advanced classes)
- visiting all academic areas
- visiting classes for every grade level
- visiting classes with mixed grade enrollment

By visiting classes for the entire period, the Grand Jury members could see the interaction between the teacher and all students enrolled in the class. It

was also an opportunity to see how the class time was used. Almost without exception, both teacher and students were engaged in the task at hand. It was also interesting to note that there were very few class interruptions by students entering or leaving the classroom.

The Grand Jury members toured the campus during the student lunch period following the class visits and found the campus to be very clean. The students were very friendly and talked with the Grand Jury members openly. It was also impressive to see members of the administrative staff call students by name and visit with them regarding specific areas of their interest.

FINDINGS AND RECOMMENDATIONS

Finding 1
There is a great deal of pride on the part of both students and staff with regard to the school, which after seven years still appears to be a new school.

Recommendation 1
None

Finding 2
Education is important to the entire Sierra Pacific High School community.

Recommendation 2
None

Finding 3
The support staff of the school is in need of Phase Two of the master plan so that there are more efficient physical facilities including an administration building, wrestling room, aquatic center, maintenance facilities, a library and media center to serve the student population.

Recommendation 3
Complete Phase Two of the building master plan as soon as possible.

COMMENTS

The Grand Jury was impressed with the atmosphere on the campus as displayed by both students and staff. The Kings County Grand Jury thanks

the staff of Sierra Pacific High School for the tour and information. The Grand Jury is also thankful to the students for their hospitality.

REQUIRED RESPONSES

None

INVITED RESPONSES

Sierra Pacific High School Principal

Hanford Joint Union High School District Board of Trustees

Law and Public Safety

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AVENAL STATE PRISON

SUMMARY

The Kings County Grand Jury inquired into the condition and management of the California State Prison, Avenal as well as the programs provided for the inmates.

BACKGROUND

As part of an annual examination of the conditions and management of the public prisons, the Kings County Grand Jury inquired into the Avenal State Prison.

Pursuant to California Penal Code §919(b): "The grand jury shall inquire into the conditions and management of public prisons within the county."

METHODOLOGY

The Kings County Grand Jury conducted a tour of the Avenal State Prison facility and interviewed several employees on-site.

DISCUSSION

Mission Statement:
"The primary mission of the Avenal State Prison (ASP) is to provide for the control, care and treatment of those inmates committed to the Department of Corrections and Rehabilitation by the courts. ASP is designed as a low-medium security institution to provide housing for general population inmates"

Avenal State Prison

Originally known as Kings County State Prison, Avenal State Prison was activated in 1987 and originally had 17 dormitory housing units for general population (GP) inmates. The institution currently houses both GP and Sensitive Needs Yards inmates. Originally designed for a capacity of 2,300 inmates, Avenal State Prison's current capacity is 4,880 inmates, with an average population of 4,000 inmates over a 12-month period.

Physical Structures

Avenal State Prison is located on 640 acres of property. The institution is a Level II security unit, comprised of six separate semi-autonomous facilities containing a total of 23 dormitory housing units, a General Population Yard, five Sensitive Needs Yards, an Administrative Segregation Unit, a 28-bed Out-Patient Housing Unit, and a 10-bed firehouse. Surrounding the perimeter is a Lethal Electrified Fence, which allows for the reduction of custody staff by eliminating the need to staff all eight guard towers.

The California Prison Industry Authority (CAL-PIA) developed programs for the offender population that include processing facilities for poultry, egg production, furniture, general fabrication, laundry services, and healthcare facility maintenance.

Avenal Staffing:

Avenal State Prison employs approximately 740 Peace Officers, 270 Support Staff Positions, and 251 Health Care Services staff for a total of 1,261 employees.

Programs:

Avenal State Prison offers programs called "Inmate Leisure Time Activity Groups" (ILTAGS) which are conducted in a classroom setting utilizing staff sponsors and some outside hospital and institution certified volunteers. Materials for these groups are donated by outside organizations, as well as books purchased by the institution.

Criminal Gangs Anonymous: Offers support to inmates who want to break the cycle of gang violence and overcome the addiction to the criminal lifestyle.

Youth Adult Awareness Program: Is a lifer program that focuses on helping inmates cope with prison. It focuses on education, risk options and gang avoidance. The program provides at-risk youth with tours of the prison and inmate testimonies. The goal is to bring awareness to the youth in order to prevent the tragedy of the potentially successful youth becoming ensnared by the wheels of the criminal justice system. The program is conducted in a classroom setting, utilizing staff sponsors and tours of the facility including the exercise yard, housing unit, clothing exchange, and chapel.

Prison Mindfulness Meditation: Is a discipline program that promotes personal responsibility. Mindfulness practices help inmates shift from reactive to responsible behavior by teaching a skill for self-awareness and ultimately self-control. Mindfulness is being increasingly applied with evidence-based support for use in mental health treatment programs to address various anxiety disorders, depression and impulsive behavior, as well as a tool to assist with addiction recovery.

Domestic Violence Program : Is a program which provides awareness to the offender of the impact a destructive cycle of violence and abuse has on loved ones, as well as themselves.
Veterans Groups: In partnership with the Department of Veterans Affairs, Veteran Affairs Re-entry Specialists and Kings County Veterans Service Officers, they provide guidance and assistance to incarcerated veterans in obtaining disability benefits and re-entry needs.

Art Class: Is a program to assist inmates to become more attuned to their artistic abilities.

Heroes: Promotes pro-social behavior communication.

Communication Skills: Teaches participants effective communication skills in a variety of circumstances. It also performs a variety of projects such as speeches and writing papers on specific topics.

Religious Programs: Avenal State prison provides a wide variety of religious programs for its diverse inmate population. Congregational services, religious educational programs, and counseling services are commonly provided through the Institution Chaplains, with supplemental support provided through various community volunteers. Currently Avenal

State Prison has four full-time Chaplains (Catholic, Muslim, Protestant, and Native American)

Friends Outside: The primary goal of the Family Liaison Service Specialist is to reduce tensions caused by family concerns through working with the inmate and/or family. They provide assistance with personal concerns related to incarceration through discussions and/or referrals to institutional resources. They also support the family system or surrogate-family system and facilitate a successful reentry into the community by providing encouragement, discussions, information, and referrals to local resources.

Other ILTAGS include Alcoholics Anonymous, Narcotics Anonymous, Anger Management, Lifer Programs, and Parenting Programs.

California Prison Industry Authority:
CAL-PIA administers a work program for approximately 505 inmates in Avenal State Prison to improve their job skills and reduce recidivism. With the Industry Employment Program, CAL-PIA is able to enhance the ability of the offender workers to obtain meaningful jobs upon release. Offender workers can earn nationally recognized accredited certifications to increase their opportunity to succeed, thus reducing recidivism rates and contributing to safer communities. The program's self-sufficiency is sustained by sales of products and services to government agencies with a projected production of $29,044,225.00 for fiscal year 2015-2016.

To qualify to work in the CAL-PIA programs, inmates are required to have a High School Diploma or equivalent, a reading score of 9th grade level or higher, or enrolled in a GED program. All inmates assigned to CAL-PIA shall remain subject to random drug testing for as long as they are assigned.

Inmates working in the CAL-PIA Industries can earn the following certifications and/or licenses:

- Food Handler Certificate
- Intermediate Machine Program (Furniture)
- Ferrous Metals, Aluminum and Stainless Steel
- Certified Washroom Technician
- Certified Laundry Linen Manager

- Installation and/or Servicing of Heating, Ventilation, and Air Conditioning/Refrigeration Systems
- Forklift Certification
- Customer Service Specialist
- Cleaning Chemicals Certification
- Floors and Floor Care Equipment
- Restroom Care
- Carpet and Upholstery
- Industrial Safety and Health
- Series 100 – Fundamentals/Core Competencies
- Series 200 – Electrical Systems
- Series 300 – Mechanical Systems
- Certified Electronics Technician
- Journeyman (Industrial)

Other Programs:
Outside of CAL-PIA and ILTAG programs, Avenal State Prison offers vocational programs in auto body and fender, auto mechanics, electronics, office services and related technologies, plumbing, refrigeration, small engine repair, welding, and electrical works.

Academic programs include an adult basic education, High School/GED, English Language Development, Literacy Program, Incarcerated Individual Program, Computer Assistant Instruction and college programs.

FINDINGS AND RECOMMENDATIONS

Finding 1
The Grand Jury finds that the institutional programs at Avenal State Prison are proactive and productive and appear to contribute significantly to inmate rehabilitation.

Recommendation 1
None

COMMENTS

The Grand Jury thanks the Warden, Staff and Inmates of the Avenal State Prison for their hospitality during the informative and instructive tour.

RESPONSE REQUIRED

None

INVITED RESPONSES

None

CALIFORNIA SUBSTANCE ABUSE TREATMENT FACILITY AT CORCORAN

SUMMARY

The Kings County Grand Jury inquired into the condition and management of the California Substance Abuse Treatment Facility (CSATF) at the Corcoran State Prison.

BACKGROUND

As part of an annual examination of the conditions and management of the public prisons, the Kings County Grand Jury inquired into CSATF, Corcoran.

Pursuant to California Penal Code §919(b): "The grand jury shall inquire into the conditions and management of public prisons within the county."

METHODOLOGY

The Kings County Grand Jury conducted a tour of the Substance Abuse Treatment Facility at Corcoran State Prison and interviewed, on-site, several employees. The Kings County Grand Jury also reviewed the California Department of Corrections and Rehabilitation (CDCR) 2014 Outcome Evaluation Report as well as the "Future of California Corrections" report.

DISCUSSION

<u>CSATF-Corcoran Mission Statement:</u>
"The primary mission of the California Substance Abuse Treatment Facility and State Prison at Corcoran (CSATF/SP) is to protect the public by ensuring those inmates who are remanded to the California Department of Corrections and Rehabilitation remain in custody, until they are scheduled to be released. CSATF/SP will accomplish this by employing the highest

standards of "Correctional Professionalism" in the performance of our duties."

Corcoran State Prison Facilities:
Opened in 1998, CSATF-Corcoran is a complex, multi-mission institution composed of the following facilities with varying custody levels:

- Complex 1 (Dorm Design):
  - Facility A, Level II, Sensitive Needs Yards, Vocation/Education programs such as Auto Body, Auto Mechanics, Small Engine and Electrical. Facility A has the bed capacity of 756.
  - Facility B, Level II, General Population. Vocation/Education programs include Heating-Ventilation and Air Conditioning (HVAC), Masonry, Welding, Plumbing, and Electronics, Adult Basic Education level 1 (ABE 1), Adult Basic Education level 2 (ABE II), Adult Basic Education level 3 (ABE III) and Voluntary Education Program (VEP). Facility B has the bed capacity of 756.

- Complex II (180 Design):
  - Facility C, Level IV, General Population. Vocation/ Education programs include computer literacy, and VEP. Facility C has a bed capacity of 1,024.

- Complex III (270 Design):
  - Facility D, Level IV, Sensitive Needs Yards. Vocation/Education programs include ABE II, ABE III, and VEP. Facility D has a bed capacity of 1,000.
  - Facility E, Level III, Sensitive Needs Yards/Enhance Program Facility. Vocation/Education programs include Office Services and Related Technologies (OSRT), Building Maintenance, Carpentry, Electrical, ABE I, ABE II, ABE III, and VEP. Facility E has a bed capacity of 800.

- Complex IV (Dorm/Pod Design):
  - Facility F, Level II, General Population/Enhanced Out-patient. Vocational/Educational programs include OSRT, ABE I, ABE II, and ABE III. Facility F has a bed capacity of 968.

- Facility G, Level II, Sensitive Needs Yards/Enhanced Out-patient. Vocation/Education programs include Computer Literacy, VEP, ABE I, ABE II, and ABE III. Facility G has a bed capacity of 872.

- Administrative Segregation Units: One of the segregation units is a stand-alone unit and is not attached to any of the above-mentioned facilities. It has a current population of 103 while the other segregation unit has a population of 134. Both units together can house up to 400 inmates.

CSATF-Corcoran Staffing:
CSATF-Corcoran employs 1,100 custody staff and approximately 900 support staff (2,000 employees). There are approximately 5,153 inmates housed within CSATF-Corcoran. The current operating budget for this fiscal year is $258,100,000.00.

