

RESPONSES TO THE

2003-2004

FRESNO COUNTY GRAND JURY



**COMPILED BY
THE FRESNO COUNTY ADMINISTRATIVE OFFICE**

**RESPONSES TO THE
2003-2004
FRESNO COUNTY GRAND JURY REPORT**

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SECTION I
CITIES OF FRESNO AND CLOVIS COMMITTEE

MAYOR-COUNCIL GOVERNMENT

The City of Fresno responses to findings and recommendations can be found on Pages 35 - 41.

The City of Fresno Mayor provided separate responses found on Page 63 - 65. These responses were not approved by the Fresno City Council.

**CITY OF FRESNO RISK MANAGEMENT
WORKERS COMPENSATION**

The City of Fresno responses to findings and recommendations can be found on Pages 41 - 46.

**BOND DEBT AND FINANCIAL CONDITION
CITY OF FRESNO**

The City of Fresno responses to findings and recommendations can be found on Pages 47 - 49.

THE REDEVELOPMENT AGENCY OF THE CITY OF FRESNO

The Redevelopment Agency responses to findings and recommendations can be found on Page 54 - 62.

SECTION II
FRESNO COUNTY COMMITTEE

CITY OF MENDOTA

The City of Mendota responses to recommendations, numbers 29 through 33, can be found on Pages 66 - 67.

LAND RETIREMENT IN WESTERN FRESNO COUNTY

The economic conditions of the West Side Region of Fresno County are being impacted by several factors. According to the Fresno County Westside Economic Development Project-Final Report prepared for the County of Fresno by Jack Faucett Associates, dated January 16, 2004, the land within the West Side region is largely deficient in terms of buildings and infrastructure to make it ready for development. A large proportion of available land is not served with infrastructure such as water and sewer, energy, or telecommunications, and certain areas of the region periodically face flooding problems. Other challenges of the region include: 1) The low levels of education and training of the population of the region; 2) Levels of basic skills such as English language and literacy are lower than other parts of the country; 3) To compete in the global market, many agricultural producers on the West Side are shifting to more mechanized processes which reduce labor costs and employment in the agricultural sector.

In recent months, County staff has been working with various West Side stakeholders and with County Departments to define ongoing programs and new actions that assist the West Side and are consistent with the County General Plan. A West Side Action Plan will be presented to the Board of Supervisors in September 2004. The Action Plan is a collaborative, task-oriented document consisting of recommendations to improve economic conditions in the West Side Region. A copy of the final document will be provided to the Fresno County Grand Jury.

Findings

The County agrees with findings A, D, E and F.

B. The retired land would be turned over to Westlands Water District for management as a wildlife habitat, dryland (not irrigated) farming, or other related economic activities.

This finding is not under the control of the County, however, it appears that the Grand Jury has cited one of the components of a proposal discussed in the Westlands Water District Final Report dated May 2003. At this time, this matter has not been brought to closure.

C. There has been a continuous trend, for several years, in Western Fresno County, to take farmland out of production because of salinization. Salinization is the process by which soil becomes oversaturated with salts. It is estimated that 35,000 to 70,000 acres of farmland have already been taken out of production due to salinization. The 200,000 acres that the U.S. Government proposes to retire to deal with salinization includes the acreage already idled. Salinization in Western Fresno County is caused in part by irrigating farmland with water containing salt. The irrigation water evaporates leaving the salt behind. Unless drainage service is provided, the salt build-up will continue.

This finding is not under the control of the County, however, it does not encompass the complexity of challenges that are affecting the region economically. For example, the region is not receiving a sufficient and reliable water supply.

G. Currently, 41 government agencies and cities are mobilizing independently to deal with the repercussions of land retirement.

This finding is not under the control of the County, however, there is insufficient information to determine the basis for the finding. In developing the draft West Side Economic Development Action Plan, land retirement has been included as one of many economic challenges to be addressed in the region. Several governmental agencies and community-based organizations have participated in these discussions.

Recommendations

34. A task force be established by the Fresno County Board of Supervisors to coordinate the services and activities being mobilized to deal with the consequences of land retirement. This will facilitate the formulation of a cohesive, comprehensive, action strategy. The task force has representation from the core agencies and incorporated cities dealing with land retirement including the following:

- **Assistant County Administrative Officer for Economic Development**
- **Representatives from Westlands Water District**
- **Fresno County Department of Education**
- **Fresno County Public Works & Planning Department**
- **Fresno County Workforce Investment Board**
- **Fresno County Housing Authority**
- **Incorporated cities from Western Fresno County**
- **Other agencies as deemed appropriate by the task force**

The County partially agrees with the recommendation. The County needs to continue its primarily strategic focus and address obstacles to retaining, expanding, and attracting business to the region to improve the economic climate for all residents and businesses. This includes addressing the impacts of land retirement. Therefore, the County should ensure the West Side Action Plan Committee continues to meet to implement and update the Plan. The County agrees that the membership of the group should be expanded as necessary but creating another Task Force is not required.

35. Lead responsibility to organize and to administer the task force be assigned to the Assistant County Administrative Officer for Economic Development because of the lead role that office has undertaken in addressing the concerns of land retirement.

The County agrees with the recommendation that the lead responsibility for the Committee be assigned to the Assistant County Administrative Officer for Economic Development.

SECTION III
EDUCATION AND YOUTH COMMITTEE

VOLUNTEERISM IN THE FRESNO UNIFIED SCHOOL DISTRICT

Fresno Unified School District responses to recommendations, numbers 36 through 38, can be found on Page 68.

PROBLEMS IN FRESNO UNIFIED DISTRICT HIGH SCHOOLS

Fresno Unified School District response to recommendations, numbers 39 through 44, can be found on Pages 68 - 69.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES FOSTER CARE SYSTEM

Department Comments

As in previous years, the Department's executive and senior management staff reviewed applicable Findings, Conclusions, and Recommendations included in the annual Fresno County Grand Jury report. Most of the issues listed have also been identified in several other major assessment initiatives. Family to Family is the foundation, the framework, within which system assessment and improvement efforts are undertaken. The Family to Family goals, values, and timelines coordinate with other state and federal mandates, such as Child Welfare Redesign and the Assembly Bill (AB) 636 self-assessment and improvement legislation. Overall the Department concurs with the Grand Jury's recommendations, and will continue to move toward system improvement.

A number of successes have been achieved in the past year, including a continuing decrease in the number of children in foster care, with little or no increase in resources. In fact, Fresno County continues to be critically under-funded in its state child welfare allocation of approximately \$81,000 per full-time equivalent, compared to the County's annual cost per worker of over \$105,000. Fresno County remains in the difficult fiscal position of receiving the second-lowest allocation in the state.

- With the adoption of the Family to Family Initiative in April 2003, the Department (DCFS) entered into the first phase of the Casey Foundation's model, the internal and community-based baseline review of systems strengths, resources, weaknesses, and gaps in services for at-risk children and families. Among other accomplishments, that review resulted in a completed Strategic Plan focused on addressing the same or similar issues as are highlighted in the Grand Jury report. The Plan and the first-year status report are available upon request from the DCFS Director's office.
- Implementation of Senate Bill 163 Wraparound Services, approved by the Board of Supervisors in July 2003, required assessment of the department and community's needs and resources. A multi-agency group developed a lead agency model, a public/private partnership responsible for coordination of intensive, non-traditional services for children at risk for escalating foster care involvement. The lead agency is contractually obligated to work with the Department to effect systemic changes that support improved outcomes for children in group home or institutional care.
- Beginning in January 2004, the Department (DCFS) completed a detailed self-assessment in the context of Child Welfare Redesign and in compliance with Assembly Bill 636. A final report was submitted to the California Department of Social Services (CDSS) in June 2004. It identifies most of the same issues included in the Grand Jury report, as they relate to State and Federal outcomes and indicators for measuring the safety, permanency, and well-being of children and families in the Child Welfare and Probation systems. The Self-Assessment includes brief descriptions of contributing factors, such as large caseloads and limited staff and equipment resources, as well as improvement actions already planned or in place. The self-assessment, and/or an Executive Summary, is available upon request from the DCFS Director's office.
- On July 1, 2004, the Department, along with community partners, initiated development of a Self-Improvement Plan, to be completed no later than September 30, 2004 and submitted to the Fresno County Board of Supervisors and the CDSS. The Plan will address activities specifically designed to improve the outcomes identified in the AB 636 Self-Assessment. As legislatively mandated, there will be quarterly progress reports to the CDSS; those reports will be available to the public upon request.

The Board of Supervisors has committed the County and the Department to moving forward with system-wide improvement efforts. In spite of diminishing resources, that commitment was clearly demonstrated by the Board's 2004-05 budget decision to restore ten of the forty-four Social Worker positions that were deleted in the previous two budget years. In addition, the Board adopted the Family to Family Initiative as the over-arching structure within which the Department will continue to meet improvement goals. It subsumes the mandates, activities, and outcomes described above. System and resource issues will be addressed in the context of the Initiative's research-based model to assure consistency and fidelity to its values and goals.

Some of the Grand Jury's findings and recommendations are consistent with information drawn from other internal and external Departmental review processes. The report provides additional information regarding perceptions about the Department to be incorporated into the Family to Family and AB 636 systems improvement processes. The responses below provide current, new or updated information relevant to each of the recommendations. In addition, all of the referenced reports, policies and procedures are available in writing upon request.

Findings

A. In Fresno County the average number of times that a child in the foster care system is moved from one foster home to another foster home is 4.8 times.

The County agrees with the finding. The Department has hired a full-time foster care recruiter, four Team Decision-Making Facilitators, and is implementing Multi-Dimensional Treatment Foster Care, and Functional Family Therapy to reduce placement moves. Currently, placement at the Craycroft Center is often the only option for initial placement; especially for large sibling groups. Initial placement at Craycroft is counted as a placement move, but is helpful to more effectively assess and reunite or place children.

B. There are approximately 2,800 children in the foster care system in Fresno County.

The County partially disagrees with the finding. The figure of 2,800 is accurate for the time in which the Grand Jury conducted their review, however, this figure is continuing to decrease and as of September 3, 2004, there are 2,610 dependent children in out-of-home care.

C. There are not enough foster homes.

The County agrees with the finding. The Department has recently hired a full-time recruiter as part of their strategic plan for Family to Family. This recruiter will work in targeted neighborhoods to increase the number of foster homes available for children so they may stay in their neighborhoods.

D. There were 242 adoptions of foster children in Fresno County in fiscal year 2002/2003.

The County agrees with the finding.

E. Community Care Licensing, a state agency, governs Foster Family Agencies (FFA). FFA's are for profit companies providing care for foster children.

The County agrees with the finding.

F. Community Care Licensing regulates Fresno County Foster Care Homes (FCFFH). FFA licensing requirements are more stringent than FCFFH.

The County disagrees with the finding. Both Fresno County Foster Homes and foster homes within a Fresno FFA are governed by the same licensing regulations and Community Care Licensing.

G. State rules and regulations are more stringent for FFA operation of foster homes than Fresno County's requirements for foster homes.

The County disagrees with the finding. See response to finding F.

H. The State requires FFA foster parents to have 20 hours of training before a license can be issued and a child placed in the home. The State requires a minimum of 12 hours of training annually thereafter. Some FFAs require up to 40 hours of training per year.

The County agrees with the finding.

I. The State requires county foster parents in FCFFH to have 12 hours of training before a license can be issued and a child placed in the home. Thereafter, the State requires a minimum of 8 hours of training annually.

The County agrees with the finding.

J. Fresno County requires prospective foster parents to complete 27 hours of training before a child can be placed in a home and 20 hours of training annually thereafter.

The County agrees with the finding. The Department will offer Family to Family "Ice Breaker" sessions to help biological and foster parents work toward the best interest of the child.

K. The Department of Children and Family Services (DCFS), probation and Child Protective Services (CPS) all place children in FFAs.

The County agrees with the finding.

L. Components of the DCFS involved in foster care are spread throughout downtown Fresno, making it difficult to communicate with each other quickly and efficiently.

The County agrees with the finding. To increase the overall level of communications, a leadership team comprised of upper management from all department locations, and chaired by the Director, now meet every six weeks to address department-wide issues. The information from these meetings is then conveyed to staff via regular unit meetings and quarterly all-staff meetings. In addition, minutes from Program Manager meetings are now distributed weekly to all staff. To improve immediate communications, the County is in the process of preparing a strategic facilities plan that includes the appropriate co-location of staff.

- M. There is a lack of understanding between Fresno County social workers and FFA social workers because they operate under different policies.**

The County agrees with the finding. There have been issues surrounding the differing policies maintained by FFAs, which are not under County control. To address this and other issues between DCFS and the FFAs, a Memorandum of Understanding has been developed, and is in the process of being finalized, regarding the roles and policies of social workers in both agencies.

- N. Training currently being provided does not adequately prepare foster parents for the responsibilities ahead.**

The County agrees with the finding. However, evidence based training such as Multidimensional Treatment Foster Care, is being implemented this year to more adequately prepare foster parents for their new responsibilities.

- O. There are different reimbursement schedules for FFA's, Guardianships and individual foster parents unrelated to services performed.**

The County agrees with the finding.

- P. All adults involved with foster children must have a security clearance. Without the supervision of a cleared adult there can be no sleepovers, no travel, not even visiting down the street. All these stringent restrictions placed on children make them feel uncomfortable and atypical.**

The County disagrees with the finding. Effective January 1, 2004, WIC 362.05 stipulates that foster children have rights to do what other children in the same age categories do, such as take field trips, sleep over at friends' homes, and travel. Security clearance is no longer required, but caregivers must use a "prudent parent" standard to determine the appropriateness of the activity.

- Q. Some social workers are not making their required regular visits with foster children.**

The County agrees with the finding. The DCFS Director has implemented a contact/documentation policy effective January 2004 that establishes requirements for social worker visits. In addition, this is one of the five targeted areas for corrective action selected for the System Improvement Plan (SIP) due to the State on September 30, 2004. The Department is addressing systemic as well as resource issues that contribute to staff not being able to meet their regular visits. The improvement goals, strategies and milestones are outlined in the SIP and the Department will continually monitor our progress through SafeMeasures until there is compliance on contacts as well as other compliance requirements. The County Administrative Office will also monitor department efforts in this area.

- R. Foster parent report forms, which are to be filled out monthly, are not being returned. The DCFS does not supervise this process.**

The County agrees with the finding. A corrective action plan is being written that will include policies and procedures. These will outline systemic issues and staff responsibility. This corrective action plan will be implemented by October 1, 2004, with the responsibility for compliance to be with the Foster Parent Resource Unit Supervisory and Program Manager level. County Administrative Office staff will monitor the corrective action plan.

S. Social workers are not easily accessible to the foster children or the foster parent.

The County agrees with the finding. In the 2004-05 budget hearings, the Board of Supervisors approved the restoration of ten social worker positions. In addition, the Department is in the process of filling vacant positions, which will add necessary resources to allow social workers to better interact with their children and parents. The Department is also looking to incorporate a "warm line" which will be a manned phone line for foster parents to access immediate response to issues of concern. One social worker will be assigned to that line to either address the foster parent's needs or act as a liaison to assure their needs are met.

T. The "Care Line" for foster parents is inadequate and sometimes is staffed with untrained personnel.

The County partially disagrees with the finding. The Careline is not designed for use by foster parents. The primary use of the Careline is for the reporting of child abuse and neglect. The Careline staff are fully trained in responding to abuse and neglect issues, but are not trained to address foster parent issues as that is not their area of responsibility. The implementation of the warm line, with staff trained to respond to foster parent issues, will address this issue.

U. Every child in the foster care system has been assigned an individual social worker.

The County agrees with the finding.

