



COUNTY OF FRESNO

2014

GRAND JURY
ANNUAL REPORT

2015



**THE
FRESNO COUNTY**



**GRAND
JURY**

2014-2015 FINAL REPORT

www.fresnosuperiorcourt.org

**PRESIDING JUDGE OF THE FRESNO COUNTY SUPERIOR COURT
HON. JONATHAN B. CONKLIN**

“*I* KNOW NO SAFE DEPOSITORY
OF THE ULTIMATE POWERS OF THE SOCIETY
BUT THE PEOPLE THEMSELVES;
AND IF WE THINK THEM
NOT ENLIGHTENED ENOUGH
TO EXERCISE THEIR CONTROL
WITH A WHOLESOME DISCRETION,
THE REMEDY IS NOT TO TAKE IT FROM THEM,
BUT TO INFORM THEIR DISCRETION BY EDUCATION.
THIS IS THE TRUE CORRECTIVE OF ABUSES
OF CONSTITUTIONAL POWER.”

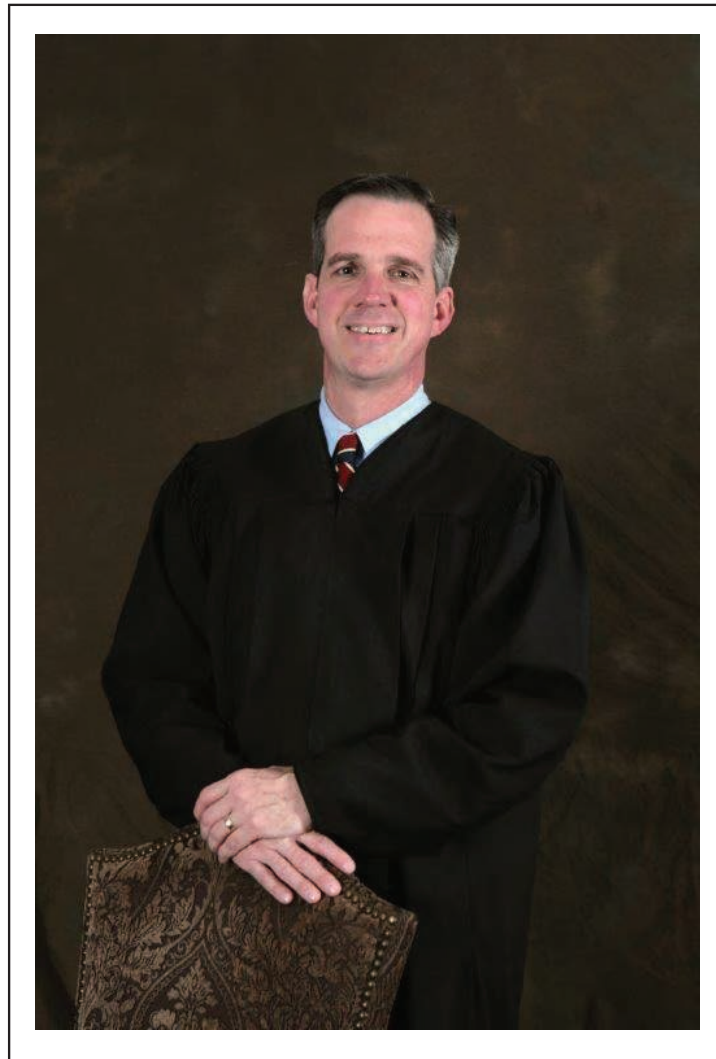
~ Thomas Jefferson, 1820



GRAND
JURY

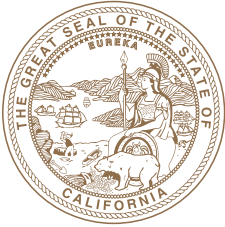
PRESIDING JUDGES

2014 - 2015



HON.
JONATHAN B. CONKLIN





Superior Court of California County of Fresno

CHAMBERS OF
JONATHAN B. CONKLIN
Presiding Judge 2014-15

1100 VAN NESS AVENUE
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Like each Grand Jury before, the 2014-2015. Grand Jury has served with distinction. The members were hard-working throughout their term. This term in particular saw a substantial number of alternate jurors serving as well. Each member proved to be impartial and courageous in their service. They showed calm and considered judgment. In such role, the Fresno County Grand Jury made an important contribution to local government. The Fresno County Superior Court appreciates and values their service.

This Grand Jury has continued in the fine tradition of their predecessors by diligently acting as the public's watchdog through its investigations and reporting upon certain affairs of local government. The Grand Jury issued four reports. The first addressed issues related to the Pleasant Valley State Prison, the second addressed Sanger, the third addressed Parlier Unified School District, and the fourth addresses housing in the City of Fresno. Each report was thorough and thoughtful. Each report contained constructive comments related to potential improvements for the agencies mentioned. The leadership of the foreperson, Greg Mullanax, must be noted, acknowledged and praised. He carried out with distinction, his responsibilities to see that the Grand Jury as a whole, and each of the committees, function effectively and efficiently. The foreperson, along with all members, performed this vital public service with minimal monetary compensation, for travel and a small per diem allowance.

All citizens residing in Fresno County are invited and encouraged to apply for the responsible position of serving as a grand juror and to continue this important function of public service.

A handwritten signature in blue ink, appearing to read "Jonathan B. Conklin".

Hon. Jonathan B. Conklin
Presiding Judge 2014-15



County of Fresno

Grand Jury

TO: The Honorable Jon B. Conklin, Presiding Judge
Residents of Fresno County

I am submitting this final consolidated report of the 2014-2015 Fresno County Grand Jury. The Grand Jury's watchdog function is to investigate matters of civil concern which includes investigating and reporting on the operations, accounts, and records of the officers, departments, or functions of the county including those operations, accounts, and records of any special legislative district or other district in the county.

Each year the Civil Grand Jury begins with the random selection of its members by the Presiding Judge of the Fresno County Superior Court from applicants of Fresno County. Several members of this grand jury served with the Grand Jury before, including two previous forepersons. All jurors completed a two-day training course, sponsored by the California Grand Jurors' Association, which provided invaluable background material and resources. The foreperson and pro-tem received an additional day of training. We had two grand jurors who, due to health reasons, were unable to complete their terms. Others who did not complete their term, and alternate took their place where appropriate.

This year, the Grand Jury began moving to a computerized cloud-based system for confidential email communication, calendaring and document-sharing. With the assistance of the County's IT team, the Grand Jury was able to implement the new system and begin the process of modernizing. Grand jurors now have their own Grand Jury email addresses and can confidentially share documents and other information with other grand jurors. This makes Grand Jury investigations more productive and report drafting more efficient. Future grand juries will now have the ability to tweak the system and make improvements.

During the course of the year, the Grand Jury received several complaints, although the Grand Jury did not receive as many complaints as usual. All complaints were presented to the entire Grand Jury and when appropriate, assigned to committee for further study and investigation. Not all complaints were assigned for committee review as some were deemed beyond the purview of the Grand Jury or other avenues of redress were not exhausted. The Grand Jury investigated some complaints that did not culminate in a final report. There are various reasons for this including complaints being unfounded, issues being corrected, or for other reasons the Grand Jury found appropriate.

The Grand Jury issued four reports this year. The Grand Jury reported on its visit to Pleasant Valley State Prison, the City of Sanger's political turmoil, Parlier Unified School District's leadership and Fresno's housing blight concerns. These reports were produced after hours of witness testimony, requests and review of documents and on-site visits.

As the Grand Jury does every year, during this term the Grand Jury toured the Pleasant Valley State Prison in Coalinga under California Penal Code § 919(b)'s mandate that the Grand Jury inquire into the condition and management of the public prisons within the county. Although a report is not required after the inspection, the Grand Jury did issue a report based on its visit to the prison.

This Grand Jury continued the policy of not pursuing prison inmate complaint allegations unless we received proof of completion of the appeal procedure provided to every prisoner in Title 15, Section 8 of the California Code of Regulations, which governs the inmate appeal process. Therefore, the Grand Jury did not pursue any inmate complaints.

The Grand Jury participated in tours of the following facilities: Fresno Police Training Center, Central California Emergency Medical Service Agency, Community Hospital Regional Trauma Center, and the Fresno County Surface Water Treatment Facility. Throughout the course of our term, several grand jurors observed the Fresno Police Department's monthly Crime View session.

The Grand Jury received support from many during this term. The Grand Jury appreciated the leadership and guidance of Presiding Judge Jon B. Conklin and the experienced guidance we received from Sherry Spears. Deputy County Counsel Art Wille's service to the Grand Jury was always timely and invaluable and Assistant District Attorney Blake Gunderson impressed the Grand Jury with his can-do attitude and assistance. I also want to recognize Sonia De La Rosa with the Fresno County Administrative Office for her gracious dedication to the Grand Jury.

There are several grand jurors I would personally like to recognize for their dedication and hard work. First I would like to thank Gary Gladding who served as foreperson pro-tem and Norman Lambert who served as recording secretary. I would like to recognize Vonda Epperson for her work in scheduling Grand Jury tours and as committee chair and for her wise counsel. Gloria Cantu, Jennifer Hartwig, Dwight Miller and Steven Fortner devoted many hours to our work and their insights, dedication and advice were invaluable. Finally, I would especially like to thank Lanny Larson whose curiosity, diligence, persistence and judgment encouraged us all and who exemplified the mission of the Grand Jury.

It was an honor for all of us to serve on the Fresno County Grand Jury and I encourage others to get involved. The Grand Jury's reports serve to inform citizens on the state of their local government and to encourage responsible leadership. The Grand Jury's function is important and productive grand juries help hold our public officials accountable. The Grand Jury encourages citizens of all backgrounds and experience to apply to serve as a grand juror and to work hard to increase the visibility of the Grand Jury and its functions.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Greg Mullanax', written in a cursive style.

M. Greg Mullanax, Foreperson
Fresno County Grand Jury, 2014-2015



THE COUNTY OF FRESNO
2014-2015

GRAND JURY



MISSION STATEMENT

The Fresno County Grand Jury serves as the ombudsman for citizens of Fresno County. The primary function of the Grand Jury, and the most important reason for its existence, is the examination of all aspects of county government and special districts assuring honest, efficient government in the best interests of the people.

Their responsibilities include receiving and investigating complaints regarding county government and issuing reports. A Grand Jury Final Report is issued in June of each year. Grand Jurors generally serve for one year although the law provides for holdovers for a second year to assure a smooth transition.

NAME OF EACH GRAND JURY MEMBER FOR 2014-2015

TIMOTHY BAILES
GLORIA CANTU
WILLIAM DONOHUE
VONDA EPPERSON
STEVEN FORTNER
GARY GLADDING
JENNIFER HARTWIG
ROLAND HILL
BUD JONES
JON KOOBATION
NORMAN LAMBERT
LANNY LARSON
CHERYL LINGO
DWIGHT MILLER
MARLYN MILLOY
GREG MULLANAX
ALVIN SOLIS
RALPH YORK
CHARLIE WATERS



THE COUNTY OF FRESNO

2014-2015 GRAND JURY



FRONT ROW *(Left to Right):*

Timothy Bailes • Vonda Epperson • Gloria Cantu • Marlyn Milloy

BACK ROW *(Left to Right):*

William Donohue • Alvin Solis • Gary Gladding • Ralph York • Dwight Miller • Norman Lambert
Roland Hill • Jennifer Hartwig • Jon Koobation • Lanny Larson • Steven Fortner
Greg Mullanax • Bud Jones



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THE GRAND JURY PROCESS

- ❖ **APPLICATION INFORMATION**
- ❖ **FUNCTIONS**
- ❖ **COMPLAINT PROCEDURE**

APPLICATION INFORMATION

The Fresno County Grand Jury serves as the civil watchdog for the County of Fresno. Their responsibilities include investigating complaints regarding county and city governmental agencies and issuing reports when necessary.

In the early months of each calendar year, the Fresno County Superior Court begins the process for selecting a new grand jury. Those with an interest in serving on the grand jury may contact the Juror Services Manager and ask to be considered as a prospective grand juror. In addition to self referrals, names of prospective grand jurors are suggested by the active and retired judicial officers of the Fresno County Superior Court and the current grand jury members.