California Prison Industry Authority
The California Prison Industry Authority (CALPIA) administers work programs for inmates in California correctional institutions to improve their job skills and reduce recidivism. The program is fully self-sufficient through sales of products and services to government agencies. The CALPIA program at CSATF-Corcoran is composed of a Food and Beverage Packaging enterprise, which has a total annual revenue of approximately $20,198,000. There are currently seven civil service positions and 93 budgeted inmate assignments who are paid $0.30 to $0.95 per hour.

CALPIA offers 124 nationally recognized accredited certifications such as dental technology, food handling, laundry, agriculture, welding, metal stamping, industrial safety and health, electrical systems, mechanical systems and maintenance. Offenders employed by CALPIA may also earn certificates of proficiency in occupational disciplines to validate skills and abilities obtained during their time employed by CALPIA.

In fiscal Year 2014-2015, CALPIA participants received a certificate of proficiency and/or Standard Occupational Code Proficiency certification and 3,117 participants successfully completed an accredited certification program, a 129% increase from 2013-2014.

Recidivism/Return to Prison Rates:
CALPIA participants returned to prison, on average, 26-38% less often than offenders released from the California Department of Corrections and Rehabilitation general population over a three-year period ending in fiscal year 2009-2010. CALPIA's Career Technical Education (CTE) Programs have cumulative recidivism rate of 7.13% in 2012. Prisons throughout California have seen a recidivism rate decline from 66.2% in 2002 to 54.3% in 2010. Kings County specifically has a three-year recidivism rate of 65.2%.[1]

Programs:
Programs offered to inmates at CSATF-Corcoran include educational, vocational, self-help, religious services, and employment opportunities through CALPIA**.**

Transitions program: The transitions program offers employment preparation skills, ensuring successful re-entry into society upon the inmate's release from prison. The Transitions program teaches job-readiness, job search skills and prerequisite skills needed for today's competitive job market.

In-Prison Sex Offender Management (SOM) pilot program: The In-Prison Sex Offender Management Program is a pilot program which addresses the risks and needs of offenders who are required to register pursuant to Penal Code §290. This program provides evidence-based treatment for offenders in community programs prior to their release.

California Card (CAL-ID) program: the CAL-ID program provides a valid California Identification card to eligible inmates upon their release from prison in accordance with California Penal Code §3007.05. Possession of a CAL-ID card is a critical component for employment and other services.

Re-entry Hubs: This program is geared to ensure that, upon release, offenders are ready for transition back into society. Re-entry Hubs are established in designated institutions, and offered to inmates who are within four years of release and who meet eligibility requirements.

Maintenance Concerns:

[1] California Department of Corrections and Rehabilitation 2014 Outcome Evaluation Report

CSATF-Corcoran is about the same size as some cities in Kings County and has the same needs of water, sewage, plumbing, and electrical systems to maintain. Currently CSATF-Corcoran is understaffed in the maintenance department, which is required to maintain the buildings and grounds areas of the facility. CSATF-Corcoran receives approximately 1,000 work-order requests each month to fix/repair items that are reported broken by either inmates or staff.

CSATF Corcoran also has approximately 2,000 Preventative Maintenance work-orders to complete each month. Currently a CDCR policy established in 2013 mandates a 10% vacancy rate on non-posted, non-custody positions, which means 10% less staff than needed.

With approximately 5,000 inmates and approximately 2,000 staff, the maintenance staff cannot keep up with the amount of work that needs to be completed.[2] For example, there are issues with leaking roofs throughout the facility. With minimal staff available for maintenance and repairs, cells and dining halls often have to be closed so that repairs can be made.

FINDINGS AND RECOMMENDATIONS

Finding 1

The 2013 CDCR mandate to maintain a 10% vacancy rate for non-safety personnel has resulted in interruptions to facility operations due to the lack of maintenance personnel to conduct repairs as needed.

Recommendation 1

The Grand Jury recommends CSATF-Corcoran request the filling of the institution's vacant maintenance positions as part of their annual budget review.

Finding 2

The lack of maintenance personnel has also reduced the ability to conduct the preventative maintenance required to ensure proper operation of necessary facilities and equipment.

[2] The Future of California Corrections Appendix B: institution, Staffing, and Programming Plan

Recommendation 2
The Grand Jury recommends CSATF-Corcoran request the filling of the institution's vacant maintenance positions as part of their annual budget review.

Finding 3
The Grand Jury finds that the institutional programs at CSATF-Corcoran are proactive and productive and appear to contribute significantly to inmate rehabilitation.

Recommendation 3
None

COMMENTS

The Grand Jury thanks the Warden and staff of the California Substance and Treatment Facility at Corcoran for their hospitality during the informative and instructive tour.

REQUEST FOR RESPONSES:

Pursuant to Penal Code §933.05, the Grand Jury invites the CSATF-Corcoran Warden or designee to respond to Finding #1 and Finding #2 within 90 days.

Appendix 1
California Department of Corrections and Rehabilitation 2014 Outcome Evaluation Report

Three-Year Return-to-Prison Rates by County of Parole for Offenders Released During Fiscal Year 2009-10

		One-Year		Two-Year		Three-Year	
County of Parole	Number Released	Number Returned	Return Rate	Number Returned	Return Rate	Number Returned	Return Rate
Alameda	4,788	2,132	44.5%	2,423	50.6%	2,468	51.5%
Alpine	15	10	N/A	10	N/A	11	N/A
Amador	70	34	48.6%	37	52.9%	38	54.3%
Butte	796	373	46.9%	434	54.5%	452	56.8%
Calaveras	30	11	36.7%	12	40.0%	14	46.7%
Colusa	30	16	53.3%	18	60.0%	20	66.7%
Contra Costa	1,235	643	52.1%	743	60.2%	758	61.4%
Del Norte	66	35	53.0%	43	65.2%	46	69.7%
El Dorado	323	142	44.0%	174	53.9%	182	56.3%
Fresno	4,382	2,454	56.0%	2,833	64.7%	2,911	66.4%
Glenn	78	33	42.3%	40	51.3%	41	52.6%
Humboldt	492	253	51.4%	310	63.0%	324	65.9%
Imperial	307	138	45.0%	172	56.0%	180	58.6%
Inyo	41	10	24.4%	14	34.1%	14	34.1%
Kern	3,953	1,949	49.3%	2,444	61.8%	2,509	63.5%
Kings	751	394	52.5%	478	63.6%	490	65.2%
Lake	234	101	43.2%	111	47.4%	113	48.3%
Lassen	97	37	38.1%	42	43.3%	44	45.4%
Los Angeles	26,358	7,152	27.1%	10,388	39.4%	11,288	42.8%
Madera	479	211	44.1%	257	53.7%	271	56.6%
Marin	92	41	44.6%	47	51.1%	50	54.3%
Mariposa	14	4	N/A	4	N/A	4	28.6%
Mendocino	243	122	50.2%	142	58.4%	147	60.5%
Merced	783	416	53.1%	487	62.2%	502	64.1%
Modoc	24	9	N/A	10	N/A	11	N/A
Mono	8	2	N/A	3	N/A	3	N/A
Monterey	1,061	482	45.4%	604	56.9%	635	59.8%
Napa	151	63	41.7%	70	46.4%	73	48.3%
Nevada	59	30	50.8%	34	57.6%	36	61.0%
Orange	8,169	2,803	34.3%	3,530	43.2%	3,652	44.7%
Placer	495	271	54.7%	308	62.2%	315	63.6%
Plumas	41	20	48.8%	21	51.2%	21	51.2%
Riverside	6,718	3,363	50.1%	3,992	59.4%	4,127	61.4%
Sacramento	6,248	2,740	43.9%	3,274	52.4%	3,359	53.8%
San Benito	55	22	40.0%	28	50.9%	30	54.5%
San Bernardino	8,505	4,060	47.7%	4,908	57.7%	5,087	59.8%
San Diego	6,801	3,437	50.5%	4,107	60.4%	4,239	62.3%
San Francisco	1,430	810	56.6%	945	66.1%	955	66.8%
San Joaquin	2,655	1,505	56.7%	1,759	66.3%	1,794	67.6%
San Luis Obispo	488	213	43.6%	265	54.3%	275	56.4%
San Mateo	973	440	45.2%	518	53.2%	536	55.1%
Santa Barbara	843	393	46.6%	483	57.3%	505	59.9%
Santa Clara	3,161	1,321	41.8%	1,683	53.2%	1,741	55.1%

Appendix 2
The Future of California Corrections Appendix B: Institution, Staffing, and Programming Plan

CALIFORNIA STATE PRISON-CORCORAN
STANDARDIZED STAFFING SUMMARY

Staffing Category	Classification	Staffing July 2011	Standardized Staffing Totals July 2013	Staffing Changes
Management	Warden	1.0	1.0	0.0
	Chief Deputy	2.0	1.0	-1.0
	Assoc. Warden	6.0	7.0	1.0
	Captain	9.0	8.0	-1.0
*Custody**	Lieutenant	43.1	39.0	-4.1
	Sergeant	115.1	97.8	-17.3
	Officer	1,088.1	1,047.8	-40.3
Correctional Counselor	CCIII	2.0	1.0	-1.0
	CCII	17.0	14.0	-3.0
	CCI	39.5	33.0	-6.5
Support Services	Total PY	156.5	146.0	-10.5
Canteen	Total PY	9.5	9.5	0.0
Food Services	Total PY	38.4	37.6	-0.8
Personnel	Total PY	28.5	27.0	-1.5
Plant Operations	Total PY	85.0	77.0	-8.0
Enterprise Information Systems (EIS)	Total PY	4.0	5.0	1.0
Education	Total PY	39.0	38.0	-1.0
Vocation	Total PY	7.0	5.0	-2.0
Dental	Total PY	42.0	39.0	-3.0
Mental Health	Total PY	114.1	104.0	-10.1
Custody	Subtotal	**1,322.8**	**1,249.6**	**-73.2**
Non Custody	Subtotal	**321.9**	**302.1**	**-19.8**
Inmate Programs	Subtotal	**46.0**	**43.0**	**-3.0**
Health Care	Subtotal	**156.1**	**143.0**	**-13.1**
Institution Total		**1,846.8**	**1,737.7**	**-109.1**

*Custody includes Health Care Access (HCA), assumes an 8% reduction and ratio relief positions.
Staffing numbers are subject to change, not all of the institutions have been reviewed.

Appendix B: Institution, Staffing, and Programming Plan

COLLEGE OF THE SEQUOIAS - HANFORD CAMPUS
PEACE OFFICER AND FIRE FIGHTER ACADEMIES

SUMMARY

As a matter of public interest the Kings County Grand Jury toured the Public Safety Academies of the College of the Sequoias, Hanford campus. The purpose of the tours was to review the training programs for the Peace Officer and Fire Fighter Academies.

BACKGROUND

The Kings County Grand Jury, through its investigations of jails, prisons, fire departments and police departments throughout the county, decided to visit the academies.

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 toured the College of Sequoias (COS) Tulare–Kings Counties Basic Peace Officer Academy and the Fire Fighter I Academy. They also interviewed instructors and cadets, observed training and conducted additional online research.

DISCUSSION

The Kings County Grand Jury conducted a tour of the COS Public Safety Academies located at the Hanford campus. The Public Safety Academies consist of two separate courses of instruction, the Peace Officer Academy and the Fire Fighter Academy.

Tulare-Kings Counties Basic Peace Officer Academy

The Grand Jury conducted a tour of the COS Basic Peace Officer Academy and was impressed with the presentation regarding the program. Many representatives from local law enforcement agencies, including Chiefs of Police, the District Attorney and top Administrators from COS were present to answer questions for the Grand Jury.

The Basic Peace Officer Academy is divided into two courses, the Intensive Course and the Extensive Course.

Intensive Academy:
The Intensive Peace Officer Academy is a 934 hour course that runs for six months. Classes are held from 6:00 am to 4:30 pm Monday through Friday, with some evening and weekend activities during the academy.

Completion of the basic academy is required for employment in a peace officer position. Law enforcement agencies routinely recruit cadets attending the academies. According to California Peace Officer Standards and Training (POST) statistics on graduates, the average placement rate for the COS Peace Officer Academy was 56.4% for the period of 2007-2014, with an increase in 2013-2014 to 66.5%.