V. Department employees at every level complain that they are compelled to waste time on unproductive meetings and excessive paperwork.

The County agrees with the finding. A number of activities are underway to address this issue. Training has taken place that will allow County forms to be templated for on-line completion. Imaging of case file information is being coordinated with the County Clerk's office to reduce the handling of paper. The goal is for the Department (and other County departments) to convert to a paperless system over time. Management will review its meeting structure to eliminate unnecessary meetings, convert to alternative forms of communication (such as e-mail) where appropriate, and review agendas to combine meetings where possible.

W. Specialized training for social workers is not adequate. For example, some assigned social workers are not prepared to deal with medically fragile foster children.

The County partially disagrees with the finding. The Department is planning to set up a unit that will work exclusively with our Medically Fragile Children. Staff and the supervisor in this unit will be trained by medical personnel and work in partnership with all of the communities' hospitals serving our children. The children will be placed with a specially trained group of foster parents. Date of unit implementation to be January 1, 2005.

X. DCFS social workers do not regularly attend foster parent support group meetings.

The County agrees with the finding. Social workers and administration do attend some meetings but only as invited guests. The Foster Parent Association Groups are being contacted and if they request regular presence, DCFS will assure an administrator will be at each meeting.

Y. Lack of comprehensive policies and procedures has led to unsatisfactory placement of foster children.

The County disagrees with the finding. The lack of policies and procedures are not the reason that unsatisfactory placements have occurred. A comprehensive and collaborative strategy for placements, involving all appropriate parties, is necessary to eliminate unsatisfactory placements. To this end, the Department has implemented a centralized placement unit, and incorporated the strategies of Family to Family, Team Decision-Making, and the mandates of Senate Bill 163 into its placement efforts.

Z. Some DCFS policies and procedures are on-line but even these are not complete.

The County agrees with this finding. An effort is currently underway to update existing on-line policies and procedures, and to complete the entry of additional policies and procedures into the on-line system.

AA. Initial and proper placement of foster children is hampered by a lack of centralized coordination between departments involved in the process.

The County agrees with the finding. Beginning in March 2004, the Department implemented inter-agency meetings with Probation, Managed Care, and Child Welfare/Mental Health departments to improve coordination.

BB. Some placement evaluations of children have been unsuitable and have led to unsatisfactory matching of children to foster parents.

The County agrees with the finding. The Department is now working with L.A. County and the Child Research Center to develop a structured decision-making and risk assessment tool to support key placement decisions. The Department is also using the Child Adolescent Screening Index (CASI) for evaluation of group home placements.

CC. Social workers' supervisors, program managers and administrators do not make random foster home visits to observe social workers in the field and to stay in touch with day-to-day workloads.

The County partially disagrees with the finding. Some random home visits have occurred, and the Department is taking steps to implement a wider ranging policy for random visits. In addition, the Department will be contracting with Central California Child Welfare Training Academy for mentors to build skill sets with supervisory staff for evaluation of fieldwork.

DD. Some "at risk" children are placed in homes where the caregiver is not trained or prepared to handle the child's special needs.

The County agrees with the finding. However, with the implementation of TDMs (Team Decision-Making) this will not be an issue as qualified professionals and the child's support group will be involved in the placement decision making process.

- EE. DCFS employees at the program manager, supervisor and the social worker levels have indicated they feel the top administrators are too visionary and in some cases lack adequate management skills.**

The County partially disagrees with the finding. Some employees may have expressed this concern to the Grand Jury, however, DCFS has conducted two anonymous surveys of all staff. The first survey was conducted in 2002 and the results were sent to and tabulated by an outside source. A contracted consultant conducted the second anonymous survey in early 2004; all results were tabulated and reported by his staff. Neither of the survey's results agree with this finding.

- FF. There is a system wide criticism of the department's leadership regarding a lack of effective administrative direction.**

The County disagrees with the finding. Please see response to EE above regarding the results of two department-wide surveys. Despite the survey results, the Department has chosen to take a proactive stance to explore management best practices. The above mentioned consultant has been retained for his expertise in organizational management and to recommend areas within the Department that can be improved.

- GG. The staff is top heavy above the level of social worker.**

The County disagrees with the finding. The span of control for supervisors meets or exceeds the mandatory State minimum of seven to one. Program Managers and Administrative staff are consistent with other County departments. In addition, the Department has experienced additional administrative workload as a result of the decentralization of the Human Services System, an increase in mandated regulations, and the demands for reform.

- HH. There is a lack of common purpose and collegiality among members of the different departments within the DCFS staff.**

The County disagrees with the finding. Every DCFS employee is familiar with the Mission Statement of the Department to protect and promote the safety and well being of children and families to achieve family permanency, stability, and self-reliance. All staff share in the responsibility to promote this mission.

- II. The DCFS agency is not in compliance with state regulations.**

The County partially disagrees with the finding. Only in some instances has the Department been unable to comply with certain regulations. These instances are being addressed through Director policies, the Self-Improvement Plan, and the Family to Family initiatives.

- JJ. The continued changing of social workers and moving a child from foster home to foster home diminishes a child's sense of security.**

The County agrees with the finding. However, with the implementation of TDMs and Family to Family, the movement of children should decrease as best practice will dictate the first placement will be the best placement.

- KK. Social workers are being pressured to close cases rather than using "best practice".**

The County disagrees with the finding. The administrative direction adheres to the law in the use of best practices to determine the appropriate point to close cases.

- LL. A comprehensive written list of policies and procedures for the foster care system is not available. Verbal procedures are being interpreted differently by various members of the staff.**

The County partially disagrees with the finding. Please see response to recommendation number 54.

- MM. Timelines or deadlines assigned to a project are not enforced.**

The County partially disagrees with the finding. Deadlines are shifted based on priorities, contingencies and availability of resources.

- NN. Inadequate training and lack of management skills affects the performance of everyone throughout the system.**

The County agrees with the finding. However, the Department does not agree that inadequate training and lack of management skills exists throughout the department, thereby affecting the entire system. As stated earlier, the Department is taking a proactive approach to train the administrative and first line managers on how best to lead staff through change, and to improve organizational management where possible.

- OO. Individual social worker's job descriptions are inadequate and not specific.**

The County agrees with the finding. Please see response to recommendation number 61.

- PP. Staff within the system report foster children's case files are not organized in an orderly, consistent or comprehensible manner.**

The County agrees with the finding. Please see response to recommendation number 57.

- QQ. Debriefing procedures and time off are not consistently available to social workers after death or serious injury of a child under their supervision.**

The County disagrees with the finding. An administrative directive is in place regarding debriefing and administrative time off. Supervisory staff has been trained to offer counseling and administrative time off immediately following an incident. In addition, group debriefings are conducted at regular intervals.

- RR. Recommendation number 63 of the 2002/2003 FCGJ report stated “A documented placement policy for foster children be completed and implemented by the Department of Children and Family Services”. This recommendation has not been satisfactorily addressed and completed.**

The County partially disagrees with the finding. The Department acknowledges that it has not reached its ultimate goal in this complex and labor intensive effort, however, major strides have been made. During August and September of 2003, staff made a placement presentation to the Foster Care Oversight Committee that provided a comprehensive review of placement aspects, lessons learned, areas to be addressed and an action plan. The Department points out that State regulations already dictate placement policy, and that further documenting a department policy will not adequately address placement issues. Implementation of Family to Family and Team Decision-Making, and the establishment of a placement unit, with associated unit policies and procedures, will better equip staff to make placement decisions in the best interest of the child and the foster parents.

Recommendations

- 46. Establish written comprehensive goals, policies and objectives to insure proper initial placement of foster children.**

Concur. Appropriate out-of-home placement decisions set the direction for every child's opportunities for a safe and healthy future. For example, one of the five primary self improvement goals in the State Improvement Plan (SIP), to be submitted to the State by September 30, 2004, is to reduce the number of Fresno County dependent children placed in group homes. The Family to Family initiative provides the foundation for the task outlined in this recommendation. Beginning September 1, 2004 all 7-Day Notices (provider requests for placement changes) will be addressed through the Team Decision-Making (TDM) process, based on the Family to Family model. On October 1, 2004 the TDM process will be initiated for all children at the time of initial removal from parents/guardians. The model assures that all aspects of the child's needs and best interests are identified and addressed in the placement planning process.

A Facilitator trained to conduct effective TDM meetings will convene a group of persons with personal and professional relationships with the child, including the biological parents where possible, to develop consensus on the best placement plan. The plan includes development of individualized goals and objectives for each child. A written TDM policy, with detailed procedures for implementation, is available to staff on paper and via the County's Intranet; training is being conducted in every affected DCFS unit. It is the Department's intention that ALL placement decisions are made within the TDM framework.

Additional current policies are online, mandating consideration of language and other social and emotional issues in placement decisions, emergency placements, and post-emergency follow-up to establish stable ongoing placement.

47. Perform review of files by social work supervisors to determine the initial placement and procedures are accomplishing goals and objectives set forth by the Department.

Concur. Supervisors will review initial placements and placement changes to assure that decisions were based on best practices and that appropriate follow-through occurs on goals and objectives. A database will track, by meeting date, all parties involved in a particular TDM meeting. It records the reasons each child is at risk of out-of-home placement or placement change, recommendations documented in the placement plan, and persons responsible for carrying out those recommendations. The database supports the Family to Family Self-Evaluation task force in tracking and trending system and child improvement progress, and UC Berkeley's research center will analyze the data and provide feedback so the results can be used to inform and effect system change.

Since July 2004, DCFS child welfare supervisors have had access to a software program, "Safe Measures," to monitor social worker/child contacts and completion of case plans. This system has been available to Program Managers since March 2004. The reporting system indicates a steady upward trend in the quantity and quality of those activities.

48. Form a team to evaluate a foster child's initial placement.

Concur. See responses to Recommendations 46 and 63.

49. Write, install, implement, monitor and enforce comprehensive policies and procedures to effectively train employees.

Concur. Effective training and retraining assures employee understanding of and compliance with established best-practice policies and procedures. There are several levels of mandated training already in place for new workers: Fresno County orientation through Personnel Services, a partnership with the Social Work Academy at California State University, Fresno for mandatory new worker training, and the County also contracts with the University of California, Davis for specialized social work and mental health training classes.

In addition to external training sources, the Department is expanding the role of its Training Unit to include maintenance of training records, monthly assessment of training needs for new and existing staff, and monitoring of mandated training activities. The Training Unit policy is currently being revised.

There are also specific training processes in the Department's program areas. For example, the Permanency Planning and Concurrent Planning divisions are developing a time-based training process for social workers entering the division, whether newly hired or experienced workers transferring from other areas. A written policy, available on the Intranet, requires supervisors at every level to provide, and appropriately document, training for individual employees on departmental policies and procedures as they are implemented. Supervisors' compliance with that policy is a component of their performance evaluation.

50. Reduce the number and length of meetings.

Partially Concur. Meetings are a critical form of immediate and direct communication that can be a significant burden for staff if not used effectively. The number of meetings that must be conducted may become less of an organizational barrier if the time spent is appropriate, focused, structured, and productive. The County has contracted with WORx, a private consulting firm, for an assessment of the Department's organizational structure, including the number, types, and structure of meetings, and recommendations for improvement.

51. Teach management skills and time management to department heads, managers and supervisors and hold them accountable.

Concur. Time management and management skills are critical to the roles and responsibilities of managers at every level. Under the contract with UC Davis, the County has provided relevant training to most management and supervisory staff (not everyone has yet attended due to limitation of space, but the classes are continuing). The Department's Assistant Director attended all training sessions, and designed the curriculum for the advanced training as well. In addition, the Assistant Director and senior managers (except the two new managers and the new Deputy Director) completed a UC Davis Leadership Training series designed specifically for senior managers in human services organizations.

The Agreement with WORx referenced in item 50 includes evaluation and training in these areas of function. The consultant is working with managers, and will be working with line supervisors, to teach prioritization skills and techniques for dealing with staff, resource, and time limitations. For more than two years the managers have been increasingly involved in and accountable for personnel and fiscal resource management. The improvement in their knowledge and skills have contributed to the Department's fiscal improvement to the extent that the Department has gone from requiring budget augmentation of over \$3,000,000 in County tax dollars in 2001-02 to being able to support the hiring of ten new social workers in 2004-05.

52. Require the immediate supervisor at any level to offer a professional counselor to assist a grieving worker.

Concur. The nature of the County's work with children and families increases the likelihood that workers will face situations of grief and loss. There is a policy in place, currently undergoing review and updating, that addresses these issues for staff involved with the death or serious injury of a child. The policy specifically allows administrative leave as appropriate, and mandates that referral for grief counseling be offered to affected employees. The County contracts with Ann Clark Associates for employee counseling, and the Department utilizes the services of the County's adult mental health crisis response team as well.

53. Move different sections for the foster care program within close proximity to each other, ideally one site, to improve communication, efficiency and effectiveness.

Concur. A single site could improve child welfare services in a number of ways. However, all child welfare program staff, as well as the administrative support staff, are housed in four buildings within a four-block radius of each other in downtown Fresno. The Foster Parent Resources unit, less than two blocks from the visitation and Juvenile Court areas, is housed in the same building as the social workers assigned to Long-Term Foster Care, the largest and most intensive foster care population. That location also houses Eligibility staff from the

Department of Employment and Temporary Assistance, to facilitate the management of foster care provider payments.

In 2003, employees moved from a building on M Street into one of the locations in the four-block area, making them less isolated from the rest of the social work staff. The Fresno County Administrator's Office is currently reviewing all facilities leased or owned by the County, and DCFS needs will be included in the consideration of space utilization.

54. When a project or program is under consideration, set and enforce deadlines for completion.

Concur. The overarching goals for system change within DCFS are broadly mapped out in the 2003-04 Family to Family strategic plan. The document details strategies, goals, and activities that were to be accomplished this fiscal year. Timelines and lead persons responsible were assigned to the goals, and the deadlines were enforced. Task forces were accountable to the Steering Committee (Senior Management of DCFS and Task Force Leaders) and the Steering Committee was accountable to the Leadership Team (Supervisor Susan Anderson, Jeanne Waugh, the Honorable Martin Suits, Director of DCFS Gary Zomalt, LCSW, Ed.D, and Assistant Director of DCFS Cathi Huerta, MSW). The Family to Family Coordinator, reporting to the Assistant Director and the Leadership Team, is responsible for oversight of implementation. So far, the DCFS is right on target with implementation of this year's strategic plan. A detailed account of each goal accomplished (and it is significant) is readily available to staff and to the public. Since implementation of Family to Family began in September of 2003, quarterly reports have also been made available to the community stakeholders as well as to staff. Quarterly editions of Family to Family newsletter have also been published and disseminated. So far, all goals and milestones have been met and have been documented by the Family to Family task force team and the Steering Committee. The Stuart Foundation and the Family to Family California Leaders visited Fresno on July 23, 2004 and paid Fresno the highest of compliments for not only having a strategic plan, but for meeting all of the goals and objectives described in the plan. The 2004-05 strategic plan is currently being written and will be made public in October 2005.

55. Train and continue to retrain, foster parents and caregivers to help them understand the dynamics of their relationship with a foster child.

Concur. It is important to a child's well being that foster caregivers be able to recognize and manage social, behavioral, and emotional issues affecting the stability of out-of-home placements. Fresno County, through DCFS Licensing, provides orientation sessions for new foster parent applicants; the County also contracts with Fresno City College for the Foster-Adopt Pride program, a 9-week Foster and Kinship Education Program, given in English and Spanish, for new foster care applicants. A Family to Family component will be added to the curriculum within the next few months.