The basic qualifications include being a citizen of the United States, being at least 18 years of age and a resident of Fresno County for at least one year prior to selection. Applicants should also be in possession of their natural faculties and have ordinary intelligence, sound judgment and good character. They should be able to speak and write English and have some computer literacy.

Questionnaires are mailed to all prospective grand jurors after the nominations are received. All prospective grand jurors are required to have a background check. All prospective grand jurors must be officially nominated by a sitting Superior Court Judge and may be asked to come in for an interview. The Judges then consider all prospective grand juror nominees. They nominate 30 prospective jurors, who are invited to an impanelment ceremony in mid-June. Names are drawn at random to serve on the nineteen member grand jury. Generally, there are two to four members from the outgoing grand jury who holdover to insure a smooth transition.

Prospective grand jurors should be aware of the responsibilities and time commitment involved. Jurors typically spend a minimum of 40 hours per month on meetings, interviewing, conducting investigations and writing reports. The service period from July 1 to June 30 of the following year.

For additional information or to nominate yourself or someone else, contact the Juror Services Manager at the Fresno County Courthouse, 1100 Van Ness Avenue, Room 102, Fresno, CA 93724-0002 or call 559-457-1605.

FUNCTIONS

History: In 1635, the Massachusetts Bay Colony impaneled the first grand jury to consider cases of murder, robbery and wife beating. By the end of the colonial period the grand jury had become an indispensable adjunct to the government. The U.S. Constitution's Fifth Amendment and the California Constitution call for the establishment of grand juries. The California Constitution provided for prosecution by either indictment or preliminary hearing.

In 1880, statues were passed which added duties of the grand jury to investigate county government beyond misconduct of public officials. Only California and Nevada mandate that civil grand juries be impaneled annually to function specifically as a "watchdog" over county government. California mandates formation of grand juries in every county able to examine all aspects of local government adding another level of protection for citizens.

Functions: The civil grand jury is a part of the judicial branch of government, an arm of the court. As an arm of the Superior Court, the Fresno County Grand Jury is impaneled every year to conduct civil investigations of county and city government and to hear evidence to decide whether to return an indictment. The civil grand jury in its' role as civil "watchdog" for the County of Fresno has two distinct functions:

- ❖ Investigations of allegations of misconduct against public officials and determine whether to present formal accusations requesting their removal from office under three feasances: nonfeasance, misfeasance and malfeasance.
- ❖ Civil Investigations and Reporting, the watchdog function, is the PRIMARY duty of a regular Civil Grand Jury. In addition to mandated state functions, the jury may select additional areas to study publishing its' findings and recommendations in a report at the end of the year.

Both the criminal and civil grand juries have the powers to subpoena. The criminal grand jury conducts hearings to determine whether there is sufficient evidence to bring indictment charging a person with a public offense. However, the district attorney usually calls for empanelment of a separate jury drawn from the petit (regular trial) jury pool to bring criminal charges. However, in Fresno County a Superior Court Judge is the determiner of facts relative to holding an individual to answer criminal charges.

Civil Watchdog Functions: Considerable time and energy is put into this primary function of the civil grand jury acting as a the public's "watchdog" by investigating and reporting upon the operation, management, and fiscal affairs of local government (eg Penal Code § 919, 925 et seq.) The civil grand jury may examine all aspects of county and city government and agencies/districts to ensure that the best interests of the citizens of Fresno County are being served. The civil grand jury may review and evaluate procedures, methods and systems used by county and city government

to determine whether more efficient and economical programs may be used. The civil grand jury is also mandated to inspect any state prisons located within the county including the conditions of jails and detention facilities.

Citizen Complaints: The civil grand jury receives many letters from citizens and prisoners alleging mistreatment by officials, suspicions of misconduct or government inefficiencies. Complaints are acknowledged and investigated for their validity. These complaints are kept confidential.

Criminal Investigations: A criminal jury is separate from a civil grand jury and is called for empanelment by the district attorney. A hearing is held to determine whether the evidence presented by the district attorney is sufficient to warrant an individual having to stand trial. Note: This is not the procedure in Fresno County, a Superior Court Judge calls for a criminal jury if a matter continues on in the courts to trial.

The grand jury system as part of our judicial system is an excellent example of our democracy. The grand jury is independent body. Judges of the Superior Court, the district attorney, the county counsel, and the state attorney general may act as advisors but cannot attend jury deliberations nor control the actions of the civil grand jury (Penal Code § Code 934, 939).



Fresno County Civil Grand Jury

A major function of the Fresno County Civil Grand Jury is to examine Fresno County and city governments, special districts, school districts and any joint powers agency operating within the county to ensure their duties are being carried out lawfully. The Grand Jury does *not* investigate criminal, state, federal or court activities nor personal disputes.

The Grand Jury:

- May review and evaluate procedures used by these entities to determine whether more-efficient and -economical methods can be employed.
- May inspect and audit the books, records and financial expenditures of those entities to ensure that public funds are properly accounted for and legally used.
- May investigate any charges of willful misconduct in office by public officials.
- Shall inquire into the condition and management of state prisons within the county.

To request an investigation, the attached claim form must be filled out in its entirety, and submitted to the Grand Jury either electronically or by mail. All complaints received by the Grand Jury are confidential.

1. Name of complainant and contact information to include address, phone number and email. Anonymous complaints will not be investigated.
2. Complete nature of complaint to include name of person(s) or department(s) against which the claim is being filed.
3. Complaint form must be signed.
4. Written confirmation of complaint will be sent to complainant.

Email form to: info@fresnocograndjury.com

or

**Mail form to: Fresno County Civil Grand Jury
P.O. Box 2072
Fresno, CA 93718**



Fresno County Civil Grand Jury Complaint Form

All Complaints Received by the Grand Jury are Confidential

Complaints will not be processed without a brief summary, contact information and a signature

Your Name: _____

Mailing Address: _____

City, State & Zip: _____

Preferred Phone Contact Number: _____

Email Address: _____

Brief Summary of Complaint Please include dates of events, names of officials involved, names of people who know about this, public agencies involved and any other pertinent information to help the Grand Jury assess the complaint. You may attach additional information as necessary.

The information contained in this complaint is true, accurate and complete to the best of my knowledge. Anonymous complaints will not be investigated.

Signature: _____ Date: _____

The Grand Jury is grateful for your participation. You will receive acknowledgment of your complaint after it has been reviewed by the Grand Jury. Because of statutory and confidentiality restrictions, the Grand Jury retains all complaints and attachments thereto in accordance with its policies and procedures. The Grand Jury does not discuss the status of complaints nor offer advice on how to pursue a complaint by any other investigatory body.

Email form to: info@fresnocograndjury.com
or
Mail form to: **Fresno County Civil Grand Jury**
P.O. Box 2072
Fresno, CA 93718

FRESNO COUNTY GRAND JURY FINAL REPORTS *and* RESPONSES

2014-2015

Report 1

- ❖ PLEASANT VALLEY STATE PRISON
AT 20 YEARS

Report 2

- ❖ POLITICAL TURMOIL THREATENS
SANGER'S RECOVERY

Report 3

- ❖ PARLIER UNIFIED CHALLENGED
BY LAX LEADERSHIP

Report 4

- ❖ FRESNO MOVES SLOWLY
ON HOUSING BLIGHT
-

REPORT & RESPONSES #1

**PLEASANT VALLEY STATE PRISON
AT 20 YEARS**



**2014-15
Fresno County Grand Jury
Report No. 1**

Pleasant Valley State Prison at 20 years

INTRODUCTION

In compliance with California Penal Code Section 919 (b), “The grand jury shall inquire into the condition and management of the public prisons within the county,” the 2014-15 Fresno County Grand Jury conducted its annual inquiry of the Pleasant Valley State Prison (PVSP). The grand jury visited PVSP on Sept. 24, 2014 and was received with hospitality by two prison officials, who accompanied the Grand Jury on a tour, providing information and answering all questions.

A three-hour inspection included administrative areas, grounds, the interior and exterior of one inmate housing unit, the library, kitchen, in-patient medical facilities and out-patient medical, dental, and pharmacy facilities. To a person, the PSVP staff was pleasant and professional, freely, and in easy-to-understand language, answering all questions.

BACKGROUND

One of 32 prisons for men operated by the California Department of Corrections and Rehabilitation (CDCR) – and the only such facility within Fresno County – Pleasant Valley State Prison (PSVP) is at 24863 W. Jayne Ave., Coalinga. PSVP opened in November 1994 and is celebrating its 20th anniversary.

Situated on 334 acres about 5 miles southeast of Coalinga, but within city limits, PVSP is home to more than 3,000 inmates. The facility was designed to hold about 700 fewer, based on single-bed occupancy. Inmates are medium- to high-security risks and are housed in Level I to III facilities. The inmates are serving sentences of several months for petty theft to life without possibility of parole for murder. Thirty-eight percent of PVSP inmates are serving life terms; 18 percent are registered sex offenders.

PVSP has endured a substantial drop in its budget from near \$200 million in 2007-08 to this fiscal year’s \$141.8 million. As of Dec. 31, 2012, PSVP was staffed by approximately 1,500 people, which had dropped to approximately 1,300 when the 2014-15 Grand Jury visited. (Staff reported 40 authorized, but vacant positions.) Custody staff totals 700, with 300 noncustody staff and 300 medical workers. Forty percent of PVSP staff reside in Fresno County and 35 percent in Kings County. Seventeen percent of staff live in Avenal or Coalinga, the two incorporated communities closest to the prison.

PURPOSE OF THE INQUIRY

In fulfilling its mandate to visit Pleasant Valley State Prison, the Grand Jury also sought new information about inmate crowding, Valley Fever and mental health treatment, which were concerns of previous Grand Juries. Specifically, information was requested:

- About the impact of recent court and legislative actions to reduce crowded conditions in state prisons.
- About reducing the Valley Fever threat to at-risk inmates.
- About rehabilitative and educational opportunities on site.
- About various operations, including medical and mental health services, the kitchen and living conditions for inmates.

It should be noted that the Grand Jury's inquiry was not the result of any complaints.

DISCUSSION

Prison population

Pleasant Valley State Prison (PVSP) has undergone recent changes in its inmate population because of realignment shifting more incarceration to local jails, sentencing changes and the migration to other prisons of inmates deemed to be at greater risk for Valley Fever.

In response to previous Grand Jury concerns about crowding, this Grand Jury learned the inmate population at PVSP has declined from 3,757 in October 2011 to 3,041 on Sept. 24, 2014. A California Department of Corrections and Rehabilitation report issued a week later said PVSP's inmate population was 3,075 prisoners and that the facility was at 133.2 percent of designed capacity (2,308 men, figuring one person to a cell), slightly below the average systemwide. Cells visited by the Grand Jury were built with bunk beds to accommodate two inmates, rather than the one-to-a-cell capacity standard.

Besides two General Population and two Sensitive Needs housing units (each with about 800 inmates), there is a Minimum Support Facility, housing 107 inmates with minimal custody requirements. The inmates staff California Department of Transportation (Caltrans) crews and work in warehouse, garage, landscaping, recycling, water treatment and administration (helping with visiting facilities) programs. Eight inmates are part of the on-site fire protection service crew that also fulfills mutual-aid obligations in surrounding communities.

The Grand Jury visited inmate housing when few of the inmates were present and found the facilities clean and comfortable on a 94-degree day.

Education and vocational training

Mission statements of the California Department of Corrections and Rehabilitation (CDCR) and PVSP emphasize rehabilitation, education and medical treatment to prevent recidivism and keep communities safer.

CDCR: "We protect the public by safely and securely supervising adult and juvenile offenders, providing effective rehabilitation and treatment, and integrating offenders successfully into the community." The department's goals include having a well-trained workforce; integrating information technology into systems that manage current needs and anticipated growth; and developing strategies "to preclude class-action suits and remedy identified violations."

PVSP: “Pleasant Valley State Prison redefines public safety and public service while providing modern long-term housing and professional services for inmates of all custody levels. We provide excellence in state service. While maintaining the highest public safety security protocols, education and career technical skills are offered to inmates through our academic classes, vocational instruction and work programs in order to create viable job skills that are marketable in today’s workforce.” PVSP’s mission statement notes its self-help programs including substance abuse treatment and cognitive behavioral therapy so inmates can “make positive life-changing decisions, while giving back to society.” The prison supports the surrounding community with inmate work crews, mutual-aid fire agreements and a youth diversion program for at-risk children. PVSP also offers one of the state’s first enhanced-program facilities that rewards good behavior as an alternative to punishment for breaking prison rules. PVSP provides professional medical and mental health services for inmates in modern facilities on site.