Extensive Academy:
The Extensive Academy is a ten month course which meets on Saturdays and Sundays from 7:00 am to 6:00 pm with seven Friday evening sessions also scheduled. The format is designed for working adults who are able to attend the classes on the weekends. After a four year hiatus due to declining state funding, the Extensive Academy was resumed in 2015.

Entrance into the Peace Officer Academy requires students to have the following basic qualifications:

- Be a high school graduate from an accredited high school or have a General Educational Development (GED) equivalent
- Possess a California Department of Justice (DOJ) Firearms Clearance letter
- Have a valid California Driver's License
- Be eighteen years of age
- Clear a medical examination
- Have a passing score on POST entrance examination
- Successfully complete a Physical Agility Test
- Be eligible to register as a student at College of Sequoias without a waiver of District regulations.

Failure or disqualification of the academy occurs under the following conditions:

- Failure to maintain an overall academic standing of 80% or higher in the individual areas of written testing, report writing and scenario testing.
- Failure of any POST test (written, exercise, or scenario) allows the cadet to remediate and take the test a second time. Failure of any POST retest results in immediate dismissal.
- Violations of Academy and District Code of Conduct Rules may result in progressive discipline using a demerit system. Cadets are allowed two demerits (serious violations). Issuance of a third demerit results in dismissal from the program.

Fire Fighter I Academy

The COS Fire Fighter I Academy is offered through the cooperation of the Tulare-Kings Fire Training Association and the Tulare/Kings Fire Chiefs Officers Association. The Fire Academy has a long history at COS with the first course being offering in 1976.

The COS Fire Academy is a 380-hour, 15-unit course that meets or exceeds the requirements of the California State Fire Marshal's Office for the Fire Fighter I Classification. The program is designed to train students so that they may adequately qualify as entry-level firefighters in federal, state, county, district, and municipal fire protection agencies. The program prepares students to engage in wildland, structure, vehicle, and high-rise firefighting as part of an organized firefighting crew. The courses also teach the basics of hazardous materials response, search and rescue, fire prevention, fire investigation and fire service organization.

The Grand Jury toured the COS Hanford campus Fire Academy classrooms and one of their training locations. Jurors also witnessed various activities such as fire hose handling, breathing apparatus training, and egress training.

FINDINGS AND RECOMMENDATIONS

Finding 1

The Kings County Grand Jury finds that the Tulare–Kings Counties Basic Peace Officer Academy and the Fire Fighter I Academy are both well run institutions with qualified instructors that reach and uphold the highest standards of public safety in law enforcement and fire fighting techniques.

Recommendation 1
None

COMMENTS

The Kings County Grand Jury is greatly appreciative of the local law enforcement officials and COS administrators who attended our tour of the Tulare–Kings Counties Basic Peace Officer Academy and shared their time and expertise. The Grand Jury also thanks the COS staff and students of the academies for sharing information during the two informative tours.

INVITED RESPONSES

Director, COS Tulare–Kings Counties Basic Peace Officer Academy

Director, COS Fire Fighter I Academy

CORCORAN STATE PRISON

SUMMARY

The Kings County Grand Jury inquired into the condition and management of the California State Prison Corcoran (CSP-Corcoran).

BACKGROUND

As part of an annual examination of the conditions and management of the public prisons, the Kings County Grand Jury inquired into CSP-Corcoran.

Pursuant to California Penal Code §919(b): "The grand jury shall inquire into the conditions and management of public prisons within the county."

METHODOLOGY

The Kings County Grand Jury conducted a tour of the Corcoran State Prison facility and interviewed several employees on-site.

DISCUSSION

<u>CSP-Corcoran Mission Statement:</u>
"The California State Prison, (CSP-COR) is committed to ensuring and instilling the public and inmates' families with the confidence that CSP-Corcoran is committed to providing the best medical, mental health, education, vocational and self-help programs for all inmates confined to Corcoran. CSP-Corcoran not only meets this commitment by providing it's employees with the proper training, tools and safe working environment, but also by encouraging ideas and collaboration between all departments."

<u>Corcoran State Prison Facilities:</u>
Built in 1988, CSP-Corcoran is a complex, multi-mission institution composed of the following facilities with varying custody levels:

- Level I: Inmate capacity is 410, the majority of which are assigned permanent jobs. The jobs performed include Administrative Building Porters, Maintenance, California Prison Industry Authority (CAL-PIA) Warehouse, Fire House, Garage, Grounds-yards Crews, CAL-PIA Crop Farm, and CAL-PIA Dairy.

- Facility III-A: Consists of five individual housing units with a total combined bed capacity of 1,000 inmates. Current programs in III-A include the Orientation Unit, Disability Placement Program, Developmentally Disabled Program, and Inmate Participants in the Mental Health Services Delivery System.

- Facility III-B: The same design as Facility III-A, however it was converted to a Sensitive Needs Yard (SNY), Enhanced Outpatient Program Facility.

- Facility III-C: consists of five buildings with a total combined bed capacity of 1,000 inmates. Facility III-C is also designated as an SNY.

- Facility 4A and 4B: Are maximum-security facilities that provide a variety of special housing programs. The majority of the inmate population in Facility 4A and 4B are Security Housing/Long Term Restricted Housing inmates. Facility 4A has a bed capacity of 1,024 inmates. Facility 4B has a bed capacity of 1,005 inmates.

- Administrative Segregation Unit (ASU) was activated on June 2, 2003. It includes programming space to facilitate custodial and operational needs and also complies with court-mandated and regulated activities such as exercise and on-site medical/mental health delivery systems.

- Correctional Treatment Center (CTC): Opened in 1993, is a maximum security facility licensed under the Health and Safety Code as a 75-bed treatment center with 21 non-licensed outpatient housing unit beds, which operates 24 hours per day, 7 days a week. The CTC provides general acute medical, surgical, medical health crisis, and specialty outpatient services.

CSP-Corcoran Staffing:
CSP-Corcoran employs approximately 1,400 custody staff and approximately 900 support staff (2,300 employees). There are approximately 4,286 inmates housed within CSP-Corcoran.

Programs:
CSP-Corcoran supports academic and vocational education programs that meet the needs and interests of the inmate population. These programs are coordinated statewide through the Office of Correctional Education. CSP-Corcoran provides work incentive positions for inmates in the academic and vocational education programs, such as:

- enhanced educational opportunities
- vocational programs that teach employment skills
- increased inmate reading literacy level
- training to obtain a High School Diploma (HSD) or General Education Development (GED).

In addition to providing life skills training and enhanced opportunities for inmates' successful parole/release, CSP-Corcoran also provides library services to meet legal and leisure needs, physical activity programs for each facility and testing for appropriate program placement.

Alcoholics Anonymous (AA) Recovery and Support: AA is a fellowship group that shares their experiences, strength and hope with each other that they may solve their common problem and help others to recover from alcoholism.

Anger Management: The Anger Management group works together to develop skills to cope with frustrations, and allow inmates the ability to learn to acknowledge and have alternative approaches to angry and violent behavior.

Criminal Gangs Anonymous, and Criminal and Addictive Thinking Recovery Groups: Founded by an incarcerated former gang member to offer support to inmates who want to break the cycle of gang violence and overcome the addiction to the criminal lifestyle.

Domestic Violence Program: A program which provides awareness to the offender of the impact a destructive cycle of violence and abuse has on loved ones, as well as themselves.

Veterans Support, Self-awareness and Improvement Groups: These groups provide support to the veteran inmate population.

Lifer and Beyond: Lifer and Beyond is a classroom based support group for inmates who are lifers which utilizes self-help sponsor staff. The program focuses on teaching inmates coping skills to accept, learn and grow from their life or long-term sentences. Accountability and acknowledgement of responsibility are key growth processes during the group dynamics. Inmates are able to learn from each other's experiences in a positive manner.

Narcotics Anonymous (NA): Provides a recovery process and peer support network that are linked together. One of the keys to NA's success is the therapeutic value of addicts working with other addicts. Members share their successes and challenges in overcoming active addiction and living drug-free, productive lives through the application of the principles contained within the Twelve Steps and Twelve Traditions of NA.

California Prison Industry Authority:
The CAL-PIA administers a work program for 281 inmates in CSP-Corcoran to improve their job skills and reduce recidivism. The program's self-sufficiency is sustained by sales of products and services to government agencies. CAL-PIA is composed of:

- the food and beverage packaging enterprise
- the institutional laundry
- agribusiness enterprises (dairy, milk processing, and crop farm)
- warehouse and freight distribution center
- industrial maintenance and repair

CAL-PIA/CSP-Corcoran also provides administrative functions to the farm and laundry located at the Wasco State Prison/Reception Center as well as the food and beverage packing at the California Substance Abuse Treatment Facility (CSATF).

To qualify to work in the CAL-PIA programs, inmates are required to have a Test of Adult Basic Education (TABE) Score above 9.0 and have not less than two years and not more than five years remaining on their sentence.

Inmates working in the CAL-PIA Industries can earn the following certifications and/or licenses:

- Food and Beverage processing
- Food Handlers
- Dairy/Pasteurizers
- Weigher/Sampler
- Warehouse-Overton Forklift

FINDINGS AND RECOMMENDATIONS

Finding 1
The Grand Jury finds that the institutional programs at CSP-Corcoran are proactive and productive and appear to contribute significantly to inmate rehabilitation.

Recommendation 1
None

COMMENTS

The Grand Jury thanks the Warden and Staff of CSP-Corcoran for their hospitality during the informative and instructive tour.

RESPONSE REQUIRED

None

INVITED RESPONSES

None

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KINGS COUNTY ONE-PERSON FIRE STATIONS

SUMMARY

The 2014-2015 Grand Jury previously identified the continued existence and use of one-person fire stations in Kings County as a condition which "could lead to dangerous situations" and recommended that all County Fire Stations should be staffed by at least two firefighters. Since the issuance of that report, no substantive action(s) have been taken by the Kings County Board of Supervisors to address the previous Grand Jury's recommendation that no fire station in Kings County should be operated by fewer than two firefighters.

In Volume I (Program Budgets) of the 2015-2016 County Budget, the Fire Chief requested the addition of six new firefighters as a first step towards the goal of eliminating one-person fire stations in Kings County. However, the Chief Administrative Office did not support the Fire Department's request. During the 2015-2016 August budget hearings, an agreement was reached between the Chief Administrative Office and the Fire Administration to request three new fire apparatus engineers to address the amount of overtime costs first.

The Board of Supervisors allocated three Fire Apparatus Engineers to address the problem of the fire department's excessive accumulation of overtime costs and agreed to address the staffing of the one-person fire stations in a different budget year depending on revenues.

From 1986-1987 to 2012-2013, a portion of the Hazardous Waste Tax revenues was consistently directed to the Fire Fund. In 2013-2014, those revenues were redirected to the General Fund and the Capital Outlay Fund, with no Hazardous Waste Tax revenues going to the Fire Fund.

Based upon credible information provided to the current Grand Jury, it is apparent that there was a time when volunteer firefighters were consistently available to bolster the efforts of a single firefighter operating a fire station in Kings County. Today however, the number of volunteer firefighters has dwindled markedly and they are no longer able to provide consistent back-up to the county's one-person fire stations.

The risks to the fire-fighting staff of one-person fire stations were recently highlighted in a Hanford Sentinel article titled "House severely damaged in fire"[3]. The Sentinel reporter accurately noted that the one-person fire station's single firefighter who initially responded to the severely destructive fire, "…couldn't do much until reinforcements arrived" because a single firefighter is not permitted to enter a burning residence in the absence of additional firefighting personnel unless there is immediate danger to human life.

The 2015-2016 Grand Jury is recommending that the Kings County Board of Supervisors take steps to work expeditiously towards the elimination of one-person fire stations in Kings County including:

- reconsidering the cut-off of Hazardous Waste Tax revenues to the Fire Fund, including those funds designated as "one-time revenues",
- approving a Firefighter classification at the much lower cost than that of the Equipment Apparatus Engineer classification,
- conducting a study session with the County Administration and the County Fire Department with the goal of developing and adopting a resolution to eliminate one-person fire stations in Kings County.

BACKGROUND

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…"

During its investigation of the Lemoore Fire Hydrants, the 2014-2015 Kings County Grand Jury briefly addressed the issue of the Kings County Fire Department's one-person fire stations. The 2015-2016 Grand Jury decided to pursue the issue of the one-person fire stations in-depth for the good of the community.