Fresno County also contracts with CSUF for 12 hours of training annually, offered to all County-licensed foster providers. Each class offered is designed to address specific topics, selected with input from foster parents, the Department, and the CSUF education staff. Opportunities for additional training, both voluntary and mandatory, will be explored through the Department's Foster Parent Resources Unit and the Family to Family Recruitment, Training and Support task group. In addition, in July 2004 Fresno County was selected as one of twenty-six sites in the United States to participate in the Kinship Breakthrough Series Collaborative, a series of training sessions intended to help develop improved support systems for kinship placement providers.

56. Improve Fresno County recruitment procedures for foster parents.

Concur. Lack of adequate and appropriate foster placement resources contributes to the number of placement moves many children experience, particularly when initial placements must be made on an emergency basis. Within the context of the Family to Family model, recruitment, training, and support of neighborhood-based foster parents is everyone's responsibility, shared by the Department and community resources. There is a recruitment task group, and the Department has selected a Foster Parent Recruiter, due to assume the duties of this new position in September 2004. The Recruiter will focus on recruiting new foster parents and on assisting foster care applicants in getting through the licensing process. Initial recruitment efforts will focus on the geographic areas identified as Family to Family target neighborhoods, with expansion into other neighborhoods as the Family to Family scope of activities broadens over time.

57. Require all foster children's files be organized in the same manner with supervisors required to periodically review these files.

Concur. The ability to locate pertinent information quickly is integral to comprehensive care planning. Mandatory supervisor case review began in July 2004 for all programs. There is a filing guide module included in new worker training; it will be updated in the form of a policy and procedure guide and redistributed to all staff, with training to be completed by September 30, 2004.

For the past 18 months Fresno County has been in the process of converting from paper files to electronic image files which will make case records easier to access for case review processes. The filenet software also mandates consistent organization of the components of electronic case records.

58. Accelerate the development of the Family to Family program where appropriate.

Partially Concur. While there may be some advantages to more aggressive implementation, the Annie E. Casey Foundation believes that the first year of Family to Family implementation is about planning and assessing a county's practices, management, and policies. The 2003-04 strategic plan was an aggressive plan to follow; yet it was adhered to and fully met this year. The first year of implementation calls for sites to spend large amounts of time in task forces to conduct intensive agency assessments. Task force work begins to infiltrate the daily work of DCFS staff sometime during year two. Fresno began its implementation a bit faster than recommended in the model program. Fresno County began its community work, one of the core strategies, during its third quarter and established an extensive process for data collection and dissemination (core strategy for Self-Evaluation). Regular reporting to staff and the community began during Fresno's fourth implementation quarter.

The remaining two core strategies (and two task forces) are on target with the Casey implementation timeline. Most of their work will be transferred to the community and to staff during the first quarter of year two. The model calls for much of the work to be done in group settings, with equal numbers of staff and community members. This process, and building consensus within the Task Forces prior to recommendations being set forth, takes time. The Task Forces were diligent and thorough and stayed on plan; in two areas, they ended the strategic year ahead of the plan deadlines. Fresno County could not have implemented at a faster rate.

59. Assign cases, which require special skills and experiences to employees who have exhibited the appropriate knowledge to deal with difficult problems.

Concur. Specialized case assignment can result in better outcomes for children and families with specific types of needs. The Department has a policy in place for assignment of cases for monolingual families to workers with appropriate language skills whenever such resources are available. The Department is adopting this recommendation as part of its System Improvement Plan.

In development of the care planning policies and processes, the Department is focusing experienced resources on populations with special placement needs, such as medically fragile children, children with behavioral and/or emotional disorders, and transition-age youth. Implementation of Functional Family Therapy, Multi-Dimensional Treatment Foster Care, SB 163 Wraparound Services, SB 969 (step-down) foster homes, and the Incredible Years will help form the foundation for these placement policy decisions and resources.

Social workers with specialized experience are currently assigned to work with children in or at risk of placement in group home levels 10 through 14 in the SB 163 process, in the Infant Mental Health Program, and in BASYC (Baseline Assessment and Screening for Young Children). Methods are already being addressed at the Senior Management level for further refinement of criteria for case assignment based on consumer needs matched to workers with relevant experience.

In addition, the Casey Foundation has selected Fresno, as one of four out of twenty-three California Family to Family counties, to participate in the addition of a fifth Family to Family strategy called Foster Youth Transition. Currently we are part of a focus group to develop this strategy with the Casey Foundation and the Walter Johnson Foundation. This will be a three-year funding opportunity, which will focus on the design and implementation of best practice for transitioning youth successfully from foster care. Our work with this Family to Family strategy will provide another resource to support our partnership with the Equal Opportunities Commission for the development of youth transitional housing, which was recently funded by a \$1.7 million grant.

60. Require icebreaker sessions within the first 48 hours of the child's entry into the system. Include in these sessions, the natural parents when appropriate the foster parents, the social worker, a Court Appointed Special Advocate.

Partially concur. The Family to Family model for Icebreakers has established that their effectiveness is maximized when they occur after a child has been placed into his/her first foster home, right around the time of the first visit, and after the time that the case leaves the Emergency Response Division. For Fresno County, this would be at about the 5-10 day point. The Icebreakers will be conducted once the family's case reaches the Concurrent Planning (CP) Division. These meetings are the first meetings of the Family Team. Members of the Family Team include the CP Social Worker, the birth parent(s), and the foster parent(s); a team is currently working on a strategy and Icebreakers Policy and Protocols. Members include staff from Emergency Response, Concurrent Planning, birth parents, foster parents, Foster Parent Resources, Public Health Nursing, the Family to Family Coordinator, and the DCFS Assistant Director. Icebreakers will begin in the first or second quarter of Family to Family year two. Once established, the Icebreaker protocol will be readily available for review by the community and DCFS staff.

61. Write job descriptions for employees of Children and Family Services with more specificity.

Concur. While County departments do not have the authority to generate approved job descriptions for County positions, it is possible to request that Fresno County Personnel Services review specific classifications or assignments to determine whether existing descriptions accurately reflect practice.

The Department agrees that the current job descriptions for the Social Worker series (from Social Worker I through Social Services Program Manager) are outdated, and will request that County Personnel update the Civil Service job description. However, the Civil Service description is a very generic description of what, in this case, social workers do throughout the County.

Given the scope and complexity of functions within DCFS, social worker assignments and responsibilities vary greatly. County Personnel could not be expected to have the resources, nor the expertise, to develop job descriptions that are more applicable to each DCFS program, if not specific job descriptions for each position. This would have to be done within the Department, and would involve each employee, supervisor and manager, and would require a great deal of staff time to draft, review and finalize these position descriptions. They would also have to be consistent with the general parameters of the Civil Service job descriptions, to ensure we're not working anyone out of classification. Given the resources available through County Personnel Services and the Department, such an undertaking may not be manageable in a timely manner.

62. When a child has to be moved from one foster home to another, delineate a list of written procedures to be given to the new foster parents on placement. Include in a child's file all pertinent data regarding background, medications and dosage, and good as well as bad behavior before the child is moved.

Already in Place. In addition to the Health and Education Passport, existing policy requires that a child's folder be initiated at the time of initial detention, with as much information about the child as is available, and given to the foster caregiver at the time of placement. That policy was updated and placed online during July 2004, and worker training is being completed. Another policy, now being updated, defines procedures to be followed by all ongoing Child Welfare divisions to keep the child's folder updated with current information, including the items listed in the above recommendation as well as court orders, health and mental health information, etc. The policy will also mandate monitoring of success rates in keeping updated folders with children during placement changes. When the review is completed the updated policy will be placed online and staff training completed in accordance with the Department's training policy.

64. Before a child is moved, require a supervisor to sign off on the child's file.

Concur. Currently all moves from foster care to group home placements require a supervisor's signature. By October 1, 2004, the TDM process will be used for all placement changes; assigned supervisors will be part of each TDM and written approval will be required for every placement plan.

65. Evaluate and chart statistics regarding the movement of foster children throughout the system.

Intent Unclear. Based on information in the Grand Jury Report, the goal of this recommendation could not be determined. The CWS/CMS system maintains a record of every placement history, from initial contact through each placement type and location, as long as the child remains a Fresno County dependent. That information is available for an individual child or in aggregate form, based on a variety of criteria. It has been used for internal and external research and analysis, most recently for the AB 636 Self-Assessment process and Family to Family baseline data. The Department has and uses the capacity to pursue specific data elements captured in the system to inform and direct program decisions.

65. Encourage the County Foster Care Advisory and Oversight Committee to review various departments' procedures and evaluate duplicate services, looking to eliminate excess costs.

Concur. The Department and the Committee already have a history of Committee member inclusion in Department operations, from specific case review to participation in various Department processes. At this time Committee members are working in sub-groups to review operations in each Child Welfare Division and reporting back to the Committee with findings and recommendations. Other opportunities for Committee review and input have been and will continue to be available, and a Committee member is currently participating in the AB 636 System Improvement Plan development.

66. Require a social worker's cellular phone number be given to their foster parents, older foster children and the Children and Family Services duty officer so contact can be made at all times.

Concur. The Department agrees with the necessity for communication and access to social workers. However, because of the potential costs of increased cellular phone usage during peak hours, the Department needs to develop education tools for staff, foster care providers, and foster children regarding appropriate non-emergency and emergency use of communication systems. We are in agreement, but first need to do some education and communication about the use of a land line and emergency use of a cell, and we need to project costs of usage during peak hours that will result.

67. Invite and include foster parents to selected staff conferences that concern their foster child.

Concur. This practice is already established in some areas of function. It is not yet as widespread as it should be, but the practice is being incorporated into increasing levels of staffing activities. Initiation of the TDM process will make it mandatory that foster parents be invited to ALL meetings that concern specific children in their care.

68. Make the existing Careline helpful. Its purpose is clearly defined as an emergency link between foster parents and the department. Require that this line be competently staffed 24-7 for the protection of the children in the system.

Partially Concur. The Careline is more than an emergency link between foster parents and the Department. It is intended for the reporting of ALL emergency and urgent child safety issues, whether by foster parents or the general public. To assure that Careline staff are available to answer emergency calls regarding children who may be in immediate or imminent danger, other resources are also available to link foster caregivers to the Department for support on

less urgent issues. Foster parents have access to assigned social workers from 8 a.m. to 5 p.m. weekdays, Foster Parent Resources on-site staff from 8 a.m. to 9 p.m. Monday through Friday, and stand-by social workers 24 hours per day, 7 days per week. The Careline is staffed from 8 a.m. to midnight by trained social workers; during off hours an answering service has immediate access to a trained social worker to address calls as needed. In addition, the Department is considering the feasibility of a foster parent hotline as part of its Family to Family model.

69. Maintain a log of social worker visits to a foster home and have it signed by the social worker and the foster parent stating particulars of that visit.

Disagree. There are mechanisms in place to accomplish the apparent goal of this recommendation; an additional log would add to the workload of social workers and foster parents alike without generating information not available elsewhere. Social Workers are required to document the details of all visits in the CWS/CMS system; a written policy specifies that this will be completed within seven days of each visit. In addition, foster parents are required to submit monthly reports on children in their care, including worker visit information. Instead of creating another tracking system, the Department will review compliance levels in both of these areas, identify opportunities for more consistent and efficient use of existing resources, and monitor to assure continued maintenance of improved performance.

SECTION IV

HEALTH AND SOCIAL SERVICES COMMITTEE



IN-HOME SUPPORTIVE SERVICES

Findings

The County agrees with the following findings: A through H; J through U; X through CC; and, EE through GG. Responses are provided below to the following findings:

I. The Public Authority is required to perform criminal background checks of providers, but receives no State funding for this function.

The County agrees with a portion of this finding, but submits clarification that Welfare and Institutions Code Section 12306.1 (e) states "Any nonprofit consortium contracting with a county pursuant to this section or any public authority established pursuant to this section shall provide for all of the following functions under this article, but shall not be limited to those functions:... (2) Investigation of the qualifications and background of potential personnel...". There is no requirement that the background check be for the criminal record of the provider.

V. The IHSS payroll processing system is performed manually.

The County disagrees wholly with this finding and submits an update to the Grand Jury that effective April 2004, the In-Home Supportive Services Program implemented an automated payroll system thereby significantly reducing the degree of manual processes associated with payroll.

W. The present payroll processing system allows for providers to turn in multiple time cards. This can result in exceeding the allowable maximum of 300 hours worked monthly.

The County disagrees wholly with this finding and submits further clarification. While the IHSS payroll system may be subject to submission of multiple timesheets by the same provider, the State's Case Management and Information Payroll System (CMIPS) will pay a provider only once for one time period per recipient. An attempt on the part of the provider to bypass this process will trigger a CMIPS alert that a payment has already been made. One provider may deliver services to multiple recipients, thus allowing that provider to submit multiple timesheets. The State imposes no restriction on the number of hours one provider can work. An "allowable maximum of 300 hours" does not exist in the program, although the State does produce a report of providers who are working in excess of 300 hours for quality control purposes.

DD. Consequences for committing fraud are not explained to either the recipient or provider by the initial caseworker.

The County disagrees wholly with this finding and provides the following update. Effective March 2004, IHSS recipients and providers are being asked, as part of the intake process and annual reassessment process, to sign a "Responsibility Checklist" that explains that acts of fraud will be subject to prosecution.

Recommendations

- 71. Establish and publicize a specific “Hot Line” telephone number to report fraud similar to “Crime Stoppers”.**

Recommendation will be implemented in the future. Two “Hot Lines” currently exist that accept the reporting of IHSS fraud: 1) the Bureau of Medical Fraud at 1-800-822-6222, and 2) the Fresno County Welfare Fraud Hot Line at 559-453-5045. During the next six months, the IHSS program will explore further opportunities to publicize this information.

- 72. Publicize that anyone with knowledge of a provider or recipient committing fraud is urged to report suspicions to the “Hot Line”, District Attorney’s office, or Adult Protective Services.**

Recommendation has not yet been implemented, but will be implemented in the future. Publicizing available “hot line” numbers is addressed in number 71 above.

- 73. Provide the recipient verbally and in writing with an explanation of various types of fraud, and its consequences.**

Recommendation has been implemented. Recipients and providers are asked to sign a “Responsibility Checklist” that states acts of fraud are subject to prosecution.

- 74. Develop a recipient/provider handbook describing duties and responsibilities to include a signed document that they have read and understand their responsibilities, which will be placed in their respective files.**

Recommendation has been implemented. A 28-page Recipient/Provider Handbook has been created which describes duties and responsibilities and is distributed at each IHSS intake and reassessment appointment and through Public Authority Orientation Workshops. Copies are also available in the IHSS lobby. The “Responsibility Checklist” for recipients and providers requires a signature of receipt.

- 75. Adapt the forms filled out by licensed health care professionals to be more comprehensive and specific as to type and degree of a recipient’s disabilities and specific needs for assistance.**

Recommendation has not yet been implemented, but will be implemented in the future. Further refinement of the IHSS 37 Form (Physician’s Statement) can be achieved to more clearly specify recipient disabilities, limitations, and needs for assistance. A six-month implementation timeframe is proposed.

- 76. Improve the existing checklist, specifying a recipient’s lack of capabilities, for both social workers and licensed health care professionals.**

Recommendation requires further analysis. The County requires clarification and identification of specific “existing checklist” referred to in Grand Jury Report.

- 77. Communicate by direct mail with all licensed health care professionals who prescribe In-Home Supportive Services care that any change in a recipient's status must be reported to the In-Home Supportive Services.**

Recommendation will not be implemented. The Grand Jury's recommendation that all licensed health care professionals report any change in a recipient's status is not required by State regulation.