In addition, the CDCR lists these programmatic goals:

- **Crime Prevention and Safety:** Develop a comprehensive crime prevention program and establish evidence-based research to determine the impact of offender programs within the institutions and community to reduce criminality and victimization.
- **Outreach, Partnerships, and Transparency:** Seek partnerships and develop meaningful programs and processes to promote shared responsibility for community safety.
- **Health Care Delivery:** Ensure an organization design and accompanying systems to provide efficient delivery of quality health care.

Rehabilitation and education have received greater emphasis in recent years at PVSP, which budgets \$4,976,355 for vocational and academic education programs for inmates. PSVP reports 1,400 inmates are enrolled in its nine vocational programs, 13 academic classes and four voluntary education programs.

PVSP offers career training in electrical works, office services, electronic technology, small-engine repair, carpentry, building maintenance, auto body and paint, vehicle engine repair and welding. Adult Basic Education; a GED/high school diploma program; Coastline Community College’s (in Fountain Valley) distance-learning; the California Prison Industry Authority program; and a healthcare-facility maintenance program also are available. PVSP vocational programs for prisoners are evaluated regularly for relevance in helping former inmates find jobs after release to local communities.

A library on site encourages reading and maintains a law library for inmate use.

Other services for inmates

Inmates participate in community-service crews on roads and fighting fires. They also help at religious services and with self-help support organizations, and inmates refurbish bicycles and assist with handicrafts programs.

PVSP honors inmate religious/spiritual/faith diversity by providing facilities for American Indian, Christian, Muslim, Wiccan and other rites.

A family liaison service specialist serves reunification needs of inmates and family members. Inmates receive assistance with pre-release preparation, parenting skills and creative conflict-resolution.

There are private units for conjugal visits between inmates and their partners.

To encourage good behavior by inmates, PVSP has instituted the state's first Enhanced Program Facility "for inmates who choose to refrain from violence, drugs and gang activity," PVSP reported. The program offers bigger TV sets, greater commissary selections, reduced time at the prison and other incentives for positive behavior. PVSP officials report encouraging initial acceptance and participation in this program.

Valley Fever

PVSP reports that only a handful of inmates remain there after a 2013 court ruling that prisoners at higher risk of contracting Valley Fever (*coccidioidomycosis*) would be moved to prisons outside the San Joaquin Valley. Valley Fever is a soil-borne fungus common in the Southwestern United States and Northern Mexico.

A federal court receiver identified African-Americans, Filipinos, inmates older than 55 and those with HIV or suppressed immune systems as at greatest risk for Valley Fever. The receiver acted after legal action was taken in behalf of inmates who died of Valley Fever. The order affected approximately 2,600 inmates at PVSP and Avenal State Prison, about 10 miles away in Kings County.

The National Institute for Occupational Safety and Health in early 2014 reported that some staff members at Avenal and Pleasant Valley prisons had died of Valley Fever and others were sickened by the disease. The state requested the assessment following revelations about inmate deaths from Valley Fever.

The Associated Press (AP) reported that the institute confirmed 65 Valley fever cases among PVSP staff between 2009 and mid-2013 and that two employees died. While the general rate of Valley Fever infection in Fresno County is 40 cases per 100,000 people, the rate among PVSP employees was 1,039 cases per 100,000 non-inmate adults, the institute concluded. It also warned "that there can be no direct comparison because of differences in the populations and the reporting of the illness."

The AP added, "Researchers couldn't determine if the prison employees contracted the disease at work or outside of work, and said most were likely exposed to the fungus on and off the job."

The U.S. Centers for Disease Control and Prevention recommended that skin tests could identify inmates already exposed to Valley Fever and therefore immune to another infection, allowing them to be housed at PVSP.

Medical programs

PVSP inaugurated a substance abuse program in July to help inmates dealing with drug and alcohol dependency. By the time of the Grand Jury's visit, 120 inmates were participating in the program.

Inmate health, vision, pharmacy and dental needs are met in a separate facility at PVSP, which also has beds for 15 men, who need assisted medical care. The medical and correctional staff works to keep conflicts to a minimum.

The prison offers mental health treatment at the Coalinga State Hospital, immediately east of PVSP, in a dedicated unit for which the prison provides security staff.

Kitchen operation

Staff and inmates work together in the PVSP kitchen to produce more than 9,000 meals per day – two hot and one cold – for each inmate. Nutritionists help ensure all meals are healthful. Inmates can request kosher and vegetarian meals in place of the standard fare.

Experienced institutional chefs and inmates work a day or two ahead of delivery preparing hot meals that can be flash-frozen for reheating after being transported from the main kitchen to satellite warming facilities at housing units. Sack lunches are distributed with the morning meal to be eaten at the inmate's discretion between the hot breakfast and supper.

Kitchen staff and security staff clearly enjoy their part in kitchen operation. Working in the kitchen helps inmates to hone skills that could lead to careers after leaving prison.

To ensure safety, staff members sample inmate food before it is provided. A tray or sack for each meal is randomly selected and maintained frozen for 72 hours. If an inmate believes he suffered a food-borne illness, the control meal is tested.

PVSP spends nearly \$4 million each year on food for inmates. The prison does not grow food or buy food significantly from local sources.

Solar power and drought response

To help reduce its \$288,512 monthly utility bill, PVSP completed installation of solar panels that provide electricity to the prison and adjacent Coalinga State Hospital. The panels became operational in September 2014.

The PVSP solar farm provides 3.22 megawatts of generating capacity, more than enough to supply electricity to 3,000 houses. PVSP anticipates solar power will generate about 24 percent of the prison's total electricity needs.

In the 12 prisons where solar panels have been installed, the California Department of Corrections and Rehabilitation estimates energy cost savings of \$78 million over 20 years.

PVSP's solar panel farm also is part of the department's Going Green initiative and is estimated to reduce carbon dioxide emissions by more than 61,000 metric tons.

As part of the state government response to California's drought, prisons were asked to reduce water use by 20 percent. PVSP has reduced or eliminated some landscape irrigation.

Prison security

During the tour, the Grand Jury was informed that there were several positions vacant. There were assurances, though, that the vacancies did not compromise prison security.

Staff said that stern measures help prevent the flow of drugs to inmates, but a new kind of contraband is of concern. PVSP and other prisons are taking action to help keep cellphones from being smuggled into the prison for inmates. The phones can connect inmates to criminal

enterprises outside prison, PVSP officials said, and have high dollar value. PVSP took punitive action against a staff member recently for selling phones to inmates.

To prevent escapes, there are at least five counts daily, with others as situations dictate. PVSP says each count takes about 30 minutes.

To minimize conflicts, especially among gang members, a rigorous classification process is initiated when an inmate arrives at the prison. Inmates are assigned to housing units based on the intake evaluation. Changes in classification are updated based on inmate behavior. Inmates trying to break away from gang affiliations and some other prisoners with special needs are assigned to appropriate housing. The Grand Jury also witnessed protocols in the PVSP medical facility implemented to prevent inmate conflict.

CONCLUSIONS

Pleasant Valley State Prison (PVSP) – during the Grand Jury’s limited visit – appeared to be a well-run correctional facility working to rehabilitate and educate inmates so they will be qualified to become productive members of their communities. Physical and mental health facilities are in place for inmates, but PVSP must remain vigilant in preventing Valley Fever among the inmate and employee populations. A new reward system promotes positive behavior with defined incentives for inmates. PVSP participates in the Department of Corrections and Rehabilitation’s Go Green initiative, most recently installing solar panels to generate electricity.

FINDINGS

- F101** - As Pleasant Valley State Prison’s (PVSP) inmate population declines, crowding issues detailed in previous Grand Jury reports appear to be diminishing.
- F102** - With the transfer of at-risk inmates to other prisons, PVSP’s Valley Fever threat is lessened. However, recent reports about Valley Fever among employees raise concern.
- F103** - A dedicated area at Coalinga State Hospital was established for PVSP inmates for mental-health treatment, as recommended in previous Grand Jury reports.
- F104** - Vocational and academic programs seem to be growing in scope, variety and inmate participation and are regularly evaluated for relevance.
- F105** - A reward system has been installed to reinforce good behavior by inmates.
- F106** - A solar panel array helps generate a significant part of prison's power, reducing carbon dioxide emissions and the electricity bill, while decreased landscape irrigation is a response to the state’s drought.
- F107** - Strict rules/counts/procedures are in place to help prevent drugs and cell phones getting to inmates and to keep inmates from escaping.
- F108** - While classification procedures, housing assignments and other measures promote inmate safety, diminished staffing could lead to security challenges in an emergency.
- F109** - The kitchen serves multiple purposes in PSVP operations, health and nutrition and career training and could be a catalyst for using more locally-sourced or prison-grown food.
- F110** - Inmates appear to get good health care.

RECOMMENDATIONS

The 2014-15 Grand Jury recommends Pleasant Valley State Prison implement the following:

- R101** - Continue to reduce the inmate population. (F101)
- R102** - Add programs that will help educate and train inmates for better opportunities upon release and reduce recidivism, helping promote safer communities. (F104)
- R103** - Assess the Enhanced Program Facility initiative to determine how it can be broadened. (F105)
- R104** - Continue and improve physical and mental health programs and facilities for inmates. (F103 and F110)
- R105** - Be certain employees and inmates are tested adequately for Valley Fever. (F102)
- R106** - Find new opportunities to participate in Go Green programs. (F106)
- R107** - Continue and improve inmate procedure classification procedures to ensure safety and keep conflicts to a minimum. (108)
- R108** - Find ways to keep staffing at full complement. (F108)
- R109** - Continue kitchen operations and look for new opportunities to buy food locally or raise food on prison property. (F109)

REQUEST FOR RESPONSES

Pursuant to Penal Code 933(c) and 933.05, the Fresno County Grand Jury requests responses to each of the specific findings and recommendations. It is required that responses from elected officials are due within 60 days of the receipt of this report and 90 days for others.

RESPONDENTS

Scott Frauenheim, Warden, Pleasant Valley State Prison (Findings 101-110 and Recommendations 101-109)

Jeffrey A. Beard, Ph.D., Secretary, California Corrections and Rehabilitation (Findings 101, 102, 104, 105, 106, 108 and 109 and Recommendations 101-106 and 108)

SOURCES AND REFERENCES

Interviews with warden and staff

Fact Sheet provided by Pleasant Valley State Prison

Pleasant Valley State Prison and California Department of Corrections and Rehabilitation websites

2007-8, 2011-12 and 2012-13 Fresno County Grand Jury reports

Associated Press article on Valley Fever: <http://www.fresnobee.com/2014/02/06/3753978/study-valley-fever-killed-3-prison.html>

Associated Press article on prison employees: <http://sanfrancisco.cbslocal.com/2014/07/28/feds-recommend-california-test-inmates-for-valley-fever-prison-avenal-pleasant-valley/>

DIVISION OF ADULT INSTITUTIONS**Pleasant Valley State Prison**

P.O. Box 8500
Coalinga, CA 93210



August 27, 2015

The Honorable Jonathan B. Conklin
Presiding Judge
Fresno County Superior Court
1100 Van Ness Avenue
Fresno, California 93724-0002

Dear Judge Conklin:

We have received the Fresno County Grand Jury's 2014-2015 Report #1 regarding Pleasant Valley State Prison (PVSP). Thank you for the time and effort that the Grand Jury put into understanding the mission of PVSP. The following information is submitted in response to the Fresno County Grand Jury's 2014-2015 Report #1, regarding Pleasant Valley State Prison (PVSP).

FINDINGS.

F101 As Pleasant Valley State Prison's (PVSP) inmate population declines, crowding issues detailed in previous Grand Jury reports appear to be diminishing.

The respondent AGREES. As of August 2015, PVSP's inmate population hovers at approximately 2,300, which is less than the statewide maximum for inmates as related to institutional design capacity.

F102 With the transfer of at-risk inmates to other prisons, PVSP's Valley Fever threat is lessened. However, recent reports about Valley Fever among employees raise concern.