METHODOLOGY

The Kings County Grand Jury conducted interviews with a number of elected officials and staff of the County of Kings and the Kings County Fire Department. The Grand Jury reviewed budget reports including the 2015-

[3] The Sentinel "House severely damaged in fire" November 10, 2015

2016 Proposed Budget Volumes I and II, the 2015-2016 Final Budget Volumes I and II, the Department Program narrative, and the recommendations of the County Administrative Office. The Grand Jury also reviewed various documents and records from various sources. The Grand Jury toured each of the four one-person fire stations: Station #10 - Stratford, Station #6 - Island District, Station #2 - Hardwick and Station #1- Burris Park.

HISTORY

The first Fire Protection District in Kings County was formed in 1918. In 1969, arrangements were started in an effort to establish a county-operated fire department. By January, 1970, the transition from the Division of Forestry to that of the County had been completed. The structure was that of a Special Fire Protection District and the Kings County Fire Department has since remained primarily unchanged.

In 2011, there were four stations staffed by one person 24 hours per day, two stations staffed by three personnel per shift, and the remaining four stations staffed by shifts of two personnel. To date, there have been no changes to the staffing of the one-person fire stations.

STUDIES REVIEWED

National Institute of Standards and Technology Study

A 2010 National Institute of Standards and Technology (NIST) study of the size of firefighting crews addressed the effect of the size of firefighting crews on the fire service's ability to protect lives and property in residential fires. The study was the first to quantify the effects of fire crew sizes and arrival times on the fire service's lifesaving and firefighting operations for residential fires.

The study found that four-person firefighting crews were able to complete 22 essential firefighting and rescue tasks in a typical residential structure 30 percent faster than two-person crews and 26 percent faster than three-person crews. The four-person crews were able to deliver water to a similar-sized fire 15 percent faster than the two-person crews and six percent faster than three-person crews, steps that help to reduce property damage and lower danger to firefighters. The four-person crews were also able to complete

search and rescue 30 percent faster than two-person crews and five percent faster than three-person crews.

While the study did not address one-person firefighting crews, a reasonable conclusion from the foregoing figures is that the use of a one-person firefighting crew would result in a significantly greater reduction in the ability of the responding crew to initiate and complete essential firefighting and rescue tasks. According to Jason Averill, one of the study's principal investigators, "Fire risks grow exponentially. Each minute of delay is critical to the safety of the occupants and firefighters and is directly related to property damage."[4]

Occupational Safety and Health Administration

In 1998, the Occupational Safety and Health Administration (OSHA) instituted new standards, including the "two-in/two-out" provision for firefighters' safety. "Two-in/two-out" is defined as a total of four firefighters on scene, two firefighters to enter the structure (buddy system), and two firefighters outside, prepared to enter the structure if necessary to rescue the firefighters inside.

The two firefighters entering an "Immediate Danger to Life or Health" atmosphere to perform interior structural firefighting must maintain visual or voice communication at all times. The two firefighters stationed outside during interior structural firefighting must be trained, equipped and prepared to enter if necessary to rescue firefighters inside. There is an explicit exemption in the standard that if life is in jeopardy, firefighters can perform a rescue without following the "two-in/two-out" requirement.

DISCUSSION

Kings County Fire Department

The Kings County Fire Department currently has four one-person fire stations that are staffed by only one Engineer or Captain on duty each shift. As a result, many of the required duties and assignments during an emergency are 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

[4] The National Institute of Standards and Technology, U.S. Department of Commerce

weight or size of the equipment cannot be easily or safely handled by one person and at least one other station must be called in order to get the job done.

Currently there are 74 positions within the department. These include:

- 1 Fire Chief
- 1 Assistant Chief
- 5 Battalion Chiefs
- 22 Captains
- 41 Fire Apparatus Engineers
- **0 Firefighters**
- 4 Non-safety support positions

It should be noted that the Fire Apparatus Engineer position is compensated at a significantly higher rate of pay than that of a Firefighter position. This is due to the greater level of experience, training and responsibility required of the Fire Apparatus Engineer position.

The Kings County fire engines do not have computers such as those utilized by the Hanford Fire Department, the Lemoore Volunteer Fire Department, the Sheriff's Office and the police departments in Kings County. As a result, the Kings County firefighter leaving the station must utilize a "Map-book" in the engine cab in order to locate the address of the emergency call. Map-books are binders that contain hand drawn or written maps and directions. Responding from a one-person fire station can be dangerous, as the Fire Engineer or Captain must operate the vehicle, negotiate traffic and look at the Map-books for directions or hydrant locations.

The Kings County Grand Jury of 2014-2015 noted this discrepancy in its report titled "City of Lemoore Fire Hydrants":

> "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…" *(Finding #5 of 2014-2015 Final Grand Jury Report)*

As reported by the Hanford Sentinel on November 10, 2015, in the article "House severely damaged in fire", the single firefighter in that instance could not enter the structure until reinforcements arrived. This was because

unless certain conditions are met, a single firefighter must wait for the arrival of additional firefighters before initiating rescue or fire fighting efforts.

The current Kings County Grand Jury learned that the wait-times at the scene for secondary responders to arrive can be up to 18 minutes. Based on all information obtained and provided to the Grand Jury, the greater the length of time required to put water on the fire, the greater the damage to property and higher the risk of injury or loss of life.

Volunteer Firefighters

Certain county representatives who were interviewed stated that the one-person fire stations were safe and effective due to the assistance of volunteers who were available as backup responders. However, witnesses interviewed from the Kings County Fire Department pointed out that the number of volunteer firefighters has dwindled markedly, are not under contract, are not always available and therefore cannot be counted on for consistent back-up.

Funding

In the 2015-2016 Proposed Budget Volumes I and II and the 2015-2016 Final Budget Volumes I and II, the Fire Chief requested the addition of six new Firefighter positions in order to achieve the ultimate elimination of all one-person fire stations in Kings County:

> "The department intends to present a phased approach to deal with this staffing challenge and will bring forward the classification of firefighter as a method to increase staffing."

However, the Chief Administrative Office did not support the department's request:

> "The Fire Chief has asked for six new Firefighter positions (totaling $487,820) and County Administration can not recommend that request due to insufficient on-going revenues to pay for these positions."

During the 2015-2016 August budget hearings, an agreement was reached between the County Administrative Office and the Fire Administration to hire three new fire apparatus engineers to address the amount of overtime costs.

In the 2015-2016 Final County Budget, the Board of Supervisors authorized the addition of three Fire Apparatus Engineers to address the problem of escalating overtime costs, and agreed to address the staffing of the one-person fire stations in a future budget year depending on revenues.

From 1986-1987 to 2012-2013, a portion of the Hazardous Waste Tax revenues was consistently directed to the Fire Fund with the exception of 4 of those 27 years in which no funds were directed to the Fire Fund. In 2013-2014, those revenues were redirected to the General Fund, with no Hazardous Waste Tax revenues going to the Fire Fund.

FINDINGS AND RECOMMENDATIONS

Finding 1

Based on tours and interviews conducted and other sources including the NIST and the OSHA studies, the Grand Jury finds that operating fire stations on a minimally-staffed status poses undue risk to not only firefighters but to the communities in which they serve.

Recommendation 1

The Board of Supervisors and the County Administrative Office address the safety needs of the residents who live in the response area(s) of the one-person fire stations, and the safety of those firefighting personnel assigned to the one-person fire stations, by ensuring that every Kings County fire station is staffed with a minimum of two firefighters.

Finding 2

The 2015-2016 Grand Jury agrees with the Finding and Recommendation of the 2014-2015 Grand Jury's Final Report that one firefighter alone cannot drive and read the map-book for directions and that it poses undue risk and is a major safety concern.

Recommendation 2

The Grand Jury recommends the Kings County Fire Department eliminate the use of map-books and utilize current technologies, such as installing computers in all department vehicles, to improve the safety of its firefighters.

Finding 3
The diversion of the Hazardous Waste Tax revenues from the Fire Fund for the past two years has created an additional obstacle to reaching the goal of eliminating the one-person fire stations. Even though the Hazardous Waste Tax revenues have been reduced, a portion of those revenues should still be directed to the Fire Fund for the hiring of additional firefighting personnel.

Recommendation 3
The Grand Jury recommends that the Board of Supervisors direct additional funding to the Fire Fund, including utilizing a portion of the Hazardous Waste Tax revenues to help offset the additional cost of establishing the Firefighter classification. The Board of Supervisors should consider any source of funding, including those designated as one-time revenues, to address the problem of one-person fire stations.

Finding 4
The Grand Jury finds that the Board of Supervisors' decision to allocate funding for three additional Fire Apparatus Engineers in order to address overtime costs instead of creating six Firefighter positions in order to address the critical problem of one-person fire stations appears to be ill advised.

Recommendation 4
The Grand Jury recommends the Board of Supervisors authorize the allocation of Firefighter positions to pair up with Fire Apparatus Engineers or Captains to ensure that all fire stations are operated with a minimum of two firefighting personnel on duty at all times.

Finding 5
The Grand Jury received a response dated 7/28/15 from the Board of Supervisors to the 2014-2015 Grand Jury report[5] expressing concurrence with the Fire Chief's ultimate goal of operating all county fire stations with a minimum of two personnel[6]. The Grand Jury finds this response to be inconsistent with the Board of Supervisors' actions in prioritizing the reduction of overtime costs over the elimination of one-person fire stations.

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[5] Board of Supervisors response 7/28/15

[6] Fire Chief Lynch's response 7/15/15

Recommendation 5
The Grand Jury recommends that as part of the 2016-2017 Proposed Budget, the Board of Supervisors conduct a study session with the Kings County Administration and the Fire Department Administration for the purpose of eliminating one-person fire stations in Kings County.

COMMENTS

The 2015-2016 Grand Jury recognizes and appreciates the committed and dedicated service of all Kings County firefighting personnel.

REQUIRED RESPONSES

Pursuant to Penal Code §933.05, the Grand Jury requests responses from individuals and/or governing groups as follows:

The Kings County Fire Chief to respond to Findings 2 and 5.

The Kings County Board of Supervisors to respond to Findings 1, 2, 3, 4 and 5.

Appendix (1)

Hanford Sentinel Report "House Severely Damaged in Fire"

THE SENTINEL

House severely damaged in fire

22 HOURS AGO • JOSEPH LUIZ STAFF REPORTER

LEMOORE – A Lemoore home was engulfed in flame Thursday when the first firefighter arrived, but he couldn't do much until reinforcements arrived.

Kings County Fire Department firefighters responded to the fire in the 6000 block of 21st Avenue around 8:30 p.m. A fireman from the county's one-person fire station in the area was the first to respond. No one was home during the fire.

"It's been completely gutted," said Fire Marshal Rick Smith. "The exterior wall is still there, but that's about it. It's been pretty much destroyed."

Smith said reinforcements came about six minutes after Firefighter Scott McFarland showed up at the scene. About 20 firefighters from Kings and Fresno counties assisted with the fire.

Smith said McFarland wasn't able to enter the home, as the law doesn't allow a single firefighter on the scene to enter a structure unless specific conditions are met.

For a firefighter to be allowed inside, at least two firefighters have to be working a water hose and two other firefighters must be on hand for rescue if something goes wrong.

Smith said the only instance in which a firefighter is legally allowed to enter a structure without any other personnel present is if there's a person inside that could die if immediate action isn't taken.

One-person fire stations in Kings County has been brought up as an problem by various organizations, including the Kings County Grand Jury in its annual report, due to limitations in responding to emergencies.

Smith said the firefighters were out in the area until about 4 a.m. Although he said it only took a few hours to put out the fire, issues with the power in the house kept the firemen there longer.

"We couldn't get the power shut off," he said. "It took about an hour for someone from [PG&E] to get there to inspect it."

Smith said the fire started in one of the bedrooms of the house. He said the damage was so extensive that they can't find much evidence as to what started the fire.

Smith said the property loss estimate for the house and its contents is about $850,000. Although most of the house was lost, Smith said some photographs were able to be recovered.

"It was a very big, beautiful house," he said.

The house also had an attached garage that wasn't damaged in the fire. The garage housed a Harley Davidson and a few other items that were also recovered.

In related matters, the department responded to another house fire Sunday around 1 a.m. in the 300 block of North Fifth Avenue, near Burris Park outside of Hanford. This one, however, had a happier ending.

"There was a fire that started in a chimney," Smith said. "Luckily, the firefighters were able to contain the fire to the chimney area and part of the attic."