- 78. Improve requirements that providers report any change in the recipient's health status to In-Home Supportive Services.**

Recommendation will not be implemented. While IHSS providers can be encouraged through training to provide reports of changes in health status, it is outside the scope of this Department's authority to require that providers report recipients' health status. The State specifies that it is the responsibility of the recipient to report any changes to their social worker.

- 79. Install a computer database that can cross reference names, addresses and social security numbers for both providers and recipients.**

Recommendation has been implemented. The California Department of Social Services (CDSS) is currently conducting social security cross reporting and has proposed increased data matches with other organizations to ensure accuracy of recipient and provider information.

- 80. Request the Fresno County Recorder's Office to provide names of the deceased to the In-Home Supportive Services at least semi-monthly.**

Recommendation will not be implemented. Requesting the County Recorder's Office to provide names of deceased individuals to IHSS on a semi-monthly basis is not required by State regulation. Additionally, the County does not possess the technology necessary to identify IHSS recipients from the list of all deceased individuals in Fresno County.

- 81. Develop a comprehensive Policies and Procedures Manual to be issued to all social workers.**

Recommendation has been implemented. A comprehensive policies and procedures manual for social workers is currently under development.

- 82. Develop a uniform recipient assessment chart to be used by all social workers.**

Recommendation has been implemented. In trailer bill language signed by the Governor as part of the FY 04-05 budget plan, CDSS is charged with creating a uniform reassessment tool to be used by all County social workers in assessing individuals for IHSS services.

- 83. Install optical scanners to read time cards calculating hours worked and verifying signatures.**

Recommendation has been implemented. The Automated IHSS Payroll System has been in place since April 2004. This system utilizes optical scanners to read timesheets.

- 84. Establish a procedure to prevent a provider from altering a timecard after it has been signed by the recipient.**

Recommendation will not be implemented. IHSS already has a payroll practice in place that does not accept timesheets that have clearly been altered, i.e.: numbers overwritten, use of white out, etc. However, the program is unable to prevent a provider from attempting to defraud the program by altering a timesheet since IHSS staff are not involved in the preparation and submission of said timesheets.

- 85. Require all providers to be included in the Public Authority's registry.**

Recommendation will not be implemented. It is outside the scope of the County's authority to require that all providers be included in the Public Authority's registry. Welfare and Institution Code Section (h) stipulates that, "Recipients of services under this section may elect to receive services from in-home supportive services personnel who are not referred to them by the public authority or nonprofit consortium."

- 86. Classify providers (1,2,3 or A, B, C) and compensate them according to their level of proficiency, e.g. ability to read and write English, understand and assist with prescriptions, CPR certified, administer injections, take vital signs or qualified to drive to necessary appointments.**

Recommendation will not be implemented. Classification of providers by level of proficiency and corresponding varied levels of compensation are not included in the current bargaining agreement between the County and providers. This recommendation would also be labor intensive and cost prohibitive. Moreover, the ability of the State's IHSS payroll system to accommodate various wage levels by proficiency designation within a single county's program is not established at this time.

- 87. Revise all In-Home Supportive Services forms with the help of the local District Attorney's office to ensure that, when fraud does occur, offenders will be prosecuted.**

Recommendation has been implemented. The IHSS Special Investigative Unit (SIU), created in June 2003, is comprised of legal, investigative and clerical staff from the Fresno County District Attorney's (DA) office. The SIU has and will continue to consult with IHSS Administration on the revising of IHSS forms and policies and procedures to further identify and prosecute IHSS fraud.

- 88. Train all social workers regarding revised written policies and procedures as well as new forms.**

Recommendation has been implemented. Training of social workers has already begun on new technology available to the IHSS program, specifically its payroll system. Training will continue with all social work staff as IHSS policies and procedures are established.

- 89. Train social workers to look for potential fraud situations.**

Recommendation has not yet been implemented but will be implemented in the future. The IHSS SIU will conduct training for all social workers within the next six months on identification, prevention and prosecution of IHSS fraud.

90. Change the law to ensure that recipients convicted of fraud be ineligible for further In-Home Supportive Services aid.

Recommendation will not be implemented. State legislation would be required before IHSS recipients who commit fraud could become ineligible for further IHSS services.

91. Hire an investigator to make unannounced home visits to check for compliance and/or fraud.

Recommendation will not be implemented. DA Investigators in the IHSS SIU investigate fraud referrals in the IHSS program. The duties of checking for compliance and/or fraud belong to the IHSS social workers that conduct in-home assessments of IHSS recipients. Within that scope, social workers are authorized to conduct unannounced home calls as the situation warrants.

SECTION V
LAW ENFORCEMENT COMMITTEE

CITY OF FRESNO HUMAN RELATIONS COMMISSION

The City of Fresno responses to findings and recommendations can be found on Pages 50 - 52.

ELKHORN CORRECTIONAL FACILITY AND TEILMAN FORWARD BOUND ACADEMY

Grand Jury recommendations, numbers 101 through 107, and the responses from the Chief Probation Officer can be found on Pages 70 - 72. In addition, the County offers the following responses to findings and to recommendation number 104:

Findings

The County agrees with the following findings: A, B, C, F, G, and I through N.

- D. The Fresno County Workforce Investment Board provides a Pre-Apprenticeship Preparedness Program (PAPP) for incarcerated youths at Fresno County Juvenile Hall and ECF.**

The County partially disagrees with the finding. The Fresno County Workforce Investment Board provides a pre-apprenticeship preparedness program for youth *previously* incarcerated at the Juvenile Hall and Elkhorn Correctional Facility (ECF).

- E. Fresno County has a contractual arrangement with Clarke Construction, the principal contractor for the new Juvenile Justice Facility, to fill 40 apprenticeship positions with qualified graduates of PAPP.**

The County partially disagrees with the finding. Fresno County does have a contractual agreement with Clark Construction, which requires 60 percent of their apprenticeship hours be from PAPP hires.

- M. The apprenticeship positions for the graduates of PAPP will end upon their completion of the Juvenile Hall contract between Fresno County and Clark construction.**

The County disagrees with the finding. The youth who have graduated from PAPP will remain in the apprenticeship program beyond the completion of the Juvenile Justice Campus.

Recommendation

- 104. Fresno County include provisions for apprentice position for qualified youths from its juvenile correction facilities in its Requests for Proposals for construction projects.**

The County partially agrees with the recommendation. The requirement of Juvenile Justice Campus construction contractors to hire a percentage of their apprentices from the pre-apprenticeship program administered by the Fresno County Workforce Development Board (WIB), was due to the nexus between the construction project and the youth. To place the same requirement on future construction projects, a similar nexus would likely need to be established. The WIB will continue their pre-apprenticeship program for youth from the Juvenile Justice System regardless of whether the project has a requirement to hire from this program. Fresno County will work with the construction industry and the WIB to provide apprenticeship opportunities for youth from its Juvenile Justice facilities.

**MULTI-AGENCY GANG ENFORCEMENT CONSORTIUM
(MAGEC)**

Fresno County Sheriff responses to Grand Jury findings and recommendations, numbers 108 through 110, can be found on Page 73.

Fresno County District Attorney responses to Grand Jury findings and recommendations, numbers 108, 109, and 113, can be found on Pages 74 – 75.

SECTION VI
TRANSPORTATION AND AIR QUALITY COMMITTEE

AIR QUALITY

Responses were not received for recommendations, numbers 114 through 121. A courtesy request was sent to the San Joaquin Valley Air Pollution Control District.

AIR POLLUTION AND HEALTH

Responses were not received for recommendation number 122. A courtesy request was sent to the San Joaquin Valley Air Pollution Control District.

SCHOOL BUS TRANSPORTATION IN FRESNO COUNTY

The Clovis Unified School District responses to recommendations, numbers 123 through 125, can be found on Pages 76 - 77.

The Central Unified School District responses to recommendations, numbers 123 through 125 can be found on Page 79 – 80.

The SouthWest Transportation Agency responses to recommendations, numbers 123 through 125 can be found on Page 81.

FREEWAY INTERCHANGES IN THE CITY OF FRESNO

The City of Fresno's responses to findings and recommendations can be found on Page 53.

MAYOR-COUNCIL GOVERNMENT

Finding A:

There is a lack of communication between members of the City Council and members of the City staff.

Response to Finding A:

The City disagrees partially with Finding A. City staff endeavors to provide Council with information such as the Various Items Report, Weekly Highlights Report, and Memoranda known as “Tray Memos” on pertinent and time-sensitive information. However, there is room for improvement particularly with respect to information provided to Council with Council agendas. At times, Council is asked to take action on items too close to deadlines with little or no prior information important to Council. At other times, the information is too general. On other occasions, Council is provided with voluminous information on multiple agenda items for the same meeting. It would be helpful to have comprehensive agenda items in a more timely manner. While the Brown Act time requirements may be met, it is difficult for Council to review volumes of materials received on a Friday night for a Tuesday agenda item.

Finding B:

The City Manager requires responses to inquiries from the City Council to the City staff be routed through his office.

Response to Finding B:

The City agrees with Finding B. Charter Section 706 in pertinent part:

Except for the purpose of inquiry, the Mayor, the Council and its members shall deal with the administrative service under the Chief Administrative Officer [City Manager] solely through the Chief Administrative Officer and neither the Mayor nor the Council nor any member thereof shall give orders to any subordinates of the Chief Administrative Officer.

The Council understands it may not give orders to the City Manager’s staff. However, there is room for improvement in having a clear definition from the City Manager as to what is deemed an inquiry. There appears to be an inconsistency in how this term is defined and applied by the City Manager and staff depending on the facts and circumstances. The Council and City Manager will work to clarify the process for staff’s handling of Council inquiries.

Finding C:

Effective decision-making is hindered by a lack of clear lines of authority.

Response to Finding C:

The City agrees with Finding C as explained in the responses to Findings A and B above.

Finding D:

Some members perceive that the Mayor and City Manager do not provide complete information to the City Council regarding matters under consideration.

Response to Finding D:

The City partially agrees with Finding D as explained in the responses to Findings A and B.

Finding E:

The City Charter (Article V Section 500) charges the City Council with “all powers of legislation in municipal affairs.”

Response to Finding E:

The City agrees this is a correct recitation of Charter language.

Finding F:

The City Charter (Article V Section 400) charges the Mayor with “the proper and efficient administration of all affairs of the City.”

Response to Finding F:

The City agrees this is a correct recitation of Charter language.

Finding G:

City Council members have demonstrated a lack of a citywide vision regarding issues facing the entire city.

Response to Finding G:

The City disagrees with Finding G. While elected by district and aware of constituent needs, the vast majority of issues considered and addressed by Council are City issues. A few examples of the City-wide issues addressed include City finances, the General Plan, public safety – police and fire, impact fees, transportation, public works, and air quality.

Finding H:

Personal agendas have been parochially driven by issues affecting individual Council districts.

Response to Finding H:

The City disagrees with Finding H. See response to Finding G above.

Finding I:

The City Council has caused approximately \$2.2M to be removed from the city general fund for purposes of infrastructure and discretionary allocation to be used in their districts.

Response to Finding I:

The City disagrees with Finding I and offers the following clarification. The City budget is approved by the Council and is subject to the Mayor's veto. In the past fiscal year, the Mayor's budget contained this provision and it was approved by the City Council. From the referenced \$2.2 million, \$1.225 million of General Fund was used for infrastructure projects; the remaining amount in General Fund dollars, known as PW 137, was administered by the Public Works Department for neighborhood improvement projects in each district. Each Councilmember determined how to allocate moneys to improvement projects in his or her district. In FY 05, the City is proceeding with the No Neighborhood Left Behind Project. Each Council district has been allocated \$50,000 in discretionary funds.

Finding J:

Requests for Proposals (RFP) and Request for Quotations (RFQ) are documents between the City and potential vendors.

Response to Finding J:

The City agrees with Finding J.

Finding K:

The City Council has exceeded its authority by interfering with the RFP/RFQ process and contract negotiations.

Response to Finding K:

The City disagrees with Finding K. As part of the City's good government commitment, Council on its own initiative directed the City Attorney to draft an ordinance setting parameters in the procurement process. On March 30, 2004, Council adopted Ordinance No. 2004-41 regulating contact between vendors and elected officials.

Finding L:

In the past, City Council members have met with potential vendors in advance of the formal opening of proposals.

Response to Finding L:

The City partially agrees with Finding L. In the past, some Council members and Mayors have met with potential vendors. That practice is no longer permissible under Ordinance No. 2004-41 adopted by the Council on March 30, 2004. See Finding K.

Finding M:

Unions may have a significant influence on actions of the City Council through their political contributions.

Response to Finding M:

The City disagrees with Finding M.

Finding N:

The City Charter requires the city to go from seven to nine City Council districts “at such time as the population of the City of Fresno reaches 540,000.”

Response to Finding N:

The City agrees that this is a correct recitation of Charter language.

Finding O:

The Mayor has no veto power over land use decisions made by the City Council.

Response to Finding O:

The City agrees with Finding O to the extent it is a general finding reciting the Charter powers. It must be noted that the Mayor has significant influence over land use matters in his position as Chief Executive Officer. The Mayor influences staff through his direction to the City Manager with respect to land use issues. Under the Charter, the Mayor is responsible for appointing all Planning Commission members. The Council has consistently approved the Mayor’s appointments. Finally, as part of the Mayor’s authority to bring legislation to Council, the Mayor may submit land use matters to Council for consideration.

Finding P:

The Mayor has no vote on the settlement of lawsuits against the City.

Response to Finding P:

The City agrees with Finding P to the extent it is a general statement; however, the finding merits clarification. Under the Charter, the Council is vested with authority over legal proceedings. The Mayor has significant influence. The Mayor has attended many closed sessions relating to litigation and exercised his influence therein. The Council has also invited the Mayor to closed sessions on important litigation.

The Mayor has direct supervision of the City Manager. The City Manager and departments have significant influence on the settlement of cases. The City Attorney always considers the City Manager’s or his designees’ input. The City Manager’s or his designees’ concurrence or disagreement with settlement recommendations are always provided to Council and taken into consideration by Council.

Finding Q:

The Mayor has no independent legal counsel provided by the City.

Response to Finding Q:

The City disagrees with Finding Q. The City Attorney has historically served all City officials (Mayor, Council, City Manager, City Clerk, Departments, etc.) on legal matters pertaining to their duties (Charter § 803(a)). Under Charter Section 803 which was not amended by the ballot measure which approved the change to a Mayor-Council form of government, the Council is vested with the control of all legal business of the City. However, the Charter was amended to vest in the Council the authority to appoint and remove the City Attorney. Notwithstanding this amendment, the role of City Attorney continues to be that of representing the City as an entity represented by the Council body and its officers, not that of a personal representative of each officer. The City Attorney is not the Council's personal attorney, is not the Mayor's personal attorney, is not the staff's personal attorney. The City Attorney is the City's attorney. This reasoning is consistent not only with the Charter but also with State Bar Rules of Professional Conduct, Rule 3-600.

One of the most interesting aspects of Rule 3-600 is that it clearly resolved the age old question: "Who is the client of the public lawyer?" The rule states clearly that it is the entity itself. Thus, for the City Attorney, the client is the City, the municipal corporation. (Public Law Journal, Vol. 17, No. 2, Page 3.)

Finding R:

The City Attorney and City Clerk are appointed and dismissed by the City Council.

Response to Finding R:

The City agrees this is a correct interpretation of the Charter.