The respondent DISAGREES. While there is always a concern about Valley Fever, from July 2013 to the present there have been two accepted claims of Valley Fever among employees with an additional one pending review.

F103 A dedicated area at Coalinga State Hospital was established for PVSP inmates for mental-health treatment, as recommended in previous Grand Jury reports.

The respondent AGREES. Coalinga State Hospital (CSH) currently accepts CDCR inmate patients. There are 50 inmate patients housed there, as of August 2015.

F104 Vocational and academic programs seem to be growing in scope, variety and inmate participation and are regularly evaluated for relevance.

The respondent AGREES. PVSP Correctional Education has organized with West Hills Community College to implement a college course beginning in October 2015. It is expected that the courses will be transferable toward a degree.

- F105 A reward system has been installed to reinforce good behavior by inmates.

The respondent AGREES. PVSP has an Enhanced Program Facility (EPF) on Facility C. Inmates have more recreation time, bigger televisions and microwaves in the Dayroom, an expansion of canteen items and personal property, access to college degree programs, additional self-help groups and volunteer sponsored events, and technology based privileges such as tablets as approved. Consideration is being given to deem one building on each facility an "honor building", which would give those inmates more recreation time as well. Facility D began implementing an Honor Building in July 2015.

- F106 A solar panel array helps generate a significant part of the prison's power, reducing carbon dioxide emissions and the electricity bill, while decreased landscape irrigation is a response to the state's drought.

The respondent AGREES. As a result of installing Solar Panels, PVSP has generated 2,864,152 kilowatt hours from the solar panels for the reporting period July 2014 to June 2015. As a result of Governor Brown's Drought State of Emergency, issued January 2013, PVSP has achieved a savings of 42,039,000 gallons of water from January – June 2015. Additionally, this has resulted in a 36% reduction as comparison from January 2013 – June 2013 to January 2015 – June 2015.

- F107 Strict rules/counts/procedures are in place to help prevent drugs and cell phones getting to inmates and to keep inmates from escaping.

The respondent AGREES. Unauthorized cell phone signals are blocked by the Managed Access System (MAS), a technical solution deployed to render contraband phones useless. The MAS provides increased security to the public and the institution.

- F108 While classification procedures, housing assignments, and other measures promote inmate safety, diminished staffing could lead to security challenges in an emergency.

The respondent DISAGREES. PVSP has several Operational Procedures in place to address a multitude of security issues based on operational needs. In 2012, Standardized Staffing recognized the need for a specific staff complement based on the housing unit design and achieves savings while maintaining a safe prison environment.

- F109 The kitchen serves multiple purposes in PVSP operation, health and nutrition and career training and could be a catalyst for using more locally-sourced or prison-grown food.

The respondent AGREES. Food services is mandated to purchase from Prison Industry Authority (PIA), per the Department Operations Manual (DOM). PIA provides a variety of food and packaged items. These production plants are located at various CDCR Institutions which employ inmate labor, provide job training, and offer rehabilitation opportunities. Our produce comes from one of three distributors, who often purchase from valley farms.

- F110 Inmates appear to get good health care.

The respondent AGREES. Health Care Services provided at PVSP are consistently meeting and/or exceeding statewide standards.

RECOMMENDATIONS

- R101 Continue to reduce the inmate population

With the Public Safety Realignment Act of 2011 (Realignment) and Proposition 47 (Safe Schools and Neighborhoods Act), which made certain drug and property crimes misdemeanors) in effect, PVSP's population is projected to remain below the overcrowding benchmarks of 137.5% of design capacity.

- R102 Add programs that will help educate and train inmates for better opportunities upon release and reduce recidivism, helping promote safer communities.

It is recommended that inmates participate in academic classes until they earn a High School Diploma or pass a High School Equivalency Examination (GED). Career Technical Education (CTE) / vocational classes have been updated with curriculum and training equipment to prepare inmates for entry level positions. Education at PVSP gives inmates the basic education and skills which are competitive for entry level jobs. We are also expanding college for the inmate population. We will implement E-Readers to the college program, a program that we anticipate will increase technology skills, and will provide e-books for inmates who successful participate in the college program. In Fall 2015, West Hills Community College intends to bring a college instructor to begin college courses onsite. The college courses will be transferable to other colleges to enable the inmate to earn a degree.

- R103 Assess the Enhanced Program Facility initiative to determine how it can be broadened.

This program is reviewed at the local level with Executive and Administrative staff and inmates from the facility on a quarterly basis. In July 2015, PVSP opened its first Honor Building using principles learned from the EPF.

- R104 Continue and improve physical and mental health programs and facilities for inmates.

The Mental Health Department is very proactive with inmates and programs with individual and group therapies. Currently, PVSP is expanding work areas including medical clinics, physical therapy areas, the Correctional Treatment Center (CTC), and pharmacy to afford inmate's state of the art services in order to provide the highest standards in health care.

- R105 Be certain employees and inmates are tested adequately for Valley Fever.

Skin testing is available for inmates. An employee may consult with his or her healthcare provider about whether testing is appropriate. All staff and inmates have access to Particulate Respirator N95 masks, and are encouraged to wear them. Educational posters are posted throughout the Institution to help bring awareness of Valley Fever.

- R106 Find new opportunities to participate in Go Green programs

PVSP has reviewed its "go-green" measures and finds it has been doing exceptionally well.. PVSP is required to submit an annual report to CalRecycle on waste disposal. The 2013 and 2014 SARC Annual Reports show results that are better than target suggested by CalRecycle. CalRecycle set a maximum rate of no more than 5.9 pounds of waste disposal per person per day. In 2013, the average annual rate was 3.79 pounds/person/day. In 2014, the average annual rate was 4.30 pounds/person/day. These low rates of waste disposal correspond to a high rate of recycling at PVSP.

- R107 Continue and improve inmate procedure classification procedures to ensure safety and keep conflicts to a minimum.

Inmates have Initial Reviews when they arrive to PVSP, and yearly reviews with a Classification Committee. Case factors and disciplinary history are reviewed to ensure inmates are properly classified and placed in appropriate housing. CDCR continues to revise policy to ensure proper classification of our ever changing inmate population.

- R108 Find ways to keep staffing at full complement

Vacancy rates for custody staff: Supervisors are close to a full complement and Officer vacancies are at approximately 6%. Non-Custody vacancies are at approximately 10%. Continuous recruitment efforts are being made to fill vacancies. The CDCR website posts updates on positions available, recruiting

teams attend job fairs and educational institutions in order to talk with people about careers with CDCR.

R109 Continue kitchen operations and look for new opportunities to buy food locally or raise food on prison property.

Fresh produce is purchased utilizing the delegation process awarding the purchase to the lowest bidder. PVSP Food Services receives the attached Fresh Produce Report weekly, and it is reviewed to determine what fresh fruits and vegetables are available, and where the produce is grown. Three bids go out on a monthly basis to obtain the best fresh produce for the most competitive price. Unfortunately, due to Valley Fever, churning the soil to plant fruits and vegetables would pose a further health risk to the inmates and staff.

The Grand Jury was extremely thorough and engaged staff, inmates, as well as conducting physical plant inspections and record reviews to make their assessment.

I would like to take this opportunity to acknowledge and thank the Grand Jury for their time and interest in improving our facility. State prisons are extremely complex operations and I believe a tremendous effort has been put forth to understand the complexities and to assist us in every way possible.

If you have any questions or require additional information, please contact me directly, at (559) 935-4950, or my Administrative Assistant, Lieutenant R. Athey, at (559) 935-4972.

Sincerely,

SCOTT FRAUENHEIM
Warden

cc: Jeffrey Beard, Secretary
Scott Kernan, Undersecretary, Operations
Kelly Harrington, Director, Division of Adult Institutions (DAI)
Connie Gipson, Associate Director, General Population Male, DAI
Lanny Larson, Foreman, 2014-2015/Fresno County Grand Jury

REPORT & RESPONSES #2

POLITICAL TURMOIL THREATENS SANGER'S RECOVERY



2014-15 Fresno County Grand Jury Report No. 2

Political Turmoil Threatens Sanger's Recovery

INTRODUCTION

As the nation struggled economically near the end of the 21st century's first decade, the City of Sanger was challenged not only by the impacts of unemployment, business shutdowns and the housing slowdown, but also by gang and drug issues, municipal layoffs and furloughs and by political discord.

Investigations by the Fresno County Grand Jury in 2008-09 and 2010-11 concluded that Sanger's governance was in such disarray that the city was in a precarious financial situation and City Council members were micromanaging municipal staff.

Since 2010, however, there has been a commendable and well-publicized economic turnaround in Sanger. New City Hall leadership has gotten Sanger's financial house in order and has collaborated effectively with City Council members to bring new business and housing to town. The roles of elected and nonelected officials have been clearly defined in new policies and procedures as recommended by the Grand Jury.

In 2010, Sanger voters approved Measure L, requiring that four council members be elected from geographic areas of the city and the mayor to be elected at large. All council members were chosen at large before Measure L's adoption.

Following the November 2014 election of a new council member, however, new concerns were raised in the community about political divisions and their impact on city progress. Citizens talked about – and media reported – alleged Ralph M. Brown Act violations, conflicts of interest on the City Council, incivility among council members, campaign law violations and suspicions by the past majority that a new council majority did not have Sanger's best interests at heart.

BACKGROUND

Sanger, founded in 1911, is a general law city in southeastern Fresno County with a population of 25,129, according to the California Department of Finance. Sanger is the fourth most-populous city in the county. The Fresno Council of Governments (COG) reports 80.5 percent of the residents are Latino, 14.6 percent white and 2.9 percent Asian-Pacific Islander.

COG estimates average household income in Sanger of \$40,761, compared to recent United States Census Bureau estimates of \$45,563 for Fresno County households, \$61,094 for all of California and \$53,046 for the nation. The federal estimate is that nearly 24 percent of residents and 30.8 percent of children live at an economic level below the poverty level.

The Sanger City Council consists of a mayor elected at large and four members, each elected from a district in which the council member resides. Each council member – including the mayor – has one vote. The mayor presides at council meetings and at ceremonial and community events in Sanger.

The mayor serves a two-year term and council members serve four years. Elections are staggered so two council members and the mayor are on the ballot in each election. Sanger does not have term limits.

On Nov. 4, 2014, the mayor and one incumbent council member were retained by voters and a new council member was elected. The new member gathered nearly 63 percent of the votes in his district, with a 28.6 percent voter turnout. In the other district, 37.5 percent of registered voters cast ballots and the incumbent polled more than 51 percent. The mayor ran unopposed with 31.5 percent of Sanger's 10,273 eligible voters participating.

Immediately after the election, conventional and social media based in Sanger reported about disharmony among City Council members because of a majority shift. The media reports and comments thereon said the City Council changes could threaten community progress.

Media accounts also referred to Grand Jury investigations in 2008-09 and 2010-11 into city leadership, conflicts of interest and how council members and the mayor are elected.

Those Grand Jury reports recommended changes, many of which were implemented by a new city manager and council. They also called attention to Sanger's code of ethics, aimed at preventing conflicts of interest and undue influence of elected officials upon city staffers, and at promoting transparency in governance.

Against this background, the 2014-15 Fresno County Grand Jury received complaints about a special City Council meeting Dec. 12, 2014, eight days after the new council's organization session Dec. 4. The special meeting was called on 24 hours' notice (the minimum required) to consider terminating employment of the city manager.

Using social media and personal contact, word of the meeting spread. More than 200 people gathered at City Hall, but there were so many people that the meeting was relocated from council chambers to the fire station. The City Council voted 4-0 to retain the city manager after hearing from several citizens, one of whom threatened to lead a recall of three council members.

After the meeting, media reports speculated that pre-meeting contact among council members violated the Brown Act, intended to protect the public's interest in government decision-making. Subsequent news and opinion articles also suggested the possibility of conflicts of interest and improper collaboration among three council members

Citizen complaints to the Grand Jury and witness testimony focused on those issues and on the impact of political turmoil on the City Council as well as fallout from an attempt to oust the city manager on city's efforts to further recover economically and thrive going forward.

Founded as a farming center that became a food processing town, Sanger today is trying to attract new businesses to replace those closed in the past decade or so.