Smith said the house was occupied at the time of the fire but that no one was hurt. He said the occupants had lit a fire in the chimney and that a bird's nest lodged at the top of the chimney caught fire, damaging the chimney and the top of the 8,000-square-foot house.

About 11 firefighters from the county and several from Tulare County were at the scene until around 4 a.m. that morning to make sure the fire stayed out.

"We're glad it had a different outcome," Smith said.

He said the total damage is estimated at about $25,000 for the house, the value for which is $4 million.

Appendix 2

The National Institute of Standards and Technology, U.S. Department of Commerce

Executive Summary

Both the increasing demands on the fire service - such as the growing number of Emergency Medical Services (EMS) responses, challenges from natural disasters, hazardous materials incidents, and acts of terrorism — and previous research point to the need for scientifically based studies of the effect of different crew sizes and firefighter arrival times on the effectiveness of the fire service to protect lives and property. To meet this need, a research partnership of the Commission on Fire Accreditation International (CFAI), International Association of Fire Chiefs (IAFC), International Association of Firefighters (IAFF), National Institute of Standards and Technology (NIST), and Worcester Polytechnic Institute (WPI) was formed to conduct a multiphase study of the deployment of resources as it affects firefighter and occupant safety. Starting in FY 2005, funding was provided through the Department of Homeland Security (DHS) / Federal Emergency Management Agency (FEMA) Grant Program Directorate for Assistance to Firefighters Grant Program — Fire Prevention and Safety Grants. In addition to the low-hazard residential fireground experiments described in this report, the multiple phases of the overall research effort include development of a conceptual model for community risk assessment and deployment of resources, implementation of a generalizable department incident survey, and delivery of a software tool to quantify the effects of deployment decisions on resultant firefighter and civilian injuries and on property losses.

The first phase of the project was an extensive survey of more than 400 career and combination (both career and volunteer) fire departments in the United States with the objective of optimizing a fire service leader's capability to deploy resources to prevent or mitigate adverse events that occur in risk- and hazard-filled environments. The results of this survey are not documented in this report, which is limited to the experimental phase of the project. The survey results will constitute significant input into the development of a future software tool to quantify the effects of community risks and associated deployment decisions on resultant firefighter and civilian injuries and property losses.

The following research questions guided the experimental design of the low-hazard residential fireground experiments documented in this report:

1. How do crew size and stagger affect overall start-to-completion response timing?

2. How do crew size and stagger affect the timings of task initiation, task duration, and task completion for each of the 22 critical fireground tasks?

3. How does crew size affect elapsed times to achieve three critical events that are known to change fire behavior or tenability within the structure:
   a. Entry into structure?
   b. Water on fire?
   c. Ventilation through windows (three upstairs and one back downstairs window and the burn room window).

4. How does the elapsed time to achieve the national standard of assembling 15 firefighters at the scene vary between crew sizes of four and five?

In order to address the primary research questions, the research was divided into four distinct, yet interconnected parts:

- Part 1 — Laboratory experiments to design appropriate fuel load
- Part 2 — Experiments to measure the time for various crew sizes and apparatus stagger (interval between arrival of various apparatus) to accomplish key tasks in rescuing occupants, extinguishing a fire, and protecting property
- Part 3 — Additional experiments with enhanced fuel load that prohibited firefighter entry into the burn prop – a building constructed for the fire experiments
- Part 4 — Fire modeling to correlate time-to-task completion by crew size and stagger to the increase in toxicity of the atmosphere in the burn prop for a range of fire growth rates.

The experiments were conducted in a burn prop designed to simulate a low-hazard[1] fire in a residential structure described as typical in NFPA 1710® *Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Career Fire Departments.* NFPA 1710 is the consensus standard for career firefighter deployment, including requirements for fire department arrival time, staffing levels, and fireground responsibilities.

Limitations of the study include firefighters' advance knowledge of the burn prop, invariable number of apparatus, and lack of experiments in elevated outdoor temperatures or at night. Further, the applicability of the conclusions from this report to commercial structure fires, high-rise fires, outside fires, terrorism/natural disaster response, HAZMAT or other technical responses has not been assessed and should not be extrapolated from this report.

Primary Findings

Of the 22 fireground tasks measured during the experiments, results indicated that the following factors had the most significant impact on the success of fire fighting operations. All differential outcomes described below are statistically significant at the 95 % confidence level or better.

Overall Scene Time:

The four-person crews operating on a low-hazard structure fire completed all the tasks on the fireground (on average) seven minutes faster — nearly 30 % — than the two-person crews. The four-person crews completed the same number of fireground tasks (on average) 5.1 minutes faster — nearly 25 % — than the three-person crews. On the low-hazard residential structure fire, adding a fifth person to the crews did not decrease overall fireground task times. However, it should be noted that the

1 A low-hazard occupancy is defined in the NFPA Handbook as a one-, two-, or three-family dwelling and some small businesses. Medium hazards occupancies include apartments, offices, mercantile and industrial occupancies not normally requiring extensive rescue or firefighting forces. High-hazard occupancies include schools, hospitals, nursing homes, explosive plants, refineries, high-rise buildings, and other highlife hazard or large fire potential occupancies.

Table 2: Tasks and Measurement Parameters

Tasks	Measurement Parameters
1. Stop at Hydrant, Wrap Hose	START - Engine stopped at hydrant STOP - Firefighter back on engine and wheels rolling
2. Position Engine 1	START - Wheels rolling from hydrant STOP - Wheels stopped at structure
3. Conduct Size-up (360-degree lap), transmit report, establish command	START - Officer off engine STOP - Completes radio transmission of report
4. Engage Pump	START - Driver off engine STOP - Driver throttles up pump
5. Position Attack Line (Forward Lay)	START - Firefighter touches hose to pull it from engine STOP - Flake, charge and bleed complete (hose at front door prepared to advance)
6. Establish 2 In/2 Out	Company officer announces – "2 In/2 Out established" (4 persons assembled on scene OR at the call of the Battalion Chief/Company Officer)
7. Supply Attack Engine	START - Firefighter touches hydrant to attach line STOP - Water supply to attack engine
8. Establish RIT	Time that Company Officer announces RIT is established
9. Gain/Force Entry	START - Action started (HOLD time= 10 seconds) STOP - Door opened for entry
10. Advance Attack Line	START – Firefighter touches hose STOP – Water on fire
11. Advance Backup Line (stop time at front door)	START - Firefighter touches hose to pull from engine bed STOP - Backup line charged to nozzle
12. Advance Backup Line/Protect Stairwell	START - Firefighter crosses threshold STOP - Position line for attack at stairwell

Tasks	Measurement Parameters
13. Conduct Primary Search	START - Firefighters enter front door STOP - Firefighters transmit "search complete"
14. Ground Ladders in Place	START - Firefighter touches ladder to pull it from truck STOP - 4 Ladders thrown: 3 ladders on the 2nd-story windows and 1 to the roof
15. Horizontal Ventilation (Ground)	START- Firefighter at 1st window to begin ventilation (HOLD for 8 seconds) STOP - Hold time complete - window open
16. Horizontal Ventilation (2nd Story)	START - Firefighter grabs ladder for climb. (Firefighter must leg lock for ventilation. HOLD time at each window is 10 seconds) STOP - All 2nd-story windows open - descend ladder - feet on ground.
17. Control Utilities (Interior)	START - Radio transmission to control utilities STOP - When firefighter completes the task at the prop
18. Control Utilities (Exterior)	START - Radio transmission to control utilities STOP - When firefighter completes the task at the prop
19. Conduct Secondary Search	START - Firefighters enter front door STOP - Firefighters transmit "secondary search complete"
20. Check for Fire Extension (walls)	START- Firefighters pick up check-for-extension prop STOP- Completion of 4 sets total (1 set = 4 in and 4 out) This task may be done by more than one person.
21. Check for Fire Extension (ceilings)	START - Firefighters pick up check-for-extension prop STOP - Completion of 4 sets total (1 set = 3 up and 5 down) This task may be done by more than one person.
22. Mechanical Ventilation	START - Firefighters touch fans to remove from truck STOP - Fans in place at front door and started

Appendix 3

Board of Supervisors response 7/28/15

STRATFORD-LEMOORE, DIST. I

RICHARD VALLE
CORCORAN -AVENAL, DIST. II

DOUG VERBOON
NORTH HANFORD – NORTH LEMOOORE, DIST. III

RICHARD FAGUNDES
HANFORD, DIST.V

CRAIG PEDERSEN
HANFORD-ARMONA, DIST. IV

COUNTY OF KINGS
BOARD OF SUPERVISORS

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(559) 852-2362, FAX: (559) 585-8047
Web Site: http://www.countyofkings.com

July 28, 2015

RECEIVED
AUG 0 6 2015
BY: K. C.

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: "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

Appendix 4

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 FIRE DEPARTMENT
280 North Campus Drive
Hanford, CA 93230
Phone (559) 852-2881
Fax (559) 582-8261
William K. Lynch, Chief

May 2, 2016

Kings County Grand Jury
449 C Street
Lemoore, CA 93245

The intent of this letter is to address the findings of the 2015-16 Grand Jury report related to "One-Person Fire Stations". As stated in the report, operating fire stations on a minimally staffed status does pose undue risks to firefighters and the communities they serve. During an emergency, there is no real substitute for adequate staffing in order to complete the incident priorities and necessities. Adding additional personnel in order to establish an effective response force is a credible and rational goal of the County and is the primary focus of the Fire Department.

All of the information from the report is accurate and reflects current industry standards and acceptable practices. The inclusion of data from the National Institute of Standards and Technology Study represents the latest research into effective crew size research based on the 22 essential firefighting and rescue tasks at a typical single-family residence fire. Additionally, the Occupational Safety and Health Administration's adoption of the "Two in/ Two out" standard has posed difficulties for many Fire Departments nationwide. This standard represents an appropriate measure of personnel safety based on the risk involved and life safety requirements, but can hinder property conservation. However, no building is worth a firefighter's life.

As requested, there are two particular portions within the report that we would like to address. Furthermore, we would like to provide additional information to support our position on these matters. These sections are Finding/ Recommendation #2 and Finding/ Recommendation #5.

<u>In Finding/ Recommendation #2</u>

The issue of safety regarding a single firefighter operating a fire apparatus and reading a map book is raised. In the recommendation, the report suggests that the Fire Department eliminate the use of map books and instead utilize computers mounted in all department vehicles. While employing technology and increasing efficiency is at the heart of emergency services, we must do so in a manner that provides for a justifiable service.

Computers that are installed in emergency vehicles are commonly known as Mobile Data Terminals (MDTs). For the Fire Department, these MDTs represent a substantial cost in both initial purchase and maintenance. A typical MDT can cost as much as $5000-$10,000 for a single unit with the additional cellular data plan of $50-$100 per month per vehicle. Due to the environmental conditions, the average life span of a MDT is approximately 5-10 years. In applying this cost to all of the Departments thirty-eight (38) vehicles, the expense of the MDTs is approximately $270,000 for the initial purchase and an annual cost of $23,000 for the data plans.

While safety for Fire Department employees is of the utmost concern, the utilization of both map books and MDTs represent the same level of distraction for a single staffed vehicle. The utilization of an electronic means to deliver information to responding firefighters requires that they access an MDT keyboard to gain that information. As for the visual element, it again is the same condition with a single staffed vehicle regardless of the medium in which the information is provided. All personnel responding to an emergency incident are taught to look at the station maps and to know where they are going before they respond.

In order to embrace MDT technology, we must first focus on the root of the problem, which lies in the single person staffed station and vehicle. Given these facts, it is the best course of action to apply available revenues to staffing instead of MDTs. This is the course of action that I believe is paramount at this time and the one that we currently are undertaking. As we increase staffing in the Fire Department, we will be able to incorporate many new methods and practices in order to deliver prompt and efficient emergency services, with one of them being MDTs.

Finding/ Recommendation #5

In Finding #5, the issue of addressing overtime versus eliminating one-person fire stations is cited. While the ultimate goal of the County is to eliminate this staffing pattern, it would be fiscally irresponsible to allocate an increase in positions without forecasting the impact of these additions. Each position added comes with the obligation of providing vacation and sick leave allowances at a minimum. Without adequate relief coverage, the department would accept an additional responsibility to cover these openings by utilizing overtime, which would place an additional burden on the Fire Fund.