CONCLUSIONS

- A. *The City Council has not complied with the City Charter section that empowers the Council to legislate policy and the Mayor's office to administer City affairs. The City Council exceeds its authority when they attempt to manage City affairs in a manner contrary to the city charter.*

Response to Conclusion A:

The City disagrees with Conclusion A. The reasons for the City's disagreement are as follows: The Mayor-Council form of government is one of checks and balances. Neither the Council nor the Mayor are vested with absolute authority. At times, the checks and balances may be viewed as incomprehensible or even as impediments by Council members and the Mayor who understandably would prefer to discharge their duties without any constraints. Limitations in the powers of the elected officials under the Charter may be viewed as built-in constructive tension, rather than negative tension. Thus, from time to time, there is disagreement between the Council and the Mayor/Administrative staff. At times, the Mayor is also advised of contracts in his power. Disagreements do not translate to non-compliance with laws.

- B. *The lack of adequate exchange of information interferes with the best practices in city government.*

Response to Conclusion B:

The City partially agrees with this conclusion. As set forth above in responses to Findings A to C, considerable information is provided but there is room for improvement as it relates to the manner in which information is provided.

- C. *The Mayor's office should have authority to participate in land use decisions and the settlement of lawsuits.*

Response to Conclusion C:

The City disagrees with this conclusion. The Mayor in fact has the "authority to participate" in land use decisions and the settlement of lawsuits. See Responses to Findings O and P.

- D. *After the solicitation for bids has been initiated, lobbying of the City Council and their staff by vendors in the RFP and RFQ process does not benefit the City.*

Response to Conclusion D:

The City agrees with Conclusion D. On March 30, 2004, the Council adopted the Regulated Contact Ordinance (Ordinance No. 2004-41). It limits contact between elected officials and vendors, bidders, and proposers.

RESPONSE TO RECOMMENDATIONS

Recommendation 1:

Re-establishment of the Charter Review Committee with members representing the broad diversity of interests in the community. The charge to this Committee is to review the City Charter and make recommendations on amendments to improve the efficiency of City government. Specific potential charter changes to be studied are:

- a. *City Council Districts*
 - 1.) *The current district structure*
 - 2.) *At-large representation*
 - 3.) *District boundary changes*
 - 4.) *New districts to be added as required by the City Charter*
 - 5.) *The 30-day residency requirement*
- b. *The Mayor be given authority in decisions regarding land use and disposition of lawsuits.*
- c. *The Mayor be given access to independent legal counsel supplied by the City.*

Response to Recommendation 1:

Recommendation 1 requires further analysis. The Council in consultation with the Mayor will conduct further review and set this matter for public discussion in this fiscal year.

Recommendation 2:

The City Council comply with and restrict its duties as written in the City Charter.

Response to Recommendation 2:

The City agrees with this recommendation. The Council already complies with the Charter as explained in the response to Conclusion A.

Recommendation 3:

The Council be briefed on a biweekly basis by the Mayor's staff regarding current issues, and those under consideration.

Response to Recommendation 3:

The City agrees with Recommendation 3. This is one way to improve communication between the Mayor's staff and the Council.

Recommendation 4:

Infrastructure and other similar discretionary funds given to the City Council be eliminated.

Response to Recommendation 4:

The City agrees in significant part with this Recommendation. During the FY 2005 budget process, the Council approved a voluntary reduction of the district's infrastructure budgets of over 70%. The \$875,000 appropriation was redirected to the annual bond debt of the No Neighborhood Left Behind Program as established by the Mayor and Council.

As to any funds in Council districts, the City has established significant controls to ensure monies are expended for public purposes and accounted for as required by rules set by the Controller.

Recommendation 5:

The roles and lines of authority of the Deputy Mayor, Deputy City Manager and Deputy Administrator be clarified.

Response to Recommendation 5:

The City supports that the roles and lines of authority of the City Manager's staff and Mayor's staff be clarified.

WORKERS COMPENSATION

RESPONSE TO FINDINGS

The City agrees with Findings A - H, J - S, W, Z, and CC.

The City disagrees or provides further clarification on the following Findings:

Finding I:

Since 1986, the injury pay rate has been included in all agreements negotiated between the city and the various bargaining units of city employees.

Response to Finding I:

Injury Pay was included in bargaining agreements prior to 1986. This year references when the existing rate of 75% began to be renegotiated to 85% of full salary.

Finding T:

Utilization controls such as co-payments, deductibles, closed PPO's, and utilization review are all programs that contribute to cost mitigation in most health care systems. There are no such cost containment provisions present in the California Worker's Compensation program.

Response to Finding T:

At the time of staff's testimony before the Grand Jury, the Workers' Compensation statutes had not been modified by the California legislature. As of April, utilization controls have been implemented. A closed PPO Network may be established by employers effective January, 2005.

Finding U:

There is always the possible opportunity for fraudulent claims to exist. A limited number of these claims may be tested by "sub rosa" (undercover) investigations that are authorized to establish the authenticity of the claim. These investigations are considered very costly and are rarely initiated unless there is a strong third party whistle blower who is willing to identify the abuse.

Response to Finding U:

It is inaccurate to state that "sub rosa" investigations are only triggered when a "...strong third party whistle blower is present". While tips from reliable third party individuals are used to commence such an investigation, other factors such as the claimant's behavior, prior injury history, comments from supervisor's, and medical findings have also resulted in "sub rosa" investigations.

Finding V:

The city staff spends more time on safety related issues and appears to be disinclined to aggressively pursue abuse.

Response to Finding V:

Staff is not disinclined to pursue abuse of the system when such evidence is present. Perhaps the Grand Jury misinterpreted staff's use of the word "abuse" with outright "fraud". It has been staff's experience that pursuing fraud through the legal court system in pursuit of an employee conviction has been very difficult and not rewarding.

Finding X:

The risk management staff has set modest goals for themselves to reduce injury incidents and worker's compensation medical costs.

Response to Finding X:

Staff believes that the goal of reducing employee injuries and Workers' Compensation costs by 5% was realistic in light of the rapidly raising costs. At the time this goal was set, medical costs were increasing at a rate of between 12-15%. Reducing this amount by 5% would have resulted in a program savings of 17% to 20%. In addition, the State mandated Temporary Disability payment rate increased from \$602 per week in 2003 to \$728 per week effective in January, 2004, which represented a 21% increase in this benefit alone. Reducing payments by 5% would have resulted in a savings of over 25%. Employee injury frequency (i.e. the number of claims) was actually reduced from 916 in FY 2002-2003 to 841 in FY 2003-2004 representing an 8.2% overall reduction in claims filed.

Finding Y:

City departments are not being charged their actual loss experience in their budgets, thus there is less incentive for effective safety programs. This makes it more difficult to get employees to return to the job.

Response to Finding Y:

It is accurate that Departments are not being charged their actual loss experience since the amount charged represents a percentage of the entire City's three year loss exposure. Staff does believe that while these amounts are not the actual charges, there is a budgetary incentive at the Departmental level to improve their individual safety performance and reduce costs in order to direct funding to other areas. There is no evidence that this budgetary practice has an adverse impact on the Department's ability to return employees to work as this depends largely on the medical evidence and the availability of light duty.

Finding AA:

The City has not been collecting valuable data that would quantify injuries by type, department, job classification, job location and other potentially useful diagnostic and management information.

Response to Finding AA:

The City takes issue with this finding which requires clarification. It is correct that the statistical reports provided by the previous administrator were inflexible and difficult in terms of generating customized reports. This shortfall has now been corrected with the new administrator. Nevertheless, data was being reviewed and used to track a Department's injury experience, determine trends, prepare budget projections, etc. In addition, the City was maintaining the required CAL OSHA 300 reports which detailed the City's loss experience by Department and nature of injury.

Finding BB:

City management in many areas has used a study of "best practices." The city has not employed this methodology regarding industrial injuries and its cost containment.

Response to Finding BB:

Staff is not aware that a study of “best practices” has actually been released regarding Workers’ Compensation. Staff has attended numerous conferences and spoken with others in the industry and believes that the City’s cost containment efforts (i.e. use of a PPO network, bill reduction services, nurse case management, etc.) are consistent strategies that are commonly being used to effectively control claims costs. Staff will, however, continue to communicate and explore new avenues for cost savings which are introduced into the industry.

RESPONSE TO RECOMMENDATIONS

Recommendation 6:

The City should deal equitably with all workers and provide them with the state mandated temporary disability benefit.

Response to Recommendation 6:

To the extent this recommendation implies the City has not dealt equitably with all workers, the City partially disagrees. The City deals fairly and equitably with all workers as required by the Meyers-Milias-Brown Act (MMBA). The MMBA governs the meet and confer process between cities and employee organizations. Adjustments for employee groups have been made in compliance of state law.

Recommendation 7:

The City limits the injury pay rate to 70% of full wages for all employees.

Response to Recommendation 7:

City Staff has long maintained that the reduction in Injury Pay benefits would remove a significant incentive for filing Workers’ Compensation claims and reduce potential abuse. However, it should be noted that this is a negotiated benefit between the City and the bargaining units and would be subject to the meet and confer process. In addition, it should be noted that the Grand Jury’s recommendation that all City employees be paid the state mandated temporary disability benefit (Recommendation 6) is in conflict with this recommendation which recommends that the Injury Pay benefit be reduced to 70% of full wages.

Recommendation 8:

Employees experiencing extraordinary financial demands during the temporary disability period be permitted to cash out accrued vacation and sick pay.

Response to Recommendation 8:

The City agrees that employees should be permitted to “cash out” accrued Vacation Leave in order to meet a financial hardship connected with a Workers’ Compensation injury. The City disagrees that this concept should be extended to accumulated Sick Leave. It is also noted that this recommendation does not address employees who have accumulated Annual Leave.

Recommendation 9:

The injury pay benefit be reduced to six months.

Response to Recommendation 9:

The City disagrees that Injury Pay should be reduced to six months. As noted in Finding CC, approximately 95% of all City employees who are injured are returned to duty within six months. Therefore, the reduction of Injury Pay to six months would have minimal impact on the program.

Recommendation 10:

Employees be required to use medical providers selected by a city designated PPO network.

Response to Recommendation 10:

The new Workers' Compensation reform legislation will permit such an option on January 1, 2005.

Recommendation 11:

Targeted "sub rosa" investigations be scheduled at random and also be directed at suspicious claimants.

Response to Recommendation 11:

The City does not agree with Recommendation 11. It is the City's belief that sub rosa investigations only be directed at injured workers who warrant such investigations. Random investigations or those which cannot be supported by fact may expose the City to unnecessary claims of harassment and discrimination.

Recommendation 12:

All supervisors and managers throughout the entire City staff take an active role in reducing injuries and containing costs. Cost reduction goals should apply to the entire organization and effective performance should be noted in staff performance evaluations.

Response to Recommendation 12:

The City agrees with Recommendation 12.

Recommendation 13:

City staff use available statistical data that is now easily accessible.

Response to Recommendation 13:

The City agrees with and is complying with Recommendation 13.

Recommendation 14:

Management study and compare the practice and methods of other jurisdictions, agencies and the private sector to determine what methodologies, strategies and tactics are most effective.

Response to Recommendation 14:

The City believes that this recommendation has already been implemented and is currently in practice. Efforts will continue in order to identify and implement methods of better controlling costs whenever possible.

Recommendation 15:

The City organize employee safety committees by department and provides a reward system for its success.

Response to Recommendation 15:

The City believes that this recommendation has already been implemented with the creation of the City Wide Safety Committee which provides information and expertise to all of the individual Departmental Safety Committees in the City of Fresno. Incentive programs are currently active in a number of Departments and staff will continue to promote their use as a means of proactively promoting the City's safety efforts.

BOND DEBT AND FINANCIAL CONDITION

RESPONSE TO FINDINGS

The City agrees with Findings A- C.

The City disagrees with Finding D due to the fact that the Finance Director does not at all anticipate a refinancing of the employee pension plan.

The City agrees with Findings E - G.

The City partially disagrees with Finding H as, at the time of the release of the Grand Jury report, the balance was \$8.9 million, but as of August 31, 2004, the balance is \$9.3 million.

The City agrees with Findings I - K.

The City declines to comment on Findings L and M, as there is no factual data to support the Grand Jury's findings.

The City partially disagrees with Finding N, as the City does borrow from one UGM fund to another UGM fund for capital improvement projects only. The City did not use bond resources for payments.

The City agrees with Findings O - S.

The City cannot comment on Finding T, as it references private discussions that cannot be verified.

RESPONSE TO RECOMMENDATIONS

Recommendation 16:

The Mayor and the City Council not allow the City to assume additional Bond Debt until the level of indebtedness drops below \$675 million.

Response to Recommendation 16:

In response to the recommendation that the Mayor and the City Council not allow the City to assume additional Bond Debt until the level of indebtedness drops below \$675 million, we assume that the Fresno County Grand Jury means any additional bond debt besides the issues already disclosed and discussed. Further, we recommend that the debt limit be maintained within the current 4-8% of Assessed Valuation, which is much lower than the 20% allowable per the City Charter.

Recommendation 17:

The additional labor hired to complete the accelerated infrastructure work planned in the City's declining neighborhoods not be added to the City's regular work force. It is assumed that after the six-year anticipated accelerated program, the demand for additional workers will return to current levels.

Response to Recommendation 17:

In response to the recommendation that the additional labor hired to complete the accelerated infrastructure work planned in the declining neighborhoods not be added to the City's regular workforce, once the No Neighborhood Left Behind program is complete, the positions will be eliminated. This information was provided to City Council members during open session in Council meeting.

Recommendation 18:

During the period of the six-year infrastructure update program, the City Council and the Mayor agree that there be no additional funds added to the individual council members' discretionary fund. This amount should not exceed \$50,000 per district.

Response to Recommendation 18:

The City supports this recommendation. This was a premise of the No Neighborhood Left Behind. However, this support may not bind a future Mayor from advancing something different as he or she proposes an annual budget. Nor may future Councils be limited in exercising their legislative discretion.

Recommendation 19:

The City and the development community agree on an Urban Growth Management fee structure that will support the new infrastructure required.

Response to Recommendation 19:

In response to the recommendation that the City and the development community agree on the Urban Growth Management fee structure that will support the new infrastructure required, the City has already implemented this through the on-going inclusion of the Business Industry Association (BIA) in development of the updated UGM fee structure.

Recommendation 20:

Fees for Urban Growth Management be adjusted annually.

Response to Recommendation 20:

In response to recommendation that the fees for Urban Growth Management be adjusted annually, the City concurs and the City Controller recommends this be included in the associated resolution to be presented to Council.

Recommendation 21:

The Finance Director or designated staff person should be involved when financial negotiations are being conducted between the City and other parties where the project may require long-term financing.

Response to Recommendation 21:

The City supports this recommendation. This has been the practice.

Recommendation 22:

No City officials should be asked to approve a bond issue without a positive opinion on the part of the Finance Director.

Response to Recommendation 22:

The Council has consistently relied on the Controller and staff for all their decisions relating to bond issuances.

Recommendation 23:

Financial workshops should be held for the City Council before they are asked to vote on matters that would cause the City to incur major debt.

Response to Recommendation 23:

The City Council relies on the financial analysis of the Controller in all cases requiring that major debt be incurred.

Recommendation 24:

The 2003/2004 Grand Jury recommends that future Juries continue to regularly review the financial condition of the City and its performance against its objectives.

Response to Recommendation 24:

It is the Grand Jury's sole prerogative to determine if it wishes to continue to review the financial condition of the City and its performance against its objectives.

HUMAN RELATIONS COMMISSION

RESPONSE TO FINDINGS

Response to Findings A to I:

The City agrees with findings A to I.

Finding J:

The City Council assigned the HRC the task of recommending allocation of \$600,000 of City funds to social service agencies.

Response to Finding J:

The City disagrees partially with Finding J. The Human Relations Commission is assigned the task of recommending funding allocation to social services agencies, however the dollar amount for FY 2003-2004 was \$375,000, not \$600,000 as stated in the Finding.

Finding K:

Some of the HRC commissioners are members or officers of the groups for which they recommend allocation of funds.