Sanger suffered in the national housing crisis when a boom in single-family residential construction in the 1980s and '90s slowed to a trickle in the first decade of the 21st century. New builders have been recruited to provide more housing options for Sanger's residents, present and future.

That economic downturn also took a toll on businesses in Sanger, especially locally owned small enterprises in the downtown area. The Grand Jury was told that Sanger's unemployment rate, percentage of college graduates and median household income compared unfavorably to nearby communities, making it difficult to recruit new businesses. Political disharmony, said witnesses, erected an additional barrier to progress.

PURPOSE OF THE INVESTIGATION

The Grand Jury's primary responsibility is to review local government operations, management and fiduciary responsibility (e.g. Penal Code § 919, 925 et seq.) to ensure the public's business is being conducted properly.

Any impediments to the smooth functioning of local government, therefore, must be investigated so citizens have impartial information needed to make changes, should they deem change necessary. In short, the Grand Jury shines a light on governance, but the people decide whether to take action.

The Grand Jury also is a guardian of the Brown Act (Government Code § 54950-54963), which protects the public's right to know about how local governments conduct business. In this case, the Grand Jury was told that City Council members contacted each other prior to a public meeting to discuss issues of public business without notification and outside the public's presence

DISCUSSION

The Grand Jury's investigation included interviews with a citizen, a city official and City Council members, reviews of council agendas, meeting minutes and audio recordings of meetings. Grand Jury members observed City Council meetings, read printed and online news and opinion reports and social media posts, checked the city's website and visited Sanger to look at the community.

The Grand Jury concluded that even though there is ample evidence of good intentions for the City of Sanger, albeit from divergent perspectives, the current climate of Sanger governance is one of hostility, mistrust, secrecy and personal grievances that, left unresolved, could lead to municipal dysfunction.

In the course of its investigation, the Grand Jury heard accusations against elected officials, some from years past and already investigated, and some new allegations of wrongdoing. The Grand Jury was not presented sufficient evidence to support the many allegations, some of which have been or are being investigated by law enforcement and other agencies.

However, suspicion and mutual dislike among elected officials and their supporters fuel an atmosphere leading to citizens to mistrust government as an institution, creating an atmosphere unwelcoming to the economic drivers Sanger needs to continue its recovery.

PROGRESS BY EXAMPLE

The Grand Jury was told of many recent examples of progress made in community improvement resulting from city and private-sector initiatives and cooperation, including:

- Securing a builder to finish a housing development abandoned during the recession.
- Attracting the state headquarters for a major military veterans organization.
- Constructing two national-chain restaurants.
- Refurbishing of a national discount retailer's Sanger location.
- Contracting with an international company to reduce city energy costs through innovative strategies, including solar power.
- Helping increase employment through development and requiring contractors to hire locally.
- Finding a new supermarket tenant to replace one that left during the recession.
- Strategizing ways to take advantage of a new transportation connection to Kings Canyon and Sequoia National Parks.
- Planning to capitalize on improvements being made to State Route 180.

- Working with the highly regarded Sanger Unified School District, which has proven an attraction for new families and businesses.

But the Grand Jury was told repeatedly that openly hostile relations between City Council members, the mayor the city manager and other municipal leaders threaten Sanger's efforts to prosper in the future.

DEC. 12, 2014 COUNCIL MEETING

A special City Council meeting was scheduled for Friday, Dec. 12, 2014. The City Council's regular meeting schedule (requiring 72 hours' notice) is the first and third Thursdays of each month, but special meetings can be called with just 24 hours' notification.

This special meeting was called for eight days after a new council member was seated following the Nov. 4, 2014 municipal election.

There were three items on the Dec. 12 agenda: A discussion of complaints by residents of a housing development, "Public Forum" (when citizens may speak) and a closed session on "Public Employee Discipline/Dismissal/Release/Complaint" to consider the city manager's employment.

The Grand Jury heard testimony that the meeting was scheduled at the behest of a City Council member through the city attorney, who then notified council members by email (the standard method of notification). A public notice was posted, as is customary, in the City Clerk's Office, City Hall, at the Sanger branch of the Fresno County Public Library and on Sanger website <http://www.ci.sanger.ca.us/>.

Word of the meeting spread rapidly through social media and by citizens contacting one another by phone or in person, witnesses told the Grand Jury.

Media and Grand Jury witness accounts of the meeting agreed that more than 200 people arrived at City Hall for the meeting – so many it was re-located to the Sanger Fire Station nearby.

Most citizens in the audience spoke in favor of retaining the city manager. The council went into closed session with just four members, because the mayor declined to participate, saying he believed the special meeting violated the Brown Act. Upon return to general session, the council announced a 4-0 vote to retain the city manager.

Some audience members threatened City Council members with a recall election. Although no action on a recall appeared to have been taken as this investigation concluded, there were renewed cries for a recall in conventional and social media. Grand Jury witnesses said the mayor was one of those advocating for recall, which was confirmed by social media posts.

One council member testified that he consulted with another member after receiving the meeting notification. Another councilman said at the Dec. 12 meeting that he had contacted a council colleague prior to the meeting. One councilman declined comment and the mayor and another council member testified they had no pre-meeting contact with other council members.

Testimony to the Grand Jury did not confirm any Brown Act violation in pre-meeting contact among City Council members, nor was the Grand Jury informed of any formal complaint by citizens.

The Brown Act concern led the Grand Jury to inquire what training council members and the mayor receive about open-meeting regulations and about conflict-of-interest policies, procedures and statutes.

Sanger conducts regular training by counsel for new and continuing council members. Each elected official receives a handbook of city policies, protocols and relevant laws. Annual training is available for new and current council members. The council member elected on Nov. 4, 2014, received training before taking office at the council's Dec. 4, 2014 meeting.

Each new council member also is sent – at city expense – to a workshop in Sacramento at which the Brown Act, conflict-of-interest and other relevant laws are subjects of instruction. That session was conducted in January 2015 and the newest City Council member attended.

MEASURE S

Measure S, a ¼-cent tax on sales in Sanger, received more than 71 percent voter approval in 2008. It was initiated "to recruit/hire/train additional police officers, firefighters, paramedics and 9-1-1 emergency dispatch workers; purchase a fire engine, ambulance, and other emergency equipment; maintain special anti-gang/anti-drug police units; increase neighborhood patrols/police presence at schools."

The measure also established the Measure S Oversight Committee, which is appointed by the mayor from the citizenry at large with council approval, and requires annual independent audits and that "all funds [are] to be used for public safety purposes."

Shortly after his election and installation, the newest City Council member asked the city manager to place on the Measure S Oversight Committee's agenda a concept proposal for a gang- and drug-prevention program, put forward by a community group in which the councilman was involved.

The proposal was for a recreational program to be created in a vacant city building to be refurbished for the program. Implementation, the proposal concluded, would require \$430,000 from Measure S.

That request was denied by the city manager because protocol for consideration wasn't followed, witnesses told the Grand Jury. That message was conveyed to the council member, who expressed displeasure directly to the city manager and sent an email to City Council members explaining his perspective.

Some witnesses testified that this was an effort to use undue influence upon the committee, but others characterized it as a misunderstanding of the protocol for committee consideration of proposals.

The council member brought his proposal to the Measure S Committee several months later and it was rejected.

A QUESTION OF REPRESENTATION

Sanger appears still to be challenged by implementation of Measure L, approved by voters in 2010 to provide district representation on the City Council. Four council members are elected from districts and the mayor at-large. Previously, all five council members were elected at-large and then chose one of their number to be mayor.

In 2015, the Grand Jury was told the mayor presides over all City Council meetings and has one vote, just as the other members. The mayor also appoints city commission and committee members, confers with the city manager about the agenda (prepared by the manager), performs ceremonial duties outside council meetings, and frequently speaks to media about Sanger challenges and achievements.

Council members also testified that their ability to serve district constituents was hampered by a policy adopted after the 2010-11 Grand Jury investigation concluded that council members contacted city staffers personally. Under the new policy, council members must contact the city manager, who decides on the city's response.

That process makes it difficult for council members to effectively and quickly address constituent issues, said witnesses, who also complained that council members have no discretionary budget to provide help for constituents' pressing issues. The Grand Jury was told that district-only projects must face citywide competition for funds and scheduling. Some areas do not fare well, witnesses testified, because of personality conflicts.

In Grand Jury testimony, council members said they have little effective input on appointments, undermining Measure L's aim of providing more-equitable representation for all residents.

At a council meeting Feb. 19, 2015, attended by Grand Jury members, a proposal was introduced to have commission and committee appointments made by council members from their districts rather than by mayoral appointment at-large with council concurrence.

The member proposing this change was absent because of illness. None of the other council members made a courtesy motion to table until he could be present. The proposal generated public and council comments, some casting suspicion on motive for the proposal's introduction, before being defeated 4-0.

In Grand Jury testimony, council members were concerned that some districts have few – or even no – residents of their district serving on some committees and commissions. Other governing bodies in Fresno County allow more district input on appointments. However, those entities do not have the same structure or traditions as Sanger's council.

TAKING CREDIT

Citizens, one City Council member and city staff worked together to bring the American Legion California headquarters to Sanger and found a suitable vacant building near the distressed downtown area.

However, it wasn't until a public announcement of the relocation that the council member representing that district learned about it, according to testimony of Grand Jury witnesses.

Media accounts and comments at a subsequent City Council meeting indicated that the mayor and one council member involved in veterans organizations were involved in the recruitment effort. However, other councilmen were not, including the representative of the district where the headquarters would be situated, and testified they were excluded in part so they couldn't take credit.

It must be noted, that in events celebrating the relocation after the initial announcement, all Sanger council members were included in praise.

DOWNTOWN REDEVELOPMENT

Redeveloping Sanger's downtown business district is another issue putting the council majority at odds with other council members, the city manager and the Chamber of Commerce.

The council majority of council members opposes efforts to mount a new study to assess needs and suggest ways to make downtown more vibrant.

Most downtown businesses are small and locally operated, but many of the landlords are not Sanger residents. There are vacancies in downtown buildings as a result of the recent poor economy and also because some structures must be renovated to meet building and safety codes before they can be re-occupied.

Some owners believe refurbishment would be too costly to recoup the investment, the Grand Jury was told, and there is concern that higher rent for renovated space could price it out of the reach of small businesses.

Grand Jury witnesses said there have been several redevelopment plans, but none has come to fruition.

However, downtown redevelopment supporters believe there is a window of opportunity with anticipated increased tourism resulting from a new bus service to Kings Canyon and Sequoia National Parks. The hope expressed to the Grand Jury is that passengers will linger in Sanger before or after bus rides and businesses downtown could take advantage of their visits.

While business interests in Sanger want to redevelop downtown, some council members oppose because principal beneficiaries would be absentee landlords. Those opponents also question the need to pay for additional study because the city has plans that have not been implemented.

Another indication of an unwillingness to collaborate is council-majority action to overturn previous approval to create a sign directing travelers into Sanger from Highway 180 and Academy Avenue.

By not approving the proposed sign's design, said witnesses, a council majority placed its own agenda ahead of the collective good of the city, nullified a council action and the expense attached thereto, and created a precedent viewed as a threat to economic recovery.

HOSTILE ATMOSPHERE

Witnesses testified that a majority of City Council members have been part of an effort to discredit and replace the mayor and city manager.

The Grand Jury was told that council members trying to force change have made no effort to seek common ground, nor have those with whom they don't get along. Instead, both sides believe their ideas and questions are disrespected and disregarded, deepening the divide.

Grand Jury members who visited Sanger also heard from citizens about a negative climate of suspicion and incivility created by accusations raised publicly and privately that included Brown Act-violation allegations, abuse of influence, conflicts of interest and election misconduct.

Some result in formal complaints, but most do not. Some are investigated, even involving law-enforcement, the Fresno County District Attorney's Office and state agencies, but seldom has there been a conclusion that resulted in any penalty.

Multiple witnesses testified that some concerns shared with public agencies were not acknowledged and may not have been investigated, leaving complainants frustrated, more mistrustful of government and with grievances unaddressed.

One exception was a California Fair Political Practices Commission fine levied against a council member for election campaign violations. Witnesses said many past bones of contention are kept alive in today's community conversation because they were not resolved.