With the additional staffing shortages of workers' compensation issues, the overtime costs for the department can quickly increase to proportions that are unsustainable by the available revenues. Given this fact, the efficient and practical use of available revenue to support the mission of the Fire Department is a duty of the agency and expected by the citizens.

The Grand Jury proposes a study session with Kings County Administration and Fire Department Administration for eliminating one-person fire stations. On many occasions throughout the year, Administration and Fire have met to address this possibility and what available revenue sources may be accessible. The core of the staffing issue is adequate and sustainable funding to add additional personnel.

Each member of the Board of Supervisors is well informed of the staffing needs of the Fire Department and has always supported their Fire Chiefs in establishing a sustainable staffing plan. This plan includes guidance to increase staffing when opportunities arise. While it is not clear if the Grand Jury is advocating for an open public study session, the Fire Department would welcome the occasion to discuss possible future opportunities and constraints.

Respectfully,

William K. Lynch, Fire Chief

JOE NEVES
STRATFORD-LEMOORE,
DIST. I

RICHARD VALLE
CORCORAN -AVENAL,
DIST. II

DOUG VERBOON
NORTH HANFORD --
NORTH LEMOOORE, DIST. III

RICHARD FAGUNDES
HANFORD, DIST.V

CRAIG PEDERSEN
HANFORD-ARMONA, DIST. IV

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May 10, 2016

Honorable Steven Barnes
Kings County Superior Court
1640 Kings County Drive
Hanford, CA 93230

Dear Judge Barnes,

This letter will serve as the Kings County Board of Supervisors' response to the Grand Jury report entitled "Kings County One-Person Fire Stations." Consistent with the Grand Jury's request this response covers findings and recommendations 1, 2, 3, 4, and 5. Also, consistent with Grand Jury's request, the Fire Chief has responded to findings and recommendations 2 and 5, a copy of which is attached to this letter.

Finding 1 of the report states:

> **Based on tours and interviews conducted and other sources including the NIST and the OSHA studies, the Grand Jury finds that operating fire stations on a minimally-staffed status poses undue risk to not only firefighters but to the communities in which they serve.**

Response:

> We understand the Grand Jury's assertion that more staff in fire stations is preferable over "minimally staffed fire stations," specifically as it related to the four-person scenario that is recommended in the NIST and OSHA studies. However, if managed properly, as has been the history in Kings County, risk can be mitigated at stations that are staffed at less than four-persons.

Recommendation 1:

> **The Board of Supervisors and the County Administrative Office address the safety needs of the residents who live in the response area(s) of the one-person fire stations, and the safety of those firefighting personnel assigned to the one-person fire stations, by ensuring that every Kings County fire station is staffed with a minimum of two firefighters.**

Response:

> The County has made progress over the last approximately twenty years in reducing the number of one-person stations from eight to four. As revenues become available

the Board of Supervisors will continue to ensure that stations are staffed with a minimum of two firefighters.

Finding 2 of the report states:

The 2015-2016 Grand Jury agrees with the Finding and Recommendation of the 2014-2015 Grand Jury's Final Report that one firefighter alone cannot drive and read the mapbook for directions and that it poses undue risk and is a major safety concern.

Response:

The Board concurs with the Fire Chief's response on this finding.

Recommendation 2:

The Grand Jury recommends the Kings County Fire Department eliminate the use of map-books and utilize current technologies, such as installing computers in all department vehicles, to improve the safety of its firefighters.

Response:

The Board agrees with the Fire Chief's response on this recommendation.

Finding 3 of the report states:

The diversion of the Hazardous Waste Tax revenues from the Fire Fund for the past two years has created an additional obstacle to reaching the goal of eliminating the one-person fire stations. Even though the Hazardous Waste Tax revenues have been reduced, a portion of those revenues should still be directed to the Fire Fund for the hiring of additional firefighting personnel.

Response:

The "Diversion" of the Hazardous Waste Tax Revenues from the Fire Fund was driven by the dramatic reduction in revenues received by the County from ChemWaste. The County has an obligation to designate the first $150,000 in Hazardous Waste Taxes to a fund to mitigate certain issues associated with the construction and operation of a surface water treatment facility in Kettleman City. This is a twenty year obligation and receipts from ChemWaste actually got below this amount in fiscal year 2013-14. The amount of revenue dedicated to Fire from this source was reduced accordingly. In fiscal year 2012-13, when it became apparent that none was going to be available for the Fire Fund, it was completely eliminated. However, to largely offset this revenue loss, the General Fund contributed $225,000 from Williamson Act Replacement Revenues. It is anticipated that the use of Hazardous Waste Taxes in the Fire Fund will begin again when they return to levels that will allow it.

Recommendation 3:

The Grand Jury recommends that the Board of Supervisors direct additional funding to the Fire Fund, including utilizing a portion of the Hazardous Waste Tax revenues to help offset the additional cost of establishing the Firefighter

classification. The Board of Supervisors should consider any source of funding, including those designated as one-time revenues, to address the problem of one-person fire stations.

Response:

As described above, it is anticipated that Hazardous Waste Tax Revenues will be utilized once again for the Fire Fund when they return to levels that will allow it, possibly as early as the 2016-17 Fiscal Year. In effect, this is a use of one-time funds that carry with it certain risks. It should be pointed out that if Hazardous Waste Taxes had previously been used to eliminate all one-person stations, there would have been layoffs when those revenues plummeted in recent years.

Finding 4 of the report states:

The Grand Jury finds that the Board of Supervisors' decision to allocate funding for three additional Fire Apparatus Engineers in order to address overtime costs instead of creating six Firefighter positions in order to address the critical problem of one-person fire stations appears to be ill advised.

Response:

We disagree with this finding as the Fire Chief's first priority was to reduce overtime costs before being able to adequately, permanently address remaining one-person stations.

Recommendation 4:

The Grand Jury recommends the Board of Supervisors authorize the allocation of Firefighter positions to pair up with Fire Apparatus Engineers or Captains to ensure that all fire stations are operated with a minimum of two firefighting personnel on duty at all times.

Response:

To the extent possible, this will be addressed in the upcoming fiscal year 2016-17 Budget. While it is anticipated that some additional Hazardous Waste Taxes will be available, the passage of Measure K on June 7, 2016 would also address one-person stations on a more permanent basis.

Finding 5 of this report states:

The Grand Jury received a response dated 7/28/15 from the Board of Supervisors to the 2014-2015 Grand Jury report expressing concurrence with the Fire Chief's ultimate goal of operating all county fire stations with a minimum of two personnel . The Grand Jury finds this response to be inconsistent with the Board of Supervisors' actions in prioritizing the reduction of overtime costs over the elimination of one-person fire stations.

Response: The Board of Supervisors concurs with the Fire Chief's response.

Recommendation 5:

The Grand Jury recommends that as part of the 2016-2017 Proposed Budget, the Board of Supervisors conduct a study session with the Kings County Administration and the Fire Department Administration for the purpose of eliminating one-person fire stations in Kings County.

Response: The Board agrees with the Fire Chief's response.

In closing, the Board of Supervisors appreciates the concern raised by the Grand Jury and thanks them for their findings and recommendation related to one-person fire stations. Our hope is that with the upcoming election, Measure K will help address staffing and demonstrate our proactive approach to eliminating one-person stations.

Sincerely,

Doug Verboon
Chairman, Board of Supervisors

Local Government

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CITY OF HANFORD
ALLEGED MISUSE OF FUNDS

SUMMARY

The Grand Jury was informed, by multiple sources, of alleged misuse of City of Hanford funds. The allegation was that monies from an assessment district account designated exclusively for use in the downtown area were used to assist a private business which was not located within the defined boundaries of that area. For the good of the citizens, the Grand Jury decided to investigate.

BACKGROUND

Pursuant to California Penal Code §925a, "The grand jury may at any time examine the books and records of any incorporated city or joint powers agency located in the county. In addition to any other investigatory powers granted by this chapter, the grand jury may investigate and report upon the operations, accounts, and records of the officers, departments, functions, and the method or system of performing the duties of any such city or joint powers agency and make such recommendations as it may deem proper and fit."

METHODOLOGY

During the course of the investigation, interviews were conducted with numerous current and former elected officials, employees of the City of Hanford, and other witnesses with information relevant to the inquiry. Agenda packets and audio recordings of Hanford City Council meetings held on November 18 and November 25, 2014, were also reviewed.

DISCUSSION

The Grand Jury was informed of a possible misuse of funds by Hanford City staff. The allegation was that monies from an assessment district account designated exclusively for use in the downtown area were used to assist a private business which was not located within the defined boundaries of that area.

The special account referred to in the allegation is the Central Parking and Improvement District (CPID) fund with revenue generated through Business License Taxes and Improvement Assessment collected in a defined downtown zone. The city contracts with the organization Main Street Hanford and pays for its services through the CPID fund. Main Street Hanford works to promote economic development in downtown Hanford. The CPID Fund, being utilized to contract with Main Street Hanford is commonly referred to as the "downtown" fund

A review of the staff reports for the Hanford City Council meetings of November 18 and November 25, 2014, showed an agenda item requesting to use the Downtown Reimbursement Fund (DRF) for Curb, Gutter, and Sidewalk Replacement to reimburse a private business for work completed prior to its opening at a new location. The DRF is totally separate and is not funded by monies collected through the CPID fund.

Due to the lateness of the hour at the November 18, 2014, meeting, the city council voted to defer this agenda item to the next meeting. At the meeting of November 25, 2014, the agenda item was addressed. During this meeting, a city councilman raised the question of utilizing the fund for a business located outside of the downtown area. City staff explained that this fund was not the CPID fund, with specified boundaries, but was instead the Downtown Reinvestment Fund (DRF). City staff informed the city council that a zone with defined boundaries had not yet been set for use of the DRF and recommended that a study session be held. The city council voted to table the agenda item and directed staff to gather more information and bring it back before them at a later date.

The Grand Jury investigation concluded that there was no misuse of funds, but instead, a misunderstanding of the two different funds. The use of DRF monies was appropriate for the requested purpose.

FINDINGS AND RECOMMENDATIONS

Finding 1

The Grand Jury finds no evidence of misuse of City of Hanford funds. The Downtown Reinvestment Fund does not have the same defined boundaries and limitations as the Central Parking and Improvement District, which is commonly referred to as the 'downtown' fund.

Recommendation 1
As an on-going effort toward transparency and to keep the public and the city councilmembers properly informed, city staff should take great care in the wording of Agenda Staff Reports and the corresponding items listed on the agenda. Specific definitions such as budgetary fund numbers and acronyms should be used so as to avoid misconceptions.

Finding 2
The Grand Jury finds that the Hanford City Council did not follow up on the suggestion from city staff to hold a Study Session to establish zone boundaries and limitations for the Downtown Reinvestment Fund.

Recommendation 2
The Grand Jury recommends that the Hanford City Council define boundaries and set limitations for the Downtown Reinvestment Fund.

COMMENTS

The Grand Jury thanks those who provided testimony and pertinent documents during the investigation.

REQUIRED RESPONSES

Pursuant to Penal Code §933.05, the Grand Jury requests responses from individuals and/or governing groups as follows:

Hanford City Council to Recommendations 1 and 2

INVITED RESPONSES

None

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FREEDOM PARK

SUMMARY

Upon hearing the public outcry concerning the Hanford Parks and Recreation Department tearing out the rubberized matting and jack-hammering the concrete under the playground equipment at Freedom Park, the Kings County Grand Jury decided to investigate. The rubberized matting made it possible for persons with disabilities to be able to access the playground.

BACKGROUND

California Penal Code §925a provides: "The grand jury may at any time examine the books and records of any incorporated city or county…"

METHODOLOGY

The Kings County Grand Jury conducted interviews with personnel from the Parks and Recreation Department. Site visits were made to Hidden Valley Park and Freedom Park in order to view the engineered bark proposed by the Parks and Recreation Department as well the current condition of Freedom Park's playground-rubberized matting. The Grand Jury also reviewed pertinent documents, attended Parks and Recreation Commission and Hanford City Council meetings.