Response to Finding K:

The City is unable to comment on Finding K, as the City is unaware of the facts surrounding this Finding.

Finding L:

The HRC failed to agree on specific allocations and as a result recommended distributing equal amounts to 37 organizations.

Response to Finding L:

The City disagrees with Finding L. While the Human Relations Commission did recommend distributing equal funding to several organizations, varying amounts were recommended based on the amount requested, the amount received in prior years and whether or not the agency was a first time applicant. It was never recommended that all 35 agencies receive the same level of funding.

Finding M:

The City Council re-allocated the funds according to the wishes of each Councilman.

Response to Finding M:

The City disagrees with Finding M, as City staff provided pertinent information on how organizations had been funded in the past and what criterion had been used, and Council, as one body, approved the funding of each organization.

Response to Findings N to T:

The City agrees with Findings N to T.

RESPONSE TO RECOMMENDATIONS

Recommendation 93:

The Human Relations Commission reflect the composition of the Fresno community.

Response to Recommendation 93:

The City agrees with this Recommendation and wishes to clarify that to the extent the appointments are made by the Mayor and Council members, all areas of the City are represented.

Recommendation 94:

The Human Relations Commission be an ad-hoc advisory committee only.

Response to Recommendation 94:

While the Human Relations Commission has been in existence for many years, it is in fact reviewed through the annual budget process by both Mayor and Council.

Recommendation 95:

The Human Relations Commission become involved in disputes when requested by the proper authority.

Response to Recommendation 95:

The City is unable to respond to Recommendations 95 and 96 as written, as the two Recommendations appear to directly contradict each other.

Recommendation 96:

The Human Relations Commission cease acting as negotiators or arbitrators in citizen disputes.

Response to Recommendation 96:

See response to Recommendation 95.

Recommendation 97:

City funding of Special Events be eliminated.

Response to Recommendation 97:

The City respectfully declines to implement Recommendation 97 as the events funded by Special Events funds are celebrations of the ethnic and cultural history and unity of Fresno.

Recommendation 98:

The Human Relations Commission not have the responsibility of making recommendations for allocations of public funds for non-profit, charitable organizations.

Response to Recommendation 98:

As the Human Relations Commission has no staff and has expressed their desire to no longer take on the responsibility of the Community Investment Grant (Social Services Funding) allocation process, the City will look into implementing Recommendation 98.

Recommendation 99:

The budget of the Human Relations Commission be reduced by eliminating:

- *Special Funding projects*
- *Use of office space in City Hall*
- *Facility staff assigned to the Commission*
- *Facility management fees*

Response to Recommendation 99:

With the exception of Special Events funding, as referenced in Recommendation 97, Recommendation 99 was implemented in the FY 2004-2005 budget.

Recommendation 100:

The 2004/2005 Fresno County Grand Jury continue to monitor the functions of the Human Relations Commission.

Response to Recommendation 100:

It is the Grand Jury's sole prerogative to determine if it wishes to continue to monitor the functions of the Human Relations Commission.

FREEWAY INTERCHANGES IN THE CITY OF FRESNO

RESPONSE TO FINDINGS

The City agrees with Findings A - O.

RESPONSES TO RECOMMENDATIONS

Recommendation 126:

The City address traffic issues as they affect state highways as a part of the planning process.

Response to Recommendation 126:

The City agrees with Recommendation 126.

Recommendation 127:

The City follow through with its expressed willingness to maintain a cooperative working relationship with Caltrans to arrive at a mutually agreeable process on impact fee assessment, collection and expenditures.

Response to Recommendation 127:

The City agrees with Recommendation 127.

Recommendation 128:

Grand Jury of 2004/2005 follow-up with the Council of Fresno Governments report and accommodations between the City and Caltrans on the existing problems.

Response to Recommendation 128:

The City supports Recommendation 128.

THE REDEVELOPMENT AGENCY OF THE CITY OF FRESNO

Findings A to D:

- A. Out of California's 475 cities, 356 have active redevelopment agencies.
- B. The City of Fresno realizes 25% of the property tax collected in the city with the balance going to school districts, the state and other taxing entities.
- C. In the case of incremental property tax revenue, RDA retains more than half of the new tax income. Twenty percent of the total income is directed to low income housing and the balance distributed in negotiated percentages to other taxing entities.
- D. The RDA has a board of directors and an executive director appointed by the Fresno City Council. In Fresno, as in most cities, the city council appoints themselves as the board of directors.

Response to Findings A to D:

The Agency agrees with Findings A to D.

Finding E:

- E. At the close of FY 2003, RDA held property for resale, of approximately \$25 million. Many of these non-tax producing parcels have been held for over 30 years.

Response to Finding E:

The Agency disagrees, in part, with Finding E in that it implies non-action by the Agency for over 30 years. The Agency's property, while not on the tax rolls, is producing a benefit for the City. Following is a summary of the types of projects with approximate dollar amounts relating to the \$25 million RDA property for resale:

- \$7.5 million represents public improvements (streets, lights, traffic signals, water/sewer, landscaping, etc.) in Roeding Business Park that are in process of being transferred to City ownership as planned. The Agency facilitated the installation of the improvements on behalf of the City, and ultimate ownership of the public infrastructure will be with the City. While the public improvements themselves are non-tax producing, they have considerable value in providing basic access and services for the City and serve existing and future businesses in the area. This is an example of City-Agency financing of public improvements that provide a public benefit for retaining existing businesses and attracting further investments and jobs as a key part of Fresno's overall economic development strategy.
- \$4 million represents the Convention Center Parking Garage, the City's Robert A. Schoettler Conference Center, and the land (without improvements) underneath the Radisson Hotel. The City structured the Certificates of Participation financing for this project, and the Agency owns the land and related improvements for the City's benefit. The Agency is owner and lessor and the City is the lessee for the Parking Garage and Conference Center. The City, not the Agency, collects the parking revenues and the Conference Center user fees. For the Radisson Hotel ground lease, the Agency is the owner and the Hotel is the lessee. The Hotel is a tax producing property which also generates room tax revenues for the City. This is an

example of joint City-Agency financing of a project that provides a public benefit to downtown businesses and vital support for the Convention Center and the Convention industry.

- \$2 million consists of 6 parking lots (Merchant Lot, Plaza Lot, Lot 6A , Lot 3A and Lot 2, and a lot at Merced and H). The City receives the parking revenue from these lots. The parking is used by customers and employees of downtown businesses and customers and employees of the Downtown Stadium. They are in Agency ownership as they are future disposition parcels for future commercial/office/housing uses consistent with the Redevelopment Plan. This is an example of interim parking uses that provide a public benefit to downtown businesses and the City's Downtown Stadium.
- \$5.5 million consists of the Kearney Palms Shopping Center Parking Lot and Police Substation. The Parking Lot and the Police Substation were constructed and are owned by the Agency. The Parking Lot is leased to the owner of the Kearney Palms Shopping Center with an option to purchase. The Police Substation is under a lease to the City with an option to purchase. The Shopping Center generates new sales tax revenues to the City which in turn pays lease payments to the Agency for its cost of construction. The City will take ownership of the police substation in 20 years. This is an example of joint City-Agency financing of a project for public benefit stabilize existing neighborhoods and serve as the catalyst for further investment activities.
- \$3.2 million is for assembly of property for development of the Old Armenian Town Project (\$2.2 million) and the Regional Medical Center Project (\$1 million). These parcels were acquired for specific projects and designated purposes pursuant to a Disposition and Development Agreement and an Exclusive Negotiation Agreement. These projects are major catalysts for the revitalization of Downtown Fresno.
- \$2.5 million was for property purchased many years ago, which the new 1997 Agency has actively sought to market. As a result, about \$1.4 million will be utilized in the implementation of the Hope VI Project in Southwest Fresno, leveraging the \$20 million Hope VI Grant that has been awarded to the Housing Authority. Another \$798,000 of property is for the EOC Project and an infill housing project, both pursuant to DDA's that will leverage approximately \$14.6 million for a neighborhood center and housing. Another \$253,000 of property consists of seven pocket parks which serve to provide interim recreation and landscaping for Southwest Fresno neighborhoods.
- Only \$230,000 of property is not committed for specific projects at this time, with approximately \$35,000 of this amount consisting of remnant parcels that will be transferred to the City of Fresno where applicable.

Finding F:

- F. A large number of the held parcels are easements, property purchased for public improvements, parcels now earmarked as pocket parks or for use by non-profit organizations.

Response to Finding F:

The Agency agrees with Finding F.

Finding G:

- G. The current number of RDA projects is 142 and growing.

Response to Finding G:

The Agency agrees with Finding G.

Findings H and I:

- H. Over \$52 million of RDA's approximately \$89 million of long-term debt is owed to the City of Fresno.
- I. The RDA has a \$36.7 million accrued interest payable liability to the City of Fresno.

Response to Findings H and I:

The Agency agrees with Findings H and I. For the findings to be meaningful, the Agency debt needs to be viewed in its proper context. In 2002, the Agency contracted with Macias Consulting Group and asked the consultant to compare the Agency's debt levels with other comparable cities and in regard to best practices in redevelopment financing. Seven of 9 comparable cities had higher levels of debt per capita than the Fresno RDA. Riverside, with \$2593 of per capita debt, had the highest amount, while Bakersfield had the lowest amount at \$132 per capita. Fresno's RDA per capita debt at that time was \$225. The Macias Group's analysis of total RDA debt among comparable cities stated that Fresno is not taking advantage of its redevelopment program.

Finding J:

- J. In FY 2003 there was a significant spike (50%) in incremental tax revenue primarily due to increased property values in two redevelopment areas. Total incremental tax revenues exceeded \$9 million.

Response to Finding J:

The Agency agrees with Finding J.

Findings K and L:

- K. The RDA, through the mechanism of merging RDA plans, is able to shift tax revenues in excess of debt reduction requirements from one project area to another.

Finding L:

The RDA has merged project areas commingling expense and revenue streams and extending the life of a redevelopment area.

Response to Findings K and L:

The California Legislature has statutorily (Health and Safety Code §§ 33485-33489) enabled agencies to merge one or more redevelopment project areas. The Legislature found project area mergers desirable when the merger results in substantial benefit to the public and contributes to revitalizing blighted areas through increased economic vitality and increased and improved housing opportunities. Merger allows an agency to allocate tax increment derived from each merged project area to the entire merged project area to pay agency debt for financing or refinancing any part of the merged project area. If any merged project area had bond debt before the merger that pledged tax increment, the tax increment from that project area must be used to pay the bond debt.

Finding M:

The RDA's guiding premise espoused in testimony by its leadership is "Debt is Good."

Response to Finding M:

The Agency is unable to agree or disagree with this finding as it quotes testimony to the Grand Jury. The Agency is not privy to testimony from Grand Jury sessions.

Finding N:

The City of Clovis RDA leadership detailed a more structured and limited vision for project areas than that of the City of Fresno.

Response to Finding N:

The Agency is unable to agree or disagree with this finding as it quotes testimony to the Grand Jury. The Agency is not privy to testimony from Grand Jury sessions.

Finding O:

Clovis is interested in having redevelopment projects completed and having the entire tax base go [to] their general fund and school budget.

Response to Finding O:

The Agency is unable to agree or disagree with this finding. Notwithstanding this, the finding merits clarification. With no intended disrespect to the City of Clovis Redevelopment Program, it is inaccurate to compare the operations of a redevelopment program in a relatively smaller city to that of a redevelopment program that encompasses 19 Project Areas, and over 14,000 acres, containing the full range of inner city housing, commercial, industrial, and public uses. It may be more appropriate to compare Fresno with similarly sized agencies such as Sacramento, Long Beach, Stockton.

Finding P:

The mayor and the executive branch of the City of Fresno have no direct authority over the RDA.

Response to Finding P:

The Agency disagrees with Finding P. California Redevelopment Law requires that redevelopment plans and plan amendments be approved by the legislative body of the City. Thus, the Council takes action on those matters. Pursuant to the City Charter, the Mayor has veto authority over the adoption of redevelopment plans and plan amendments. City staff provides input on Redevelopment matters to the Agency Board. A super-majority of the Council is necessary to override such vetoes. Moreover, many redevelopment projects are proposed in collaboration with the City. Many projects require City and Council action. Where Council action is required, the meeting is subject to the Mayor's veto.

Finding Q:

Board of Directors of the Fresno RDA claimed to be unaware of the extent of RDA property held for resale and the length of time property has been held.

Response to Finding Q:

The Agency is unable to agree or disagree with this finding as it relates to testimony to the Grand Jury. The Agency is not privy to testimony from Grand Jury sessions. Please see details relating to RDA property in response to Findings E, H and I.

Finding R:

RDA Board of Directors have a reliance on the executive director's vision and tactics.

Response to Finding R:

The Agency disagrees with Finding R. To clarify, the Council sitting as the Redevelopment Agency Board of Directors expects the Executive Director to execute the Council and Mayor's vision.

CONCLUSIONS

A. *The RDA is a powerful governmental tool for expediting change in a community.*

Response to Conclusion A:

The Agency agrees with Conclusion A.

B. *The near term RDA benefits for the City of Fresno's General Fund are increased sales tax revenue and infrastructure development and improvements.*

Response to Conclusion B:

The Agency agrees with Conclusion B.

C. *Aggressive RDA activities have the potential of diverting increased property tax revenues from the state, city and school districts.*

Response to Conclusion C:

The Agency disagrees with Conclusion C. Redevelopment Agency policy is that acquisitions of property are only acquired by Council/Agency Board action. Dispositions of property also only occur with action taken by the Council/Agency Board. Taxable property is added to the tax rolls once a Disposition and Development Agreement (D&DA) is approved by the Council/ Agency Board. Redevelopment law also permits the Council/Agency Board to acquire property and to sell or provide property to a public agency (i.e., city, county, state, federal, or school districts) for development of a public use consistent with the redevelopment plan. Such development of public facilities would not necessarily be on the tax roll, but the public agency would benefit from such a partnership between the public agency and the Redevelopment Agency.

D. *There is no evidence of independent oversight of decisions made by the RDA staff as a result of the City Council also sitting as the RDA Board of Directors.*

Response to Conclusion D:

The Agency disagrees with Conclusion D. Public input and open government are key objectives in the accomplishment of the Agency's mission. Public hearings are required for virtually all of the RDA business, and the actions of the RDA require public action by the Agency Board and at times by the City Council. Generally, the latter are joint actions of both the City Council and the Council acting as the Agency Board. Council actions in this regard are subject to the Mayor's veto. In the process for approval of the RDA annual budget, adoption of new redevelopment plans, amendments to existing redevelopment plans, the approval of new development projects, the acquisition/development of land, and installation of public improvements, input is received from Project Area Committees/Citizen Advisory Committees (including the Historic Preservation Commission and Planning Commission as may be required), and all are reviewed by the Housing and Community Development Commission prior to being reviewed and acted upon by the Council/Agency Board. The Agency Board also approves the Agency's Annual Report, including its financial reports/audits, housing activity reports, and property inventory. All of the above noted meetings are public and noticed per state law requirements.

- E. *The property currently held for resale (\$25 million) is valued at the RDA's cost or current market value, whichever is less. There is concern that the value of this property is overstated.*

Response to Conclusion E:

The Agency agrees with the first sentence of Conclusion E. With respect to the second sentence, the Agency disagrees and incorporates by reference the response to Finding E under this Section.

- F. *The Grand Jury's inquiry, particularly with respect to date of acquisition of property currently held by the RDA, appears to have prompted disposition of some parcels.*

Response to Conclusion F:

The Agency disagrees with Conclusion F. Disposition of property is driven by various factors relating to redevelopment opportunities. The Agency acknowledges that as a result of the Grand Jury's inquiry, Agency staff developed a concise, reader-friendly listing and description of properties. See also responses to Recommendations 25 and 26 under this Section.