Citizens, media and witnesses said the Fresno County Grand Jury was the "only hope" to investigate the allegations, but when told that they should file formal complaints, none did so.

Accusations – some from years past – were repeated during interviews with the Grand Jury, and in media and also during a City Council meeting observed by Grand Jury members.

Included were concerns that some council members don't follow protocol in dealing with city staffers or when trying to bring proposals forward. Council members have close ties through family, friends or business that give the appearance of conflict of interest when voting on some city contracts or developments. However, accusations to the Grand Jury of wrongdoing were not supported by sufficient evidence.

It is more difficult for Sanger council members to avoid the appearance of conflict of interest simply because they are active community members. They are connected through business, family, friends, schools, churches, service organizations and other groups and individuals.

Sanger is far from unique in Fresno County in this regard.

The appearance of conflicts of interest in small communities, however, requires a higher level of vigilance by elected officials to ensure the public's trust. Sanger does its part by paying to educate all

elected officials about ethics, transparent governance and conflict-of-interest issues as recommended by a previous Grand Jury.

In Grand Jury testimony, council members expressed disrespect of other members, the mayor and City Hall personnel. Some of that hostility also is displayed in council meetings through remarks made about members in attendance or absent, or directed toward citizens addressing the council.

The Sanger city manager resigned in May 2015 to take a position in another San Joaquin Valley city at a lower salary, just five months after the special City Council meeting at which the new City Council voted 4-0 not to fire him. He told the Sanger Herald that the new City Council majority made it “more difficult to move programs forward. There’s a difference in philosophy of how to incentivize the economy of this city.”

The cumulative effect of mistrust and hostility is governance that elevates pettiness, personal animosity and retaliation to such levels that some votes for or against proposals appear not to consider the community’s best interests.

In addition, media coverage of the conflicts makes it relatively easy for outsiders to conclude that Sanger is a city in turmoil and, therefore, possibly not an attractive place for investment or to raise a family.

CITIZENS ARE THE KEY

A key element in meeting Sanger’s challenges is citizen involvement, and it seems as if it doesn’t take many citizens to have an impact. As one witness told the Grand Jury, “Give me 200 people and I can run this city.”

An example of citizen engagement happened when a special City Council meeting was convened Dec. 12, 2014 to consider discharging the city manager. More than 200 people, rallied together in just 24 hours, came out on a rainy Friday evening during the holiday season so their voices could be heard. They waited as the meeting was relocated, expressed themselves and then applauded when the City Council voted 4-0 to retain the city manager.

City Council members testified that the citizen input was pivotal in the decision.

There are reasons for the lack of citizen participation, the Grand Jury was told:

- Many residents live, but don’t work, in Sanger, limiting time available for families, friends and activities.
- The Sanger Herald covers city government in depth, but other media outlets serving Sanger do not, limiting citizens’ ready access to information.
- Sanger residents likely are no different from other Americans who, polls indicate, are dissatisfied with elected officials and suspicious of government in general.
- Recent media articles suggest that less attention is paid to local governance in public schools than to governance at the state and national levels.

In Sanger, as in other Fresno County communities, fewer people vote. The Fresno County Registrar of Voters, which conducts Sanger elections, has employed several strategies to increase electoral participation countywide through early-voting options, simplified registration and consolidating elections.

However, fewer than one in three registered voters participated in Sanger’s Nov. 4 election. In one council district, just 28.6 percent of eligible voters exercised their franchise.

The Grand Jury was told that the Registrar of Voters will continue to explore and evaluate voting alternatives to encourage larger turnouts.

People who would like to participate in Sanger City Council meetings face additional challenges. Council agendas are cumbersome to navigate online. Council meeting minutes list only who spoke, not their topics or positions.

Notices/agendas of council meetings and meetings of Sanger's commissions and committees are posted online and supplied electronically to citizens who request them. The city keeps minutes of each City Council meeting as well as audio recordings. Minutes and recordings are archived on the city website.

The Grand Jury found one drawback to audio recordings: Navigation to the precise portion for review is difficult and some audio also was not clear because of simultaneous speakers.

Another possible issue discouraging citizen engagement came to light in Grand Jury testimony. Several witnesses testified that when they tried to redress grievances about Sanger governance with county and other agencies, they received no acknowledgement and/or never were informed of the outcome.

CONCLUSIONS

After carefully reviewing information obtained by the Grand Jury, observing the council in action and interviewing Sanger residents the Grand Jury concluded that the political divisions are deep and deeply personal.

The Grand Jury did not receive conclusive evidence to support allegations about improprieties, which have taken on a life of their own and added to mistrust and hostility between and among City Council members and City Hall leadership. However, the Grand Jury recognizes that its investigation was not focused on the details of some complaints, especially those that took place many years ago.

Had some allegations been dealt with by agencies to which they were reported, fact-based conclusions would have resulted and some old complaints would less likely be fodder for current divisive gossip.

Sanger's election-by-district setup does not have the support mechanism enjoyed elsewhere to allow City Council members to effectively and quickly deal with what constituents believe are pressing issues.

Training or some other catalyst is needed to bring together the divided leaders of Sanger and harness all the good intentions for the greatest good of the community and all its residents. Absent more harmony and collaboration, some residents and businesses could choose to relocate from Sanger and others be discouraged from coming to the community. Both would be unfortunate, especially following the amount of progress in a short period of time.

There is a reluctance to share decision making more broadly in setting city priorities. A minority of council members, a few city leaders and business-interest groups chart the course, but don't include a broad spectrum of interests, nor keep the entire council in the loop.

The result can be – and often is – reluctance by City Council members to go along with community-serving proposals. Delays or rejections hurt efforts to improve Sanger and lead to dysfunction that discourages progress.

Sanger already is dealing with fallout from the discord between the City Council majority and city staff. The city manager resigned, saying he was unable to find middle ground with the new council majority. It would seem only a matter of time before other city employees loyal to the city manager and some elected officials who have supported him will become similarly discouraged and leave.

The Fresno County District Attorney's Office offers citizens of Sanger and the rest of Fresno County a new opportunity to bring their concerns to its new Public Integrity Unit, helping address a concern of Grand Jury witnesses that their complaints were disregarded and not investigated. Investigations would provide facts that might quiet recycled suspicions.

Sanger can achieve harmonious governance, but citizens will have to demand and support it.

Media could play a role in any concerted positive effort to heal the divisions by encouraging respect for diverse views, promoting civic participation to bring fresh perspectives on city challenges and insisting that city leaders be models of civility, putting aside old personal and political differences and for the common good.

Until residents, through greater involvement, insist upon a civil, collaborative and comprehensive effort to harness all the good intentions of elected, city and community leaders, Sanger's dysfunctional decision making could exact a toll on advancing the broadest interests of all residents.

To secure the city's future, citizens must put aside what divides the community and develop the kind of broad-based collaboration that will ensure all Sanger residents share more than just a ZIP code.

FINDINGS

F101: The citizens of Sanger rarely make their voices heard in city governance, but when they did Dec. 12, 2014, they proved they could influence council majority decisions – in this case, not to dismiss the city manager. More citizen involvement will be necessary to heal divisions and hold elected officials and City Hall leaders accountable for taking actions that benefit all Sanger residents.

F102: Municipal priorities are established by a small group of citizens, council members and city leaders, which discourages broader input that reflects specific concerns, and also contributes to an atmosphere of suspicion that leads to dysfunctional decision making in the implementation process.

F103: Disconnection and disharmony between the City Council and its members and City Hall already has caused potential employers to express reservations about doing business or undertaking development projects in Sanger, despite an available work force and a well-regarded school district.

F104: Political turmoil in Sanger, reported upon by conventional and social media, could discourage people from moving to the community or could encourage residents to move away.

F105: Although witnesses said that there have been City Council retreats in the past to encourage collaboration, none has been proposed recently to help Sanger's elected leadership and key city staff members work in more-constructive collaboration.

F106: Measure L's intention to promote more-equal representation for all residents throughout Sanger suffers because council members don't have a greater say in challenges facing their district constituents, as is the case in other governing bodies within Fresno County.

F107: Because of traditions in effect since before election by districts began, the mayor has retained appointment powers, ceremonial duties and agenda-setting responsibilities that other council members don't have.

F108: The improvement of Sanger is the desire of all those interviewed by the Grand Jury, but there are differences in how varied perspectives should be addressed and whether what's good in one area of Sanger meshes with an overarching need in another part.

F109: It was not possible to conclude that there were Brown Act violations by the City Council in advance of the Dec. 12 special meeting, nor to support other allegations of serial meetings. However, vigilance by the citizenry will be necessary to be certain the public is properly included in City Council discussion and decisions. Sufficient training and resource materials are provided to help all elected officials understand Brown Act requirements.

F110: Citizens with concerns about Sanger governance found little satisfaction when they expressed them to government agencies and law enforcement, adding to their frustration and mistrust of government and elected officials. The Fresno County Grand Jury's complaint system and the recently established Fresno County District Attorney's Office Public Integrity Unit are available to investigate citizen concerns about local governance.

F111: City Council minutes don't provide sufficient detail about citizen comments, but overall online delivery of agendas, meeting notices and other relevant information is good.

F112: The Measure S ¾-cent sales tax to pay for improved public safety and emergency services has accomplished much of what was intended, although gang and drug activity continue to be challenges. However, Measure S sunsets after the 2017-18 fiscal year and questions need to be answered now about whether to ask voters to extend it and to be ready should such an extension not occur.

F113: There is a lack of economic activity in downtown Sanger, where vacant spaces increase in buildings whose landlords are not Sanger residents and may be reluctant to make the investment necessary to allow occupancy.

F114: Threats of a recall election surfaced during the Dec. 12, 2014 meeting and were reiterated as the Grand Jury investigation concluded.

F115: The resignation of the city manager is a serious indication of the disconnection between the elected City Council majority and city government leaders, which could result in more defections to less-hostile organizations.

RECOMMENDATIONS

R101: The City Council, mayor and city manager should make citizen involvement in Sanger governance a top priority, exploring innovative ways to engage all residents and help cultivate a sense of civic responsibility to face challenges together. One goal could be creating a culture of citizen engagement and helping sustain it through collaborations with various interest groups as outlined in Recommendation 105. **(F101, F102, F103, F106, F108, F115)**

R102: The council should consider at least one meeting each year in each of the four districts to encourage citizen involvement throughout the community and give all citizens a better understanding of issues of importance in the various City Council districts. **(F101, F102, F105, F106, F107, F108)**

R103: The city should work with conventional and social media to survey residents about their priorities for progress. Widely publicizing the results would serve as an initial step toward Recommendation 105, encourage citizen engagement and inform all citizens about what's important to others in the community. **(F101, F102, F106, F108, F112)**

R104: After surveying residents, the City Council, mayor, city manager and stakeholders in education, business, service, seniors, youth, veterans, faith, nonprofit and other communities should establish a mechanism for regular and public collaboration on setting priorities for Sanger. The broad-based approach should help heal political divisions and provide insights into the broadest range of concerns throughout the community. **(F101, F102, F103, F106, F108, F111, F115)**

R105: All stakeholders must ensure that initiatives are rooted in community priorities established through the survey and collaboration process and that everyone is kept in the information and progress loop. **(F101, F102, F103, F104, F108)**

R106: The City Council, mayor and city manager should plan a retreat or workshop – as has occurred in the past – to help heal political and personal differences that threaten Sanger's recovery from economic challenges of the recent recession. **(F101, F103, F104, F105, F115)**

R107: The City Council should consider a way to broaden the appointment process for city commissions and committees so all parts of the city and varied perspectives are represented. **(F101, F102, F106, F107)**

R108: There should be greater inclusion of council members in ceremonial and other community-affirming events, especially those occurring in a member's district, so constituents can become more familiar with their representatives and council members have more contact with citizens. **(F102, F106)**

R109: City Council members elected from the four districts should each have a small fund in the city budget that would allow the members to address quickly some issues of constituents. **(F102, F106)**

R110: The Measure S Oversight Committee should continue to operate free of influence by any elected officials, but it should be subject to Recommendation 107, to ensure inclusion of all parts of the community in decision making. **(F101, F102, F108, F112)**

R111: The future of Sanger's downtown should be the subject of thorough public discussion, with input from throughout the community. Topics for consideration would include developing a new plan or using one already available to upgrade downtown as a commerce center, find alternatives to capitalize on anticipated tourism increases; and repurposing the area to some community-desired uses. **(F101, F102, F108, F113)**

R112: The Sanger City Council must strive harder to avoid the appearance of Brown Act violations and conflicts of interest by putting into practice lessons learned in the city's multiple training opportunities. **(F101, F109)**

R113: A City Council recall election should be avoided because such elections are costly, deepen divisions rather than repair them, may discourage citizen participation in government and take time. A more professional, civil tone set by council members, perhaps reinforced through positive media coverage, would help citizens understand there are more productive ways to resolve differences for the common good. **(F101, F114, F115)**

R114: The City of Sanger should make available on its website or other communications channels information about contacts for citizens with concerns and complaints about city operations and the City Council. The city must first, however, ensure that those contacts are willing to engage with citizens on their issues. **(F101, F110, F114)**

R115: Citizens of Sanger can present their concerns about government and elected officials to the new Public Integrity Unit of the Fresno County District Attorney's Office or to the Fresno County Grand Jury. **(F101, F110, F114)**

R116: The Fresno County Grand Jury should better publicize its complaint process to encourage more participation by citizens who have concerns about local governance. **(F101, F110)**

R117: The Sanger City Council should insist that minutes of its meetings include more detail about citizen input and that the minutes are approved at the next regular council meeting. **(F101, F111)**

REQUEST FOR RESPONSES

Pursuant to Penal Code 933(c) and 933.05, the Fresno County Grand Jury requests responses to each of the specific findings and recommendations. Responses are required within 60 days of the receipt of this report for those involving elected officials and 90 days for those not involving elected officials.