DISCUSSION

History

In 2004 and 2005 land acquisition and design began for the proposed Freedom Park location at 2000 9-1/4 Avenue. In 2007, the park was completed at a total cost of $3,965,662. Of the total cost, the organization **Endless Dreams Trust**, through fundraising and donations raised $97,551 for the installation of ADA-compliant rubberized flooring under the

playground equipment. The rubberized matting was a pour-in-place material, poured over a concrete foundation and covered with a multicolored sealing layer. The material had an expected life-span by the manufacturer of seven to ten years.

In 2014, during the review of the Capital Improvement Plan, the Parks and Recreation Department presented the budgetary concerns between tearing out the rubberized material and replacing it with engineered bark or re-pouring the rubberized material. The rubberized material was showing signs of degradation and was in need of repair. The Parks and Recreation Department failed to explain to the Parks and Recreation Commissioners the history surrounding the fundraising activities of the Endless Dreams Trust or the purpose behind the rubberized material.

The Parks and Recreation Commission approved the Capital Improvement Plan, which was forwarded to the Hanford City Council. The Hanford City Council, based on the recommendations from the Commission and city staff, approved the Capital Improvement Plan.

On March 10, 2016, the Parks and Recreation Department began removing the rubberized material and concrete foundation as per the Capital Improvement Plan. On March 15, 2016, the Hanford City Council halted work at Freedom Park due to public outcry until a solution could be found.

(Photo Credit: Hanford Sentinel, Gary Feinstein, 2016)

<u>Solutions</u>
The Hanford Parks and Recreation Department developed two solutions to needed repairs at Freedom Park:

1) Replace the ADA-compliant rubberized material at a cost of $115,000 not including the cost to replace the concrete. The manufacturer states that the material has a life expectancy of seven to ten years, but only guarantees the material for five years.

2) Replace the rubberized material with ADA-compliant engineered wood chips at a depth of 12 inches with the initial cost of $35,000 and

an estimated monthly maintenance cost of $2,000 - $5,000, depending on wear and the need to add more material.

Maintenance

Rubberized Material:
The rubberized material as it is used begins to break down. High traffic areas like those under swing sets or at the bottom of slides develop cracks and holes. These holes can be repaired by pouring the material in its liquid state into the hole and "patching" the area.

The Kings County Grand Jury observed one of these repairs at Freedom Park and noted that the patch was not even with and was much harder than the surrounding material. The size of the replacement patch was approximately one square foot in diameter and cost $800 to repair.

Engineered Woodchips:
Maintenance is not an issue since the material can be raked back into place if disturbed and more added as it compacts. Cost to replace the material, as it is lost or compacts is approximately $2,000 to $5,000 per month, depending on the amount needed. The cost is based on bagged material versus bulk material.

ADA Compliance
One of the major public concerns about replacing the rubberized matting with engineered woodchips was the inability of those with disabilities or people in wheelchairs being able to access the playground equipment.

Testing conducted by Northwest Laboratories of Seattle concluded that with a product depth of 12 inches, a wheelchair with the total combined weight of occupant and wheelchair of 226.67 pounds would be able to be pushed over the woodchip material.

Wheelchair accessibility does become an issue in regards to sidewalk to woodchip access. As the woodchips compact, the gap between the sidewalk and the woodchips increases, making it difficult for a wheelchair to regain access to the sidewalk. However, as the woodchips compact, wheelchairs are easier to push across the woodchip surface.

Safety differences:
The Kings County Grand Jury physically inspected both the woodchip material at Hidden Valley Park and the rubberized material at Freedom Park and was surprised that both materials provided an impact cushion and felt "springy".

Testing in accordance with ASTM F1292-99 (Standard Specification for Impact Attenuation of Surface Systems Under and Around Playground Equipment) was conducted on both the rubberized material and the engineered woodchips. The rubberized material tested that falls up to 6 feet would be non-lethal in nature. The engineered woodchips tested that falls up to 12 feet would be non-lethal in nature.

Long-Term Cost Estimates
Since the rubberized material is guaranteed by the manufacturer for only five years, it is reasonable from a budgetary standpoint to expect to have to replace the material every five years at a cost of $115,000 (2016 rate).

Woodchip installation has an initial cost of $35,000 and an added maintenance cost of $2,000 to $5,000 per month.

At $2,000 per month:

> Overall cost for five years is $155,000 ($35,000 + ($2,000 x 12 months x 5 years).

At $5,000 per month:

> Overall cost for five years is $335,000 ($35,000 + ($5,000 x 12 months x 5 years).

Hanford's Solution
On April 4, 2016, the Parks and Recreation Department presented the proposals of both the rubberized material and woodchips to the Parks and Recreation Commission for their recommendation. The Parks and Recreation Commission, with the full history of the park presented, recommended accepting the solution of replacing the rubberized matting material.

On April 5, 2016, the Parks and Recreation Commission's recommendation was presented to the Hanford City Council who made the final determination that the rubberized matting would be replaced and also approved the development of "Legacy Funding" in the budget to cover the cost of future replacements.

As of April 19, 2016, the replacement of the rubberized matting was out for bid to contractors.

FINDINGS AND RECOMMENDATIONS

Finding 1

The Grand Jury finds that there is a strong disconnect in communication between the Hanford City Departments and the Commissions to which they report. The Parks and Recreation Department focused solely on budgetary issues in regards to Freedom Park during the Capital Improvement Budget planning process in 2014.

Recommendation 1

With the uniqueness of Freedom Park and the public drive to get the rubberized matting, more information should have been presented to the Parks and Recreation Commission prior to approval of the project. The Grand Jury recommends that City Departments be more forthcoming with information presented to the Commissions, specifically in areas with high public interest.

Finding 2

When Freedom Park was completed in 2007, the estimated life of the rubberized matting was expected to be seven to ten years, at which time the city would have to replace the material. However, no long-term budget plans were created to cover the cost of this replacement.

Recommendation 2

None. The City of Hanford has corrected this discrepancy with the establishment of "Legacy Funding" in the budget for future replacement needs of the rubberized matting.

Finding 3
The Grand Jury finds the quick action of the Hanford City Council in halting the demolition stage of the Freedom Park rubber matting to be commendable.

Recommendation 3
None

COMMENTS

The Grand Jury thanks all those interviewed during the course of this investigation. The Grand Jury was impressed at the speed in which the project was halted, solutions for a correction presented and the final determination of the Hanford City Council.

RESPONSE REQUIRED

Pursuant to Penal Code, §933.(c) and §933.05, the Grand Jury requests responses from individuals and governing groups within 90 days as follows:

Hanford Parks and Recreation Department

Hanford Parks and Recreation Commission

INVITED RESPONSES

Hanford City Council

HANFORD CITY COUNCIL
ALLEGED BROWN ACT VIOLATIONS

SUMMARY

The Grand Jury received complaints of inappropriate behavior and possible Brown Act violations by members of the Hanford City Council. The Grand Jury investigated the identified incidents of concern:

- derogatory letters about a city councilman were read into the record at a Hanford City Council meeting even though they were not included as an item on the agenda
- the selection of two Hanford City Councilmen as the leaders of the Hanford City Council was allegedly made prior to the public meeting.

BACKGROUND

Pursuant to California Penal Code §925a, "The grand jury may at any time examine the books and records of any incorporated city or joint powers agency located in the county. In addition to any other investigatory powers granted by this chapter, the grand jury may investigate and report upon the operations, accounts, and records of the officers, departments, functions, and the method or system of performing the duties of any such city or joint powers agency and make such recommendations as it may deem proper and fit."

METHODOLOGY

During the course of the investigation, interviews were conducted with current and former elected officials, current and former executive management staff members and employees of the City of Hanford, and other witnesses with information relevant to the inquiry. The Grand Jury also conducted research and reviewed numerous relevant documents.

DISCUSSION

The Ralph M. Brown Act, found at California Government Code 54950 describes its purpose and intent as:

"In enacting this chapter, the Legislature finds and declares that the public commissions, boards and councils and other public agencies in this State exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly.

The people of this State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created."

Letters Read Into the Record of a City Council Meeting

Due to public concern, the Grand Jury investigated an incident involving a Hanford City Councilman who read letters into the official record of a city council meeting even though it was not an item on the agenda.

At the Hanford City Council meeting on August 18, 2015, a city councilman read four letters which were said to be from constituents. These letters made several allegations against another city councilman. The city councilman read the letters into the record during the Public Comment section of the agenda which is the time for members of the public to be able to address the city council. Because the item was not on the agenda, it creates the appearance that a violation of the Brown Act occurred.

According to local news reports, it was determined that the names of the letter writers were not those of any registered voters in Kings County. The Grand Jury investigated and could find no evidence to verify that the authors of the letters were residents of Hanford.

One Hanford City Councilman stated to the Grand Jury that, at the time of the reading of the letters, there was no clear policy covering the specific situation. He further stated that he considered the reading of the letters to be inappropriate. A second city councilman testified that he had come to the conclusion that the letters were fictitious.

Reorganization of the Hanford City Council

During the Public Comments section of the agenda for the Hanford City Council meeting on December 1, 2015, a citizen addressed the city council

prior to the reorganization vote. The citizen stated that he had foreknowledge that the decision had been made prior to the actual vote. He stated he had "insider" information on who would be named as the leading officials. The person who had given him the information was reported to be a good friend of another Hanford City Councilman.

Testimony from one city councilman stated that the city councilman who was elected to a leadership position had out-of-town guests in attendance at the meeting. This made it appear that he had prior knowledge of what the city council leadership election results would be. A second city councilman testified that he was not surprised by the outcome of the vote, as he had heard rumors that the reorganization vote would be in favor of the two city councilmen.

The official vote was indeed in favor of the two named councilmen as it was alleged it would be, creating the appearance that a violation of the Brown Act had occurred.

FINDINGS AND RECOMMENDATIONS

Finding 1
Questioning by the Grand Jury resulted in testimony which made it apparent that there are rifts within the Hanford City Council which are manifested in public behavior which is not befitting of elected officials.

Recommendation 1
Hanford City Councilmen should be mindful that they are elected to represent their constituents and that their public behavior should be appropriate to the office that they hold.

Finding 2
The Grand Jury finds that a city councilman reading into the record derogatory letters directed toward another city councilman was not technically a Brown Act violation.

Recommendation 2
None

Finding 3
The Grand Jury finds that the Hanford City Councilmembers were not consistently civil in their interactions with each other at public meetings.

Recommendation 3
The Grand Jury recommends that the Hanford City Councilmembers make greater efforts to treat each other with civility.

Finding 4
The Grand Jury finds that the City of Hanford does not currently have a policy regarding the reading of documents into the public record. The Grand Jury acknowledges that this is a 'gray' area and that each situation has unique aspects that need to be evaluated individually.

Recommendation 4
The Grand Jury recommends that city councilmen should seek advice from the City Attorney before taking steps to read into the record any derogatory documents directed toward another city councilmember.

Finding 5
The Grand Jury finds that members of the Hanford City Council and members of the public appeared to have had prior knowledge of what the vote would be in the reorganization of the city council. If true, such a prior meeting is a Brown Act violation.

Recommendation 5
The Grand Jury recommends that the Hanford City Councilmembers ask the City Attorney to conduct a Study Session to ensure they are aware of the requirements of the Ralph M. Brown Act found at Government Code 54950. The Grand Jury further finds that the Hanford City Councilmembers should take great care to follow the law.

COMMENTS

The Grand Jury thanks those who provided testimony and pertinent documents during the investigation.

REQUIRED RESPONSES
Pursuant to Penal Code §933.05, the Grand Jury requests responses from individuals and/or governing groups as follows:

Hanford City Council to Recommendations 1, 3, 4 and 5

INVITED RESPONSES

None

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HANFORD CITY COUNCILMAN

SUMMARY

The Kings County Grand Jury received multiple complaints regarding a named Hanford City Councilman.
The Grand Jury investigated and identified the following issues regarding the named Hanford City Councilman who, during his candidacy for the office:

- failed to properly file campaign donations and expenditures on Form 460 in 2014 as required by the Fair Political Practices Commission (FPPC)
- failed to open a separate campaign checking account, as required
- misled voters regarding his academic credentials

BACKGROUND

Pursuant to California Penal Code §925a, "The grand jury may at any time examine the books and records of any incorporated city or joint powers agency located in the county. In addition to any other investigatory powers granted by this chapter, the grand jury may investigate and report upon the operations, accounts, and records of the officers, departments, functions, and the method or system of performing the duties of any such city or joint powers agency and make such recommendations as it may deem proper and fit."