- G. *The City of Fresno's debt can be increased without taxpayer approval, as the City is the ultimate guarantor of RDA debt.*

Response to Conclusion G:

The Agency disagrees with conclusion G. A lengthy explanation is merited.

City/Agency relationship and debt.

A redevelopment agency is a separate and distinct legal entity from the city. It is responsible for paying its debt obligations according to the contract or debt creation documentation. Generally a redevelopment agency may establish debt up to the date that the plan expires, and may collect tax increment to repay debt for a period of up to 10 years after the date that the plan expires.

Generally, a redevelopment agency must have debt to collect tax increment, its primary revenue source. Tax increment derives from an increase in property taxes within a project area because of increased property values. But an agency may not collect tax increment except to repay debt it incurs for redevelopment purposes.

City vis a vis Agency debt.

Legally the City may have no obligation to pay the Redevelopment Agency's debt. But the City may contribute funds toward payment of, or may expressly guarantee or assume agency debt, subject to the constitutional debt limitations. In addition, the Redevelopment Agency prepares a separate financial statement that is consolidated or included with the City financial report. If the Agency were unable to pay any debt to third parties, the City may step in to avoid any negative credit rating effects and may consider assisting the Agency with bond restructuring, repayment of City debt to Agency or other bond payments.

Under Health & Safety Code Section 33141, the Council may deactivate an agency when the agency has no outstanding bond debt, unpaid loans, debt, advances or binding legal contractual obligations other than to the City, or when the City assumes an agency's unpaid obligations.

Voter Approval.

Much of the debt that the City incurs is not subject to voter approval. The California Constitution prohibits a city from "incur[ring] indebtedness or liability in any manner or for any purpose exceeding in any year the income and revenue provided for such year, without the assent of two-thirds of the qualified electors" This prohibition prevents the pledge of general fund revenue beyond the year in which that revenue is received.

There are exceptions to that constitutional provision, for example (a) where the debt is created under a lease where the lease does not create an immediate indebtedness for aggregate installments, but confines the liability to each installment as it falls due and each year's payment is for consideration furnished that year, or (b) where debt repayment will be solely from a special fund (i.e., not payable with general fund monies). The City cannot be liable to maintain the special fund out of its general fund or by tax levies if the special fund is insufficient.

The Council, by ordinance, may establish an agency, dissolve a redevelopment agency, establish a redevelopment project area, or amend a redevelopment plan or project area. Each ordinance is subject to challenge by the voters through a referendum action. Through a petition that the requisite percentage of registered voters have signed supporting the referendum, it may be placed on the ballot for voter action.

Thereafter, redevelopment agency actions in which the agency incurs debt are taken in public meetings and hearings at which any member of the public may speak for or against the proposed action to incur debt. Generally such matters are considered first by the Housing and Community Development Commission Meetings for a recommendation, and then by the Agency Board and/or Council.

H. *The Fresno City Council members are part time legislators and the complexities and the need for diligent oversight of RDA may be an unreasonable expectation of the members.*

Response to Conclusion H:

The Agency disagrees with Conclusion H. The Council sitting as the Agency Board understands the complexities relating to redevelopment. The complications are not any more difficult than those relating to other major matters addressed by the Council such as adoption of an \$800 million City budget, consideration of City bond debt financing matters, consideration of City economic development projects, acquisition and disposition of property, public works construction, and other similar matters.

- I. *The operations of the RDA are complicated and not always understandable to City officials and the public.*

Response to Conclusion I:

The Agency disagrees with Conclusion I. The Agency incorporates its response to Conclusion H by reference.

RECOMMENDATIONS

Recommendation 25:

A system needs to be put in place to control the inventory of acquired properties. Controls should include a reason for acquisition and the anticipated date of disposition.

Response to Recommendation 25:

The Agency agrees with Recommendation 25 and clarifies as follows. The Agency has prepared an inventory of acquired properties, which has been reviewed with the Grand Jury, and has been provided to the Agency Board by way of an Agency Board Briefing Report, dated January 13, 2004. Some properties were acquired over 30 years ago by the Redevelopment Agency. The RDA began hiring its staff directly in 1997. The Agency has been aggressive in seeking to market properties in its inventory. Redevelopment Agency policy is that acquisitions of property are only acquired by Agency Board action. Dispositions of property only occur with action of the Agency Board.

Recommendation 26:

Properties currently in inventory not scheduled for disposition or earmarked for near term projects be offered for sale and the proceeds conveyed to the City of Fresno to reduce the obligations of the RDA.

Response to Recommendation 26:

The Agency agrees with Recommendation 26. This recommendation is consistent with the Agency's program for managing the RDA properties. As indicated in the Response to Recommendation No. 25, the Agency has, over the past several years, taken steps to reduce the amount of older properties in its inventory. The more recent acquisitions in the inventory relate to particular projects, such as the Regional Medical Center and the Armenian Town Project, and will be sold/conveyed pursuant to the terms of the relevant D&DAs. Much of the older properties, primarily in west Fresno, will be sold as part of the Hope VI and EOC projects, as well as for infill housing projects. All land acquired for public right of way are being quit-claimed to the City.

Recommendation 27:

The composition of the RDA board be changed to give the Mayor's office majority representation without a change in the total number of board members.

Response to Recommendation 27:

The Agency does not agree with Recommendation 27. The governance structure of the Redevelopment Agency has been the same for decades. It is consistent with California Redevelopment Law which provides for the legislative body of the City to sit as the governing board of the Redevelopment Agency. The Redevelopment Agency is a separate legal entity – not a City department. The City voters adopted Charter amendments changing the City’s form of government to a Mayor-Council form of government. Under that governance structure, the Mayor is not part of the legislative body. For that reason, under California Redevelopment Law, the Mayor may not sit on the Agency Board of Directors.

The current operations structure of the RDA was put in place in April of 1997, when the Redevelopment Agency adopted new By-Laws and entered into a Cooperative Agreement with the City of Fresno in order to establish a new approach for the Redevelopment Program that would have a more focused mission for carrying-out its redevelopment objectives. This structure has proven to be successful. The Executive Branch of the City is also involved in the decision-making process. Examples include the Vision 2010 Plan, the Downtown Stadium Project, Exhibit Hall, Federal Courthouse, and the Regional Medical Center, where the RDA and the City, including the Executive Branch, both shared in the decision-making process as well as the obligations for implementation.

Recommendation 28:

The operations of the RDA need to be made more transparent to city officials and the general public.

Response to Recommendation 28:

The Agency agrees that this is very important, and will continue to occur. Public hearings are required for virtually all of the RDA business, and the actions of the RDA require public action by the Agency Board. Generally these are joint actions of both the City Council and the Council sitting as the Agency Board. In the process for approval of the RDA annual budget, adoption of new redevelopment plans, amendments to existing redevelopment plans, the approval of new development projects, the acquisition/development of land, and installation of public improvements, input is received from Project Area Committees/Citizen Advisory Committees (including the Historic Commission and Planning Commission as may be required), and all are reviewed by the Housing and Community Development Commission prior to being reviewed and acted upon by the Council/Agency Board. All of the above noted meetings are public and noticed per requirements of state law.

MAYOR-COUNCIL GOVERNMENT

RESPONSE TO FINDINGS

The administration disagrees with Finding A due to the fact that the City administration communicates with Council frequently through vehicles such as the Various Items Report, Weekly Highlights Report, Tray Memos on pertinent and time-sensitive information, as well as conveying information weekly to Council during open session in Council meetings and during Council task force meetings such as the Mayor-Council Economic Development Task Force and Interagency Housing Task Force. In addition, the City Manager encourages department directors to frequently brief individual Council members on specific issues.

The administration agrees with Finding B, as the City Manager does direct staff to route responses through his office so that he may ensure that the same information is distributed to all Council members. The City Charter Section 706 governs the forms and modes of communication between the City Council and staff who report to the City Manager. Given the Charter requirements and commonly accepted best-management practices, important information does need to be routed through the City Manager. It should be noted that with routine, non-substantive issues, City staff are encouraged to relay information directly to the requesting Council member.

The administration disagrees wholly with Finding C. The City Charter provides clear lines of authority. In addition, the City has a clear table of organization.

The administration disagrees with Finding D. As stated in the response to Finding A above, the City Council receives frequent communication from the City Manager and City staff. All attempts are made to ensure that the information conveyed to Council is accurate and complete. In addition, the Mayor and City Manager maintain an "open door" policy, where they are available in person or via telephone should Council have questions.

The administration agrees with Findings E and F.

The administration partially agrees with Finding G and H in that the City Charter has established a "District" system of governing which creates an environment where, for certain issues, some elected officials may be more inclined to work towards meeting the needs in their own district rather than concerning themselves about other districts.

The administration agrees with Finding I and offers the following clarification: in the past, the Mayor's budget contained this provision and it was approved by the City Council. From the referenced \$2.2 million in discretionary funds, \$1.225 million of General Fund is used for Council infrastructure funds; the remaining amount is General Fund dollars, known as PW 137, which is used by the Public Works Department for neighborhood improvement projects in each district. Each Council member decides to which improvement project that money will be allocated.

The administration agrees with Finding J.

The administration disagrees with Finding K in that, from a legal perspective, Council has not exceeded their authority. Insomuch as this may be a perception, the Council passed the "No Contact Ordinance" in FY 2003-2004. This Ordinance had the support of the Mayor.

The administration cannot comment on Finding L, as there is not direct factual data to support the finding, but the City has addressed potentialities such as this by passing and implementing the “No Contact Ordinance” as referenced above.

The administration is unable to confirm or refute Finding M, as there is no direct factual data to date to support the Finding. However, an ordinance similar to the one described in Finding K may help to assuage the perceptions and potentialities as described in the Grand Jury’s Finding.

The administration agrees with Findings N-R.

RESPONSE TO RECOMMENDATIONS

Recommendation 1:

Re-establishment of the Charter Review Committee with members representing the broad diversity of interests in the community. The charge to this Committee is to review the City Charter and make recommendations on amendments to improve the efficiency of City government. Specific potential charter changes to be studied are:

- a. *City Council Districts*
 - 1.) *The current district structure*
 - 2.) *At-large representation*
 - 3.) *District boundary changes*
 - 4.) *New districts to be added as required by the City Charter*
 - 5.) *The 30-day residency requirement*
- b. *The Mayor be given authority in decisions regarding land use and disposition of lawsuits.*
- c. *The Mayor be given access to independent legal counsel supplied by the City.*

Response to Recommendation 1:

The administration supports Recommendation 1 and believes that the Charter should be reviewed for necessary and pertinent changes, including studies of whether the current district structure provides the best governance model for the City of Fresno. The administration supports Recommendation 1, and will ask a Charter Review Committee to study these items, if a Review Committee is re-established.

Recommendation 2:

The City Council comply with and restrict its duties as written in the City Charter.

Response to Recommendation 2:

The administration supports Recommendation 2.

Recommendation 3:

The Council be briefed on a biweekly basis by the Mayor’s staff regarding current issues, and those under consideration.

Response to Recommendation 3:

The administration is already implementing Recommendation 3, as evidenced by the various communication methods as described in the response to Finding A. The administration may consider logging efforts of attempts to communicate with the Council.

Recommendation 4:

Infrastructure and other similar discretionary funds given to the City Council be eliminated.

Response to Recommendation 4:

The approved FY 2005 City budget significantly decreases the Council infrastructure funds. However, these funds, with City Council approval, have been redirected into the No Neighborhood Left Behind program.

Recommendation 5:

The roles and lines of authority of the Deputy Mayor, Deputy City Manager and Deputy Administrator be clarified.

Response to Recommendation 5:

The administration will clarify the role of the Deputy Mayor. It is impossible to clarify the Deputy Administrator role, as it does not exist. The Deputy City Manager position is not currently filled.

August 27, 2004

VIA FIRST CLASS MAIL

The Honorable Brad R. Hill
Presiding Judge of the Fresno County Superior Court
1100 Van Ness Avenue
Fresno, CA 93721

Re: *City of Mendota – Responses to the 2003-04 Grand Jury Report*

The Honorable Brad R. Hill:

This letter is in response to the 2003-04 Grand Jury Final Report pertaining to the city of Mendota.

Recommendation

29. The City adopts a new policy setting forth procedures for issuance and use of City credit cards for city employees only, including penalty provisions on misuse.

Response

The City Council adopted on October 23, 2001, Resolution 01-56 setting out the procedures for issuance and use of credit cards. The Resolution provides that credit cards may be issued to only the Mayor and City Manager, and only under the following conditions: 1) The credit card shall have a credit limit of a maximum of \$2,000; 2) The credit card shall be used solely for the purpose of city related business; 3) The credit card shall be surrendered to the Finance Director immediately when the individual is no longer serving in said position; and 4) the credit card purchase receipts are to be submitted to and retained by the Finance Director. The City Council is currently reviewing this policy and what additional procedures need to be implemented.

Recommendation

30. The City Council review all employee terminations.

Response

Pursuant to the Mendota Municipal Code, the City of Mendota operates under a City Manager form of government. The City Council hires and fires the City Manager, Finance Director, City Attorney, and City Engineer. The City Manager is vested with the authority to hire and fire all other City personnel, and to conduct all other personnel procedures as established by the City's Personnel Rules. As a practical matter, the City Council is generally made aware of all major personnel decisions, but is not involved in the day-to-day operation of the City. The City Council does not wish to change its current practices.

Recommendation

31. The Ixtlahuacan, Colima earthquake relief effort and expenditures be reviewed in a public hearing allowing citizens concerns to be addressed.

Response

The City Council does not wish to conduct a public hearing on this matter. The City Council has no independent information available to it other than that reported by the Grand Jury. The City Council lacks the legal authority to conduct any independent investigation or to subpoena any records. To the extent there are legal issues regarding the improper expenditure of funds, the Grand Jury should make a referral to the District Attorney.

Recommendation

32. The City Council employ the services of a legal audit firm to audit the City's legal expenditures, including all current contracts.

Response

The city undergoes an annual independent audit by a CPA firm in which all of the city's financial transactions are reviewed, tested, and audited. The main purpose of the annual audit is to ensure compliance with generally accepted accounting principles (GAAP), OMB Circular A-133, accounting standards as established by the Government Accounting Standards Board (GASB), and various federal, state and local grant accounting and monitoring requirements.

Presently, the city is undergoing its annual audit for fiscal year 2003-2004. The city will provide a copy of the audit once it's completed if it is the desire of the Grand Jury Cities Committee.

Recommendation

33. Employee parties should not be funded by soliciting contributions from vendors.

Response

It is the city's policy and practice not to fund city employee party with general fund revenues. In the past, the city has solicited contributions from outside sources to fund its annual Christmas party for the city employees and families. The city is not in a financial position to reward employees with pay raises or increase in benefits; so the annual party serves as a mechanism for the city to show its appreciation to its employees. This results in increased morale among the employees. The contributions made by businesses are of nominal monetary value and without these private funds; the city would be unable to provide this event for its employees.

If you have any questions please call 655-3291.