RESPONDENTS

Sanger City Council – Findings 101-109 and 111-115 and Recommendations 101-113 and 116.

City Manager, Sanger – Findings 101-106, 108, 110 and 112-113 and Recommendations 101, 103-106, 109-111 and 114

Lisa Sondergaard Smittcamp, Fresno County District Attorney – Finding 110 and Recommendations 114-116

SOURCES AND REFERENCES

2008-2009 and 2011-2012 Fresno County Grand Jury investigation reports and responses

Interviews with Sanger City Council members, the Sanger mayor, Sanger city manager and a citizen

Observation of a Sanger City Council meeting by grand Jurors

Tour of Sanger by grand jurors

Review of audio tapes, agendas and minutes of Sanger City Council meetings

News articles, opinion pieces and letters to the editor of Sanger Herald and The Fresno Bee

Online articles, opinion pieces, posts and comments from the Sanger Herald, Fresno Bee, Facebook (citizens and elected officials)



COUNTY OF FRESNO

Lisa A. Smittcamp
District Attorney

August 7, 2015

The Honorable Jon Conklin
Presiding Judge
Fresno County Superior Court
1100 Van Ness Avenue
Fresno, CA 93721

Re: Response to the 2014-2015 Grand Jury Report #2
City of Sanger

Dear Judge Conklin:

Our office would like to express our appreciation and gratitude for the Grand Jury's difficult work in their investigation of the political divisions in the City of Sanger. It is our hope that all the elected and appointed officials can put aside their differences to work for the betterment of their community.

Please find our requested responses to the Grand Jury's findings and recommendations listed in order.

FINDINGS

***Finding 110:** Citizens with concerns about Sanger governance found little satisfaction when they expressed them to government agencies and law enforcement, adding to their frustration and mistrust of government and elected officials. The Fresno County Grand Jury's complaint system and the recently established Fresno County District Attorney's Office Public Integrity Unit are available to investigate citizen concerns about local governance.*

Our office has also received complaints regarding certain Sanger public officials. The Fresno County District Attorney's Public Integrity Unit is available to investigate and where appropriate, prosecute those public officials or employees who commit crimes relating to their official duties.

OFFICE OF THE DISTRICT ATTORNEY

2220 Tulare Street / Suite 1000 / 10th Floor / Fresno, California 93721 / (559) 600-3141 / Fax (559) 600-4400
Equal Employment Opportunity - Affirmative Action - Disabled Employer

RECOMMENDATIONS

Recommendation 114: *The City of Sanger should make available on its website or other communications channels information about contacts for citizens with concerns and complaints about city operations and the City Council. The city must first, however, ensure that those contacts are willing to engage with citizens on their issues.*

The policies and procedures of any city, absent criminal conduct, are not matters within the supervision or jurisdiction of our office. On that basis, our office does not express any view as to this recommendation.

Recommendation 115: *Citizens of Sanger can present their concerns about government and elected officials to the new Public Integrity Unit of the Fresno County District Attorney's Office or to the Fresno County Grand Jury.*

Our office agrees with this recommendation with the caveat that our role is to investigate and where appropriate, prosecute crimes that occur in Fresno County. Any such complaint or request for investigation can be sent to the Fresno County District Attorney's Office Public Integrity Unit by fax at 559-600-4400, in writing by e-mail to publicintegrity@co.fresno.ca.us or via U.S. Mail addressed to:

Fresno County District Attorney's Office
Public Integrity Unit
2220 Tulare Street, Suite 1000
Fresno, CA 93721

The person making the complaint can choose to remain anonymous. However, the complaint or request for investigation must:

- 1) Be in writing;
- 2) Allege a crime or violation of law;
- 3) Pertain to a public official or employee;
- 4) Provide sufficient evidence to justify further investigation; and
- 5) Disclose if the complaint has been referred to another agency.

Recommendation 116: *The Fresno County Grand Jury should better publicize its complaint process to encourage more participation by citizens who have concerns about local governance.*

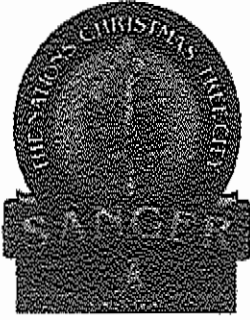
Pursuant to Penal Code §934, the Fresno County District Attorney serves as one of the legal advisors to the Fresno County Grand Jury. Our office agrees with the recommendation.

The Honorable Jon Conklin
August 7, 2015
Page 3

Thank you for giving our office the opportunity to serve the Fresno County Grand Jury and the people of the County of Fresno.

Very truly yours,


Lisa A. Smittcamp
District Attorney



City of Sanger, California

"A Community of Caring"

1700 7th Street
Sanger, California 93657

(559) 876-6300 Extension 1500

October 15, 2015

The Honorable Jon Conklin, Presiding Judge
Fresno County Superior Court
1100 Van Ness Avenue
Fresno, CA 93724-0002

Subject: Response to Grand Jury Final Report No. 2: Political Turmoil Threatens Sanger's Recovery

Honorable Judge Conklin:

Pursuant to the California Penal Code Section 933.05, the City Council of the City of Sanger and the Sanger City Manager (collectively "Respondent") submit this consolidated response to the findings and recommendations in the above-referenced Grand Jury Report dated July 14, 2015, and publicly released on July 21, 2015 ("Report"). Please post this response on the Superior Court's website and make copies available to the public, as necessary.

RESPONSES TO FINDINGS IN REPORT

Finding F101:

The citizens of Sanger rarely make their voices heard in City governance, but when they did on December 12, 2014, they proved they could influence council majority decisions – in this case, not to dismiss City Manager. More citizen involvement will be necessary to heal divisions and hold elected officials and City Hall leaders accountable for taking actions that benefit all Sanger residents.

Response to Finding F101:

Respondent partially disagrees with this finding. (Penal Code § 933.05(a)(2).) Public attendance at Sanger City Council meetings in the last 1-2 years has averaged about 20-30, and often exceeds 30 individuals. Such average attendance exceeds public attendance at city council meetings in many surrounding cities (such as Reedley, Parlier, and Fowler to name a few). Also, the citizens that attend meetings are not shy about making their voices heard at all City Council meetings, not just the special meeting on December 12, 2014. A review of the meeting audio tapes and meeting minutes over the past two years establishes a healthy and enthusiastic level of citizen involvement at City Council meetings for a City with a population of approximately 25,000. City Council members listen to citizen comments, and consider various points of view and comments before making decisions, which is how local city government is designed to work. Respondent encourages more citizen involvement.

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Finding F102:

Municipal priorities are established by a small group of citizens, council members and City leaders, which discourages broader input that reflects specific concerns, and also contributes to an atmosphere of suspicion that leads to dysfunctional decision making in the implementation process.

Response to Finding F102:

Respondent partially disagrees with this finding. (Penal Code § 933.05(a)(2).) Respondent is not clear what the Grand Jury means when referencing "a small group of individuals." Is a small group 3, 10, 20, 50, or some other number of individuals? Respondent agrees that municipal priorities are established and developed during open City Council meeting discussions and active participation by the public. In addition to City Council meetings, City staff and individual City Council members often conduct "town hall" type meetings in the various Council districts around the City, and public input is also solicited and encouraged at these "town hall" meetings that also help establish municipal priorities. "Atmosphere of suspicion" is not defined in the Report. Some may feel an atmosphere of suspicion may exist, but whether that suspicion is widely held by a large number of citizens or simply widely expressed by a small number of citizens with well-placed media contacts is subject to debate. Respondent will continue to strive to encourage and consider public input. The reference to "dysfunctional decision making in the implementation process" is ambiguous and not described or defined in the Report. Respondent is not aware of any dysfunctional decision making. Not all City Council decisions have been unanimous, but lack of unanimity does not equate to dysfunction.

Finding F103:

Disconnection and disharmony between the City Council and its members and City Hall already has caused potential employers to express reservation about doing business or undertaking development projects in Sanger, despite an available work force and a well-regarded school district.

Response to Finding F103:

Respondent partially disagrees with this finding. (Penal Code § 933.05(a)(2).) Respondent agrees that there was disconnection and disharmony between City Council members and an individual or individuals at City Hall in the past few years. As previously indicated, not all City Council decisions have been unanimous. However, this finding states that such disconnection and disharmony actually led potential employers and developers to express reservation about doing business or undertaking development projects in Sanger. It must be noted that simply expressing such reservations, but then ultimately locating and doing business in Sanger means that such disconnection and disharmony ultimately did not impact the City. However, this finding tends to suggest that such disconnection and disharmony actually resulted in otherwise willing and financially viable employers and developers refusing to locate or do business in Sanger solely because of such disconnection and disharmony. Respondent is unaware of any such employers and developers that failed to locate or do business in Sanger solely due to perceived disconnection and disharmony between City Council members and individuals at City Hall, as opposed to any number of other factors such as site selection, lack of available land, lack of funding, or a high sales tax rate, to name a few. Respondent invites the Grand Jury to provide Respondent with the names of those employers and developers that expressed reservations about Sanger so that current City leaders can attempt to contact them to confirm whether or not they located in Sanger after all, and if not, discuss recent improvements in Sanger and try to get them to reconsider Sanger.

Finding F104:

Political turmoil in Sanger, reported upon by conventional and social media, could discourage people from moving to the community or could encourage residents to move away.

Response to Finding F104:

Respondent agrees with the finding. (Penal Code § 933.05 (a)(1).) Anything is possible. So, it is possible that conventional and social media reports of political turmoil in Sanger *could* discourage people from moving to the community or *could* encourage residents to move away. However, the Grand Jury surely understands that freedom of the press is protected by the First Amendment, and therefore understands that Respondent cannot control what is reported upon and printed by conventional and social media or the opinions expressed in such media forums. The portrayal of "political turmoil" in Sanger by conventional and social media in an effort to sell papers or generate webpage visits or views is nothing new and is largely out of Respondent's control. As the City moves beyond the "political turmoil" of the recent past, there may be individuals that continue to create and portray such turmoil and express opinions that it exists even when it does not.

Finding F105:

Although witnesses said that there have been City Council retreats in the past to encourage collaboration, none has been proposed recently to help Sanger's elected leadership and key city staff members work in more constructive collaboration.

Response to Finding F105:

Respondent partially disagrees with this finding. (Penal Code § 933.05(a)(2).) "Retreats" is not defined in the Report. However, in an effort to promote collaboration among council members, a workshop was held in July 2013 with a focus on developing a more cohesive team approach towards long-term success for the City. The workshop was facilitated by a retired city manager from another Fresno County city.

Additionally, the newly appointed Interim City Manager encouraged Council Members to attend the League of California Cities Annual Conference held September 30 – October 2, 2015. Three of the Council Members attended the League Conference along with the Interim City Manager and one other City staff member. League Conferences offer professional development by providing sessions that address current trends and best practices and an opportunity to gain practical skills and useful resources that can promote a more cooperative and effective city council.

Finding F106:

Measure L's intention to promote more equal representation for all residents throughout Sanger suffers because council members don't have a greater say in challenges facing their district constituents, as is the case in other governing bodies within Fresno County.

Response to Finding F106:

Respondent agrees with the finding. (Penal Code § 933.05 (a)(1).) Although "suffers" implies something negative, as the Grand Jury noted, the challenges facing Sanger are much the same as faced by other governing bodies in Fresno County and likely the country. Also, "have a greater say in

challenges facing their district constituents" is ambiguous. A Council member has one vote out of five on the Council, but a Council member can certainly take up a cause with more passion or speak out in favor of a cause more often than his fellow Council members. A Council member is free to voice the concerns of his district constituents. But the manner of representation is dictated by state and federal law. So, while Council members are elected by districts and reside in their districts, they are each Sanger City Council members and none of them have the ability to act individually, or unilaterally approve items only for their districts. As the Grand Jury might imagine, allowing such unilateral action or giving a Council member greater authority to address matters in his district would create many more problems than it might solve.

Finding F107:

Because of traditions in effect since before election by districts began, the Mayor has retained appointment powers, ceremonial duties and agenda-setting responsibilities that other council members don't have.

Response to Finding F107:

Respondent agrees with the finding. (Penal Code § 933.05 (a)(1).) However, whether or not it is based on traditions from years past, it should be noted that Sanger is like many other cities in Fresno County and throughout the State, in which the Mayor, whether elected by the public or simply appointed from among the City Council members, typically has the power to recommend appointments to various committees, perform ceremonial duties, and have a larger role in setting the City Council meeting agenda than other Council members.

Finding F108:

The improvement of Sanger is the desire of all those interviewed by the Grand Jury, but there are differences in how varied perspectives should be addressed and whether what's good in one area of Sanger meshes with an overarching need in another part.

Response to Finding F108:

Respondent agrees with the finding. (Penal Code § 933.05 (a)(1).) Respondent does not know the identity of each individual interviewed by the Grand Jury, and Respondent has no way of confirming the desire (expressed or unexpressed) of each of the individuals interviewed. Nevertheless, Respondent agrees that, generally speaking, there may be something that might be good for one area of Sanger but might not be good in another area of Sanger or might be needed more in another area of Sanger.

Finding F109:

It was not possible to conclude that there were Brown Act violations by the City Council in advance of the Dec. 12 special meeting, or to support other allegations of serial meetings. However, vigilance by the citizenry will be necessary to be certain the public is properly included in City Council discussion and decisions. Sufficient training and resource materials are provided to help all elected officials understand Brown Act requirements.

Response to Finding F109:

Respondent agrees with the finding. (Penal Code § 933.05 (a)(1).) Respondent is not aware what "other allegations of serial meetings" the Grand Jury was referencing in this finding. However, Respondent agrees with the finding.

Finding F110:

Citizens with concerns about Sanger governance found little satisfaction when they expressed them to government agencies and law enforcement, adding to their frustration and mistrust of government and elected officials. The Fresno County Grand Jury's complaint system and the recently established Fresno County District Attorney's Office Public Integrity Unit are available to investigate citizen concerns about local governance.

Response to Finding F110:

Respondent partially disagrees with the finding. (Penal Code § 933.05 (a)(2).) The Report does not provide any indication of the time frame during which citizens supposedly found little satisfaction and were frustrated. Was it 10 years ago, 5 years ago, or last year? Also, the number of citizens that were supposedly frustrated and found little satisfaction is not disclosed. Whether such frustration and dissatisfaction is widely held by a large number of citizens or simply widely expressed by a small number of citizens is not disclosed in the Report. Certainly the Grand Jury understands that Respondent cannot make everyone happy. There will always be some citizens that are dissatisfied and frustrated with local government, no matter how responsive and transparent the local government operates. Based on public reports about the new Public Integrity Unit and what Respondent understands about it and the Grand Jury's complaint system, Respondent agrees that they are available to investigate citizen concerns about local governance.

Finding F111:

City Council minutes don't provide sufficient detail about citizen comments, but overall online delivery of agendas, meeting notices and other relevant information is good.

Response to Finding F111:

Respondent partially disagrees with this finding. (Penal Code § 933.05(a)(2).) Although the Report does not identify the specific meeting minutes reviewed, based upon recommendation R117 of the Report, the City Council minutes now include more detail about citizen comments during the Public Forum section of the City Council meeting. Additionally, it has been a longstanding City practice to post the audio recording of all full City Council meetings on the City's website.

Finding F112:

The Measure S ¼-cent sales tax to pay for improved public safety and emergency services has accomplished much of what was intended, although gang and drug activity continue to be challenges. However, Measure S sunsets after the 2017-18 fiscal year and questions need to be answered now about whether to ask voters to extend it and to be ready should such an extension not occur.

Response to Finding F112:

Respondent agrees with the finding. (Penal Code § 933.05 (a)(1).)

Finding F113:

There is a lack of economic activity in downtown Sanger, where vacant spaces increase in buildings whose landlords are not Sanger residents and may be reluctant to make the investment necessary to allow occupancy.

Response to Finding F113:

Respondent partially disagrees with the finding. (Penal Code § 933.05 (a)(2).) Economic activity in downtown Sanger is not as robust as many desire. However, Respondent is not aware whether the increased vacancies are occurring only in buildings owned by Sanger residents or non-residents, or both, and what, if any, reluctance any owner may have to improving their respective building.

Finding F114:

Threats of a recall election surfaced during the Dec. 12, 2014 meeting and were reiterated as the Grand Jury investigation concluded.

Response to Finding F114:

Respondent agrees with the finding. (Penal Code § 933.05 (a)(1).) Respondent does not know what information was or was not reiterated during the Grand Jury investigation. Nevertheless, Respondent agrees that threats of a recall election were made during the December 12, 2014 special City Council meeting.

Finding F115:

The resignation of the City Manager is a serious indication of the disconnection between the elected City Council majority and City government leaders, which could result in more defections to less hostile organizations.

Response to Finding F115:

Respondent wholly disagrees with this finding. (Penal Code § 933.05 (a)(2).) The reference to "City Council majority" is not defined in the report. At the time Mr. Haddix resigned, there were five members of the City Council. The Report does not identify which three or more elected officials on the Council made up the majority which may have had the "disconnection" with Mr. Haddix. A majority of the City Council remained unchanged during the last 2-3 years of Mr. Haddix's time as City Manager, and the Report does not identify when the alleged "disconnection" began or came to a boiling point, or with whom the disconnection existed.

Mr. Haddix had been the City Manager in Sanger for nearly five years when he resigned. Five years is considered a reasonably long tenure for a city manager. In fact, there are multiple cities in Fresno County that have gone decades without a city manager lasting more than 3 years at a time. Therefore, his resignation alone is not a "serious indication of disconnection between the elected City Council majority and City government leaders." Rather, statements made by Mr. Haddix and the former Mayor about the alleged reason(s) for Mr. Haddix's resignation may have referenced a disconnection between Mr. Haddix and what he perceived to be the "City Council majority." But the fact of his resignation is not a serious indication of disconnection.

Moreover, while the Report references a "disconnection between the elected City Council majority and City government leaders," there is nothing in the Report that identifies other non-elected City leaders besides Mr. Haddix that had any disconnection with the purported "City Council majority." As the Grand Jury may have observed elsewhere, whenever a city manager leaves a city it is possible that others from his staff will follow. So far, none of the other non-elected City government leaders have "defected" as the Grand Jury feared they might.

RESPONSES TO RECOMMENDATIONS IN REPORT

Recommendation R101:

City Council, Mayor and City Manager should make citizen involvement in Sanger governance a top priority, exploring innovative ways to engage all residents and help cultivate a sense of civic responsibility to face challenges together. One goal could be creating a culture of citizen engagement and helping sustain it through collaborations with various interest groups as outlined in Recommendation 105. (F101, F102, F103, F106, F108, F115)

Response to Recommendation R101:

The recommendation has been implemented. (Penal Code § 933.05(b)(1).) As the Grand Jury may be aware, the Mayor recently resigned, and the City is considering options for potentially filling that vacancy. In the meantime, the rest of the City Council and the City Manager will continue to make citizen involvement a top priority. The City currently does various things to engage residents in an attempt to create and cultivate a sense of civic responsibility. "Inside Sanger" is a monthly newsletter published by the City that provides information to residents including reports on new and current projects and upcoming meetings and events. "Inside Sanger" is distributed with the monthly utility bill and available on the City website. The newsletter is printed in both English and Spanish. The Sanger Community Task Force is comprised of representatives/staff from local businesses, non-profit agencies, churches, the Sanger Unified School District and the City of Sanger with the general purpose of promoting collaborative endeavors among business, faith-based, governmental, educational, and other community decision makers in order to develop creative solutions to the social and economic challenges facing Sanger. The Task Force meets on the first and third Tuesdays of the month. In addition to City Council meetings, City staff and individual City Council members often conduct "town hall" type meetings in the various Council districts around the City, and citizen involvement and public input is also solicited and encouraged at these "town hall" meetings. Finally, the Council has begun the process of goal setting and strategic planning. A professional team has been retained to conduct a widespread survey of residents and conduct community outreach and workshops to receive community input on priorities and goals. Those community priorities and goals will be presented to the City Council at a City Council meeting in early 2016. In addition to these and other things, Respondent will continue to explore other ways to improve.

Recommendation R102:

The Council should consider at least one meeting each year in each of the four districts to encourage citizen involvement throughout the community and give all citizens a better understanding of issues of importance in the various City Council districts. (F101, F102, F105, F106, F107, F108)

Response to Recommendation R102:

The recommendation requires further analysis. (Penal Code § 933.05(b)(3).) Provided adequate public facilities are available in each Council district to hold such meetings, this recommendation may be implemented beginning in 2016.

Recommendation R103:

The City should work with conventional and social media to survey residents about their priorities for progress. Widely publicizing the results would serve as an initial step toward Recommendation 105, encourage citizen engagement and inform all citizens about what's important to others in the community. (F101, F102, F106, F108, F112)

Response to Recommendation R103:

The recommendation has been implemented. (Penal Code § 933.05(b)(1).) The City has retained a professional team to help with the process of goal setting and strategic planning, which will include a widespread survey of residents and community outreach and workshops to receive community input on priorities and goals. Those community priorities and goals will be presented to the City Council at a City Council meeting in early 2016.

Recommendation R104:

After surveying residents, the City Council, Mayor, City Manager and stakeholders in education, business, service, seniors, youth, veterans, faith, nonprofit and other communities should establish a mechanism for regular and public collaboration on setting priorities for Sanger. The broad-based approach should help heal political divisions and provide insights into the broadest range of concerns throughout community. (F101, F102, F103, F106, F108, F111, F115)

Response to Recommendation R104:

The recommendation has not yet been implemented, but will be implemented following the survey. (Penal Code § 933.05(b)(2).) The various stakeholders will be included in the upcoming survey process for developing priorities and goals. Once the results of the survey are publicly presented during a City Council meeting, the City will include the public and stakeholders in the process of selecting and prioritizing goals. The process for updating those priorities and goals will be developed. Additionally, The Sanger Community Task Force is comprised of representatives/staff from local businesses, non-profit agencies, churches, the Sanger Unified School District and the City of Sanger with the general purpose of promoting collaborative endeavors among business, faith-based, governmental, educational, and other community decision makers in order to develop creative solutions to the social and economic challenges facing Sanger. The Task Force meets on the first and third Tuesdays of the month.

Recommendation R105:

All stakeholders must ensure that initiatives are rooted in community priorities established through the survey and collaboration process and that everyone is kept in the information and progress loop. (F101, F102, F102, F104, F108)

Response to Recommendation R105:

The recommendation has not yet been implemented, but will be implemented following the survey. (Penal Code § 933.05(b)(2).) Respondent cannot speak for all stakeholders. However, Respondent intends to conduct the survey and collaboration process and continue to keep the public informed of community issues. "Inside Sanger" is a monthly newsletter published by the City that provides information