METHODOLOGY

During the Grand Jury's investigation, interviews were conducted with current and former elected officials, current employees of the City of Hanford and other witnesses relevant to the inquiry. The Grand Jury also contacted the FPPC, conducted extensive research and reviewed numerous relevant documents.

DISCUSSION

The California Fair Political Practices Commission (FPPC) regulates campaign donations, gifts-in-kind and expenditures, and other related matters.

FPPC publishes campaign manuals, guidelines and forms for filing required campaign finance documents with the California Secretary of State.

California Form 460 Recipient Committee Campaign Statement (Form 460)
In 2014, Form 460 was required to be filed by any candidate with campaign donations, gifts-in-kind, and expenditures in excess of $1,000. Gifts-in-kind are items of monetary value provided by a donor at no cost to the candidate. An example would be a donor paying for campaign signs or the printing of brochures.

The named Hanford City Councilman, as a candidate for office in 2014, had total campaign finances in excess of $1,000. This was verified by the Councilman himself. During his candidacy for office, the Councilman did not file a Form 460 in 2014 as required by the FPPC. This was verified by the FPPC.

The Councilman provided the Grand Jury with a list of cash contributions collected for his campaign amounting to $949. He also said that he had received one check in the amount of $75. By his own admission, the Councilman collected donations during his campaign totaling $1,024.

The Grand Jury learned that, in direct contradiction to the Councilman's testimony, donations and gifts-in-kind raised for his campaign were in excess of $3,000. This information was verified by written statements from donors as well as verbal testimony. Cancelled checks, invoices and other documents were also examined.

As a candidate, the Councilman should reasonably have knowledge regarding the required reporting of campaign funds. The Councilman testified that he had run for Hanford City Council twice. The Hanford City Clerk provides a comprehensive package to all candidates which contains campaign finance information, including those published by the FPPC.

The Institute for Local Government describes the California Ethics Laws' Transparency Requirements as:

> *"Other ethics laws simply require transparency: they provide the public and the media with information on how the public's business is being conducted, who is receiving campaign contributions and gifts from whom, and what kinds of financial interests a public official has.*

With transparency laws, the public judges whether a public official or group of public officials is acting in a trustworthy fashion – typically as part of the elections process. Transparency laws also encourage trustworthy behavior by reminding public officials that their actions will likely be scrutinized and judged."

Campaign Checking Account

The FPPC Campaign Disclosure Manual 2 states:

> *"Candidates who anticipate soliciting or receiving contributions from others, or who anticipate spending $1,000 or more of their personal funds in connection with their election,* ***must*** *open a campaign bank account."*

By his own testimony, the Councilman verified that, as a candidate, he did not comply with this requirement.

Misleading Academic Credentials

The Grand Jury received testimony that the named Hanford City Councilman, during his candidacy for office in 2014, misled voters to believe he held a valid Bachelor's Degree obtained from Columbia Pacific University in Computer Information Systems and that he had also earned a valid Masters Degree in Business Administration from the same university.

The Councilman testified that he had graduated from a local high school in the Spring of 1999. He stated that through an on-line learning program, he had earned a Bachelor's degree on May 22, 1999, and a Master's Degree one year later, on June 15, 2000. The Councilman provided a copy of both of the degrees which showed they were conferred by Columbia Pacific University (CPU).

Research by the Grand Jury into CPU revealed that their on-line learning program was initially operated with state approval. It is now defunct in the State of California since it was closed by California Courts. CPU degrees earned on or after June 25, 1997, are "not legally valid" for use in California.

In the course of the investigation, the Grand Jury contacted the Department of Consumer Affairs' Bureau for Private Post-Secondary and Vocational Education which regulates on-line college programs. The Bureau affirmed that degrees earned from CPU after mid-1997 were not valid. They were

unable to assist the Grand Jury in acquiring transcripts from CPU. The Councilman was asked to provide his transcripts from CPU, but he stated that he had torn them up.

The Grand Jury viewed the Councilman's printed campaign literature from his 2014 campaign, including flyers, brochures, mailers and postcards and verified that, as a candidate, he did cite having earned these degrees as part of his academic credentials.

FINDINGS AND RECOMMENDATIONS

Finding 1

During the campaign season of 2014, Form 460 was required to be filed for any candidate who had raised or spent $1,000. The named Hanford City Councilman, by his own admission, did meet the requirement to file a Form 460, but did not do so.

Recommendation 1

The Councilman should complete and properly execute an accurate 2014 Form 460.

Finding 2

A Hanford City Councilman, as a candidate for the office in 2014, failed to open a campaign bank account, as required by FPPC.

Recommendation 2

Should this Councilman choose to run for public office at any time in the future he **must** open a campaign bank account if required to do so by the rules and regulations in place at that time.

Finding 3

The Hanford City Councilman, as a candidate for the office in 2014, listed misleading information about his academic credentials on campaign literature. The Grand Jury finds that the degrees the Councilman listed on his campaign literature were not legally valid in the State of California.

Recommendation 3

The Grand Jury strongly recommends that the Councilman no longer cite these college degrees as part of his academic credentials in campaign literature.

COMMENTS

The Grand Jury thanks those who provided testimony and pertinent documents during the investigation.

REQUIRED RESPONSES

Pursuant to Penal Code §933.05, the Grand Jury requests responses from individuals and/or governing groups as follows:

Hanford City Council for Recommendations 1, 2 and 3

INVITED RESPONSES

None

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HANFORD WATER

SUMMARY

The Kings County Grand Jury received a complaint regarding a new well being installed at the intersection of 9¼ Avenue and Hanford-Armona Road. The complainant stated the well had a permanent flushing pipe installed into the Lakeside Drainage and Irrigation Ditch and that this pipe would be used for "flushing sewage plant waste away". The complainant was further concerned about:

- permanently flushing water into the irrigation ditch during a drought
- wasting fresh water to push sewage in the irrigation canal
- the City of Hanford increasing water rates due to state-mandated cutbacks on water usage
- all the new construction in Hanford and the city's ability to provide for the increased demand

(The complainant, during an interview, recanted his statement that the waste water was being flushed down the irrigation ditch.)

During the course of the investigation, it was discovered that implementing the state-mandated chlorination process was one of the factors for the proposed water rate increase.

BACKGROUND

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

METHODOLOGY

The Kings County Grand Jury conducted a site visit of the new well at 9¼ Avenue and Hanford-Armona Road, toured water-plant facilities (including the new chlorination treatment operation) at Grangeville Boulevard and Centennial Avenue. The Grand Jury also visited the water system control facility at Hanford Public Works. The Grand Jury conducted interviews with the complainant and personnel of Hanford Public Works Department.

The Grand Jury also conducted research and reviewed documents from previous Hanford City Council meetings.

DISCUSSION

History:
In 2006, California passed Proposition 84, The Safe Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act. This act allows for smaller water suppliers to be absorbed by larger water suppliers if the cost of maintaining those smaller systems could not be maintained.

In 2009, the Kit Carson Elementary School District was experiencing increased levels of arsenic in its water system. Unable to lower the arsenic levels, the school district, with the backing of the State Department of Public Health, asked the City of Hanford to connect the school district to the Hanford water system. The water line from the Hanford water system was then installed down East Lacey Boulevard for the Kit Carson Elementary School District. Construction cost for the new pipe installation was paid by the State of California and the school district. The school district is now a customer of the Hanford Water Department.

Hanford Water Overview:
The Hanford water system consists of a large network of water supply lines to each residence and business. Consisting of 13 active wells, the system can supply up to 20 million gallons of fresh water per day. The system can hold up to three and a half million gallons of water in storage and has emergency backup generators in place at multiple pump locations. The entire system has built-in redundancies to ensure consistent water delivery. Every pump in the system is cross-connected to every other pump, ensuring water supply even if a well goes down. The system's water pumps can be cycled on or off depending on water demand or mechanical failure. The entire system is controlled at the Hanford Public Works Department. The system can also be remotely monitored and controlled.

Installation of the new well:
On August 19, 2014, Hanford was awarded a Proposition 84 grant for $4,051,730 to fund the consolidation of three small, private water systems. These smaller systems are the Four Seasons Mobile Home Park, Lacey Courts Mobile Home Park, and Hamblin Subdivision. Construction would include the installation of a new well at 9¼ Avenue and Hanford-Armona

Road. In September of the same year, the Hamblin water well, at a depth of 200 feet, went dry forcing Kings County Emergency Services to provide bottled water to the subdivision. Further, the city of Hanford installed a temporary water line allowing city water to be provided to the Hamblin Subdivision. A permanent water line has now been completed to the subdivision.

The new well at 9¼ Avenue and Hanford-Armona Road connects to the city water system via piping running north on 9¼ Avenue to the Hanford water grid located at East Third Street. This connects to the existing water line under Highway 198 to East Lacy Boulevard. There is a permanent pipe placed at the wellhead that allows for the well to be flushed south into Lakeside Drainage and Irrigation Ditch, approximately one-half mile away.

The ditch is permanently divided, fresh water goes east and treated waste water travels west for non-edible crops.

During its investigation, the Grand Jury discovered that a portion of the Lakeside Ditch is used to provide treated sewage water from the Hanford Sewage Plant for the purposes of watering non-edible food crops such as cotton. However, the Lakeside Ditch has been blocked off between 9¼ Avenue and the waste water treatment plant. There can be no intermixing of the flushed freshwater and the treated waste water. Interviews conducted revealed that the permanent pipe installed connecting the new well to the Lakeside Ditch is for flushing the well and not for flushing sewage waste.

<u>Hanford Water Use Rate Increase:</u>
Prior to December 15, 2015, Hanford water rates have been unchanged since 2007. Prior to the rate increase, metered residents paid $6.14 per month for water service and 69 cents for each 100 cubic feet of water used. Hanford city officials have approved a 62.5 percent rate increase to $9.97 per month with a further stepped increase of nine percent each year for the next three years.

In addition, there is a $2.35 billing service charge added to all user accounts. Reasons behind the rate increase:

- California mandates to reduce water usage has resulted in lowered income to the city
- installation of the required chlorination system

- system maintenance, upkeep, and expansion
- lack of emergency funds for repairs
- maintaining reserves for bonding requirements

Without the rate increase, the Hanford water system could not adhere to the imposed requirements by the state, or the needs of any expansion of the city.

FINDINGS AND RECOMMENDATIONS

Finding 1
The Grand Jury finds the system is more than adequate for supplying water resources to an increasing population and is able to supply water to the increased construction throughout the city as well as the new housing developments.

Recommendation 1
None

Finding 2
The Grand Jury finds no basis for the complaint concerning the 9¼ Avenue water pump being used to flush sewage waste down the Lakeside Irrigation Ditch. Rather, a permanent line was installed for flushing the well. The distance between the wellhead and the irrigation ditch made it unfeasible to use a temporary pipe.

Recommendation 2
None

Finding 3
The Grand Jury concurs with the rate increase of the Hanford city water rates as a necessary measure to maintain the continued operation of the water system. However, the Grand Jury feels that these rate increases should have been proposed well before 2015, allowing for a more gradual increase over time.

Recommendation 3
None

COMMENTS

The Grand Jury thanks all those interviewed during the course of this investigation.

RESPONSE REQUIRED

None

INVITED RESPONSES

Hanford City Council

Hanford City Manager

Hanford City Public Works Director

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Responses to 2014-2015 Final Report

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CORCORAN -AVENAL,
DIST. II

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NORTH HANFORD –
NORTH LEMOOORE, DIST. III

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HANFORD, DIST.V

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COUNTY OF KINGS
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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 <u>all</u> 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 the 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
DARRELL L. PYLE
CITY ATTORNEY
ROBERT M. DOWD

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JUL 21 2015

July 2, 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: Dave Ayers
DAVID AYERS, Vice Mayor

By: Gary Pannett
GARY PANNETT, Councilmember

By: Francisco Ramirez
FRANCISCO RAMIREZ, Councilmember

By: Justin Mendes
JUSTIN MENDES, Councilmember

ADMINISTRATION 559-585-2515 ♦ PERSONNEL 559-585-2520 ♦ FACSIMILE: 559-585-2595

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JOE NEVES
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NORTH HANFORD – NORTH LEMOOORE, 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
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(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,

Richard Fagundes
Chairman, Board of Supervisors

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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*

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

EDUCATIONAL EXCELLENCE

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 21st 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 21st 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 meets 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.

End of Report