Respectfully,

Gabriel A. Gonzalez
City Manager

August 20, 2004

The Honorable Brad R. Hill
 Presiding Judge of the Fresno County Superior Court
 1100 Van Ness Avenue
 Fresno, CA 93721

On behalf of Fresno Unified School District, responses to the Grand Jury Report recommendations are submitted as follows:

Recommendations from Grand Jury

Response by Fresno Unified School District

<p>#36-#37-#38 - (Volunteerism) A printed pamphlet entitled "Volunteerism" should be provided by FUSD.</p>	<p>In process of developing guidelines.</p>
<p>#39 Develop a policy for replacing absent custodians in a timely fashion.</p>	<p>Operations Department at one time had 70 permanent custodians. Operation now has 27 permanent custodians. Fifteen are used completely as substitutes to cover for scheduled vacations. Five are used as replacements for absent Plant Coordinators (day custodians). Four are used to cover long term injuries and the last three are used to cover absences at elementary or other sites that have only one custodian on staff.</p>
<p>#40 Develop a flash report to alert administrators at the next highest level when a problem develops on a school site.</p>	<p>Attachment #1 FUSD Safe School Planning Materials 2004-05 has been distributed to school principals via mail August 16, 2004 and through the FUSD district Intranet web site. Response protocols, single site incident and multiple site incident responses are included as part of attachment.</p>
<p>#41 Develop a district wide textbook distribution and return policy with a strong emphasis on student accountability.</p>	<p>Attachment #2 Examples of textbook/equipment inventory instructions and steps are included in attachment.</p>
<p>#42 Develop a procedure to annually account for all money that is lost as a result of lost or damaged textbooks.</p>	<p>Attachment #3 & #3.1 Instructions to all district library staff for collecting, depositing, and expending money received for lost or damaged textbooks and library materials are Attachment #3. Textbook collection/recovery procedure for High School is Attachment 3.1.</p>
<p>#43</p>	<p>Open communication between district administration</p>

<p>Encourage open communication between District Administration and School Site Management.</p>	<p>and school sites are in several ways. Examples are:</p> <ul style="list-style-type: none"> ✓ Monthly K-12 Principal Meetings ✓ Groupwise & Internet ✓ News Brief - an internal newsletter ✓ Job alike meetings ✓ ACSA ✓ Administrative Conference ✓ Instructional Council (administrative and site rep unions). ✓ e-News Bulletin (bi-monthly) ✓ Building Futures - district newspaper
<p>#44 At each school site, develop procedures and rules for storage of edibles in the classroom.</p>	<p>In process of developing guidelines.</p>

This concludes our response to the 2003-2004 Grand Jury recommendations. If you have any further questions regarding our responses, please feel free to contact our office. A copy of this report is also being sent to Fresno County Administrative Office, Nancy Cooper to be posted on the County's web site.

Sincerely,

Dr. Walt Buster
 Interim Superintendent

WB/jrm
 c Members, Board of Education
 Paul Disario, Associate Superintendent
 Stanley McDonald, Associate Superintendent
 Terry Simerly, Associate Superintendent
 Nancy Cooper, County of Fresno

buster:grandjuryreport8.20.04/desktop

July 22, 2004

The Honorable Brad R. Hill
Presiding Judge
California Superior Court, Fresno County
1100 Van Ness, Dept. 20
Fresno, CA 93721

RE: RESPONSE TO THE 2003-2004 GRAND JURY FINAL REPORT

Dear Judge Hill:

The Probation Department is referenced in recommendations 101, 102, 103, 104, 105, 106, and 107.

The following is the Probation Department's official response to the above recommendation of the Grand Jury.

ELKHORN CORRECTIONAL FACILITY

101. A comprehensive plan for the implementation of vocational training programs at Elkhorn Correctional Facility and Forward Bound Academy be developed.

The Probation Department agrees with this recommendation. The development of vocational education programs for the Elkhorn Correctional Facility and the Forward Bound Academy has been discussed since its inception approximately seven years ago. To date, the Fresno County Office of Education has done a commendable job in establishing the Culinary Arts Vocational Education component. There are many other components that need to be on line with that program. Currently underway are plans for a welding program that should be forthcoming within the very near future.

While we agree with this recommendation, it should be noted that the responsibility of developing these programs belongs to the Fresno County Office of Education, the Economic Opportunities Commission, and the County Workforce Investment Board. As the Probation Department, we will continue to

work in a partnership relationship with the above agencies to develop a comprehensive plan and hopefully bring it to fruition.

- 102. All programs be established in such a manner that any training be done at Elkhorn Correctional Facility can be completed at Forward Bound Academy.**

The Probation Department agrees with the recommendation and will work with the program providers to ensure that these services do have a continuum and are effective.

- 103. The Pre-apprenticeship Preparedness Program at Elkhorn Correctional Facility be expanded to include more cadets.**

The Probation Department is not fully in agreement with this recommendation. Through the efforts of the Board of Supervisors, the Fresno County Workforce Investment Board, and the local trade unions, we have worked diligently to provide 40 slots for cadets in the apprenticeship program at the new Juvenile Justice Campus. We believe that this is an adequate number for this project and for the unprecedented commitment by Fresno County to establish a program like this.

- 104. Fresno County includes provisions for apprenticeship positions for qualified youths from its Juvenile Corrections Facility in its request for proposal for construction projects.**

The Probation Department certainly agrees with this recommendation in concept however, this would be a policy decision by the Board of Supervisors as other projects are developed for Fresno County Government.

- 105. Elkhorn Correctional and Forward Bound Academy administrators seek the involvement of communities businesses and trade groups in providing vocational program opportunities.**

The Probation Department concurs with this recommendation. Since the inception of the Elkhorn Correctional Facility, the Probation Department has made diligent effort to establish coalitions within the business and trade community of the County. Many organizations have come forward with excellent ideas but, to be frank, at this point very few have followed through. The Probation Department will make a more diligent effort in the coming year to bring the various entities together for collaboration in this worthwhile arena. Again, we defer the primary jurisdiction of these programs to the Fresno County Office of Education.

- 106. The Master Plan for the improvement of Teilman School Campus is implemented immediately.**

The physical plant of the Teilman School Campus is under the administration and control of the Fresno County Office of Education.

107. The 2004/2005 Fresno County Grand Jury continues to monitor the progress of these recommendations.

The Probation Department concurs.

Larry R. Price
Chief Probation Officer

LRP:sf

Cc: M. Bruce Smith, Presiding Judge, Juvenile Delinquency Court, Fresno County
Denise Whitehead, Judge, Juvenile Delinquency Court, Fresno County
Ruby Hefley, Chair, Juvenile Justice Commission
Paula Guzman, 2004-2005 Grand Jury Foreman
Bart Bohn, Fresno County Administrative Officer
Greg Reinke, Principal Administrative Analyst
Nancy Cooper, Senior Analyst
Probation Executive Council

July 23, 2004

The Honorable Brad Hill
Presiding Judge, Fresno County Superior Court
1100 Van Ness Avenue
Fresno Ca 93721

Dear Judge Hill,

The following are my responses to the findings and recommendations of the 2003-04 Grand Jury Final Report pertaining to the Fresno County Sheriff's Department and our involvement in the MAGEC program.

Findings

The Fresno County Sheriff's Department agrees with the findings.

Recommendations

Recommendation 108 - The Multi-Agency Gang Enforcement Consortium to be continued to deal with escalating gang activities.

Sheriff's Department implementation of this recommendation will continue dependent on the continued availability of funding for the activity.

Recommendation 109 - The necessary officers and resources assigned to the Multi-Agency Gang Enforcement Consortium be continued at its current level.

See below.

Recommendation 110 – Fresno County Sheriff Department continue its support of Mulit-Agency Gang Enforcement Consortium at the current level.

This recommendation will be implemented, and the current level of Sheriff's Department resources continued, depending on continued availability of funding for the activity. The Sheriff reserves the right to deploy officers within the department as necessary for the overall benefit of Fresno County citizens.

This concludes my comments on the findings and recommendations of the Grand Jury for the year 2003-04.

Sincerely,

Richard Pierce
Fresno County Sheriff

cc: Board of Supervisors
Nancy Cooper, Senior Analyst

July 28, 2004

The Honorable Brad Hill
Presiding Judge
Fresno County Superior Court
1100 Van Ness Avenue
Fresno Ca 93721

Dear Judge Hill,

The following are my responses to the findings and recommendations of the 2003-04 Grand Jury Final Report pertaining to the Fresno County District Attorney's Office and our involvement in the MAGEC program.

Findings

The Fresno County District Attorney's Office agrees with findings A – B and D – R.

The Fresno County District Attorney's Office partially disagrees with finding C due to the fact that the cities of Reedley and Kingsburg also contribute personnel to MAGEC.

Recommendations

Recommendation 108 - The Multi-Agency Gang Enforcement Consortium to be continued to deal with escalating gang activities.

District Attorney's Office implementation of this recommendation will continue dependent on the continued availability of funding for the activity.

Recommendation 109 – The necessary officers and resources assigned to the Multi-Agency Gang Enforcement Consortium be continued at its current level.

This recommendation will be implemented, and the current level of District Attorney resources continued, depending on continued availability of funding for the activity.

Recommendation 113 – The use of the civil injunction process for gang suppression activities be expanded throughout Fresno County.

The recommendation has been implemented through the efforts of the District Attorney's Office, which assumes the lead in the use of the civil injunction process. Ongoing assistance will be provided to jurisdictions throughout Fresno County to employ this effective method of gang suppression.

This concludes my comments on the findings and recommendations of the Grand Jury for the year 2003-04.

Sincerely,

Elizabeth A. Egan
District Attorney
County of Fresno

cc: Board of Supervisors
Nancy Cooper, Senior Analyst

August 12, 2004

Nancy Cooper, Senior Administrative Analyst
Fresno County Administrative Office
County of Fresno Hall of Records
2281 Tulare Street, Room 304
Fresno, California 94721

SUBJ: 2003-2004 Fresno County Grand Jury Report

Dear Ms. Cooper:

Please be advised that we are in receipt of your letter dated July 23, 2004 requesting responses to Recommendation Nos. 123, 124, and 125 of the 2003-2004 Fresno County Grand Jury Report.

Following please find our responses to each of the aforementioned recommendation numbers:

- **Recommendation No. 123** – *Small school districts in Fresno County, that are in close proximity with each other, consider consolidation or contracting with an existing transportation district.*

We support the recommendation that school districts not just within Fresno County, but within our region, take immediate steps to consolidate transportation as well as other services that will result in reduced expenditures without affecting the quality of services provided to our students, employees and members of our community.

For several years, until 2003-04, our District provided transportation management services to the Sanger Unified School District. Although we did not employ any of the Sanger bus drivers, our staff administered and managed the Sanger transportation program. This program resulted in a reduction in our overhead costs and also reduced costs for Sanger Unified. Unfortunately, our contract was not renewed after the 2003-04 school year by Sanger Unified.

Since its unification, the Golden Valley Unified School District in Madera County has contracted with our district to provide transportation services to Golden Valley. Although we do not employ their bus drivers, we establish their bus routes, maintain their buses, and provide overall services to Golden Valley. This program has been beneficial to our District in that it has reduced our overhead costs. It has also been beneficial to Golden Valley in that Golden Valley has not had to construct maintenance facilities nor incur the cost of a management staff for its transportation services. As was the case with Sanger Unified, Golden Valley chose not to renew our contract for the 2004-05 school year.

With the enactment of Assembly Bill 1419 (the anti-contracting bill that became effective January 1, 2002), it does not appear this recommendation is feasible in California at the present time. This legislation essentially prohibits school districts from contacting for services that have been traditionally performed by a school district. A major effort to overturn this legislation failed during the past two legislative sessions. This legislation affects not only transportation consolidation but the consolidation of other services that could be beneficial to both large and small districts.

- **Recommendation No. 124** – *Unless previously adopted, each school district develops and implements a bus replacement schedule, which meets clean air standards.*

Since 1990, the Clovis Unified School District has supported and aggressively implemented several programs to reduce school bus emissions and/or replaced older more polluting school buses with school buses that are cleaner and less polluting. CUSD has upgraded its school bus fleet during this period to include 20 heavy duty school buses that operate on Compressed Natural Gas (CNG) in place of diesel fuel. Additionally, we have retrofitted 50 existing diesel school buses with cutting edge technology to reduce tailpipe emissions by installing “Diesel Oxidation Catalyst” (DOCs) hardware on most of the remaining diesel school buses. The USEPA recently approved an agreement with CUSD and funded a two-year demonstration program allowing us to replace the use of CARB diesel for our school bus fleet with a fuel called “PuriNOx.” PuriNOx is an emulsified fuel that will further reduce tailpipe emissions from our school buses.

The Clovis Unified School District has developed partnerships with the San Joaquin Air Pollution Control District (SJAPCD), California Air Resources Board (CARB), Valley Clean Air Now (Valley CAN), California Energy Commission (CEC), and a host of others in an effort to replace or retrofit our fleet of school buses helping to reduce emissions, improve air quality in our community, and operate as efficient as possible. These types of partnerships demonstrate our commitment in replacing older more polluting school buses with cleaner burning school buses that meet or in most cases exceed clean air standards.

Our most recent testimony is the award we received this month from the CEC of a replacement of an older diesel powered school bus with a new school bus that operates on CNG. The District will continue to actively pursue funding opportunities to further our commitment in replacing older more polluting buses with new clean burning fuel school buses for the betterment of the community.

- **Recommendation No. 125** – *Funding for consideration and bus replacement be sought from all available sources.*

The Clovis Unified School District is always “on the look-out” for funding sources to replace outdated buses. We have been successful in the past and anticipate the receipt of State and/or Federal grants for bus replacements in the future.

As we mentioned in our response to Recommendation No. 123, Clovis Unified School District is interested in working with other agencies (public or private) that will result in improved services to our 36,000 students and taxpayers of our school district.

Senior Administrative Analyst
August 12, 2004
Page 3

Thank you for the opportunity to respond to the three recommendations of the Grand Jury that affect our school district. Please let me know if you have further questions or need additional information regarding these issues.

Sincerely,

Terry Bradley, Ed.D.
Superintendent

August 19, 2004

Fresno County Administrative Office
Attn: Nancy Cooper
Hall of Records, Room 304
2281 Tulare Street
Fresno, CA 93721

Dear Ms. Cooper:

Attached please find the District's responses to Recommendations 123, 124 and 125 regarding school bus transportation in Fresno County.

Yours truly,

John Mulligan
Assistant Superintendent, Business

JM/df

Attachment

- 123 We support this recommendation. However, recent legislation makes it nearly impossible to outsource support services to other organizations unless such an arrangement existed prior to 2002.
- 124 All of our buses meet the existing clean air standards. However, there are revisions being proposed which will require retrofitting existing buses to meet the revised standards. At such time that we know what revisions are approved, we will prepare a schedule to complete this work and remain in compliance.
- 125 The District aggressively pursues funding for bus replacement from all available resources. It should be noted, however, that such resources are fairly scarce at the present time and in many cases only cover a portion of the \$135,000 cost of a new bus. As a result, school bus replacement competes with other District priorities for available general purpose resources.

August 19, 2004

The Honorable Brad Hill
Presiding Judge of the Fresno County Superior Court
100 Van Ness Avenue
Fresno, CA 93721

Dear Judge Hill,

On behalf of the Board of Directors for the Southwest Transportation Agency I would like to take this opportunity to thank the Fresno County Grand Jury for including School Bus Transportation in Fresno County in their 2003-04 final report.

The Agency wholeheartedly agrees with the conclusions arrived by the Grand Jury. School buses are contributors to the air quality in the Valley, with older buses being gross polluters. Since California ranks dead last in the nation for ownership of pre-1977 school buses it is clear their replacement should be a priority. Since 65% of the school districts in the State operate 9 buses or less the consolidation of services makes perfect sense. The economies of scale open up a myriad of options not available otherwise.

The Agency currently provides transportation services for 1/3rd of the schools in Fresno County, and has been implementing the Grand Jury's recommendations since 1988.

It would clearly be in the best interest of all school districts to review the Grand Jury's findings and recommendations and determine if their current system can be made more efficient and cost effective while helping to clean the air.

Respectfully Submitted,

Kirk Hunter
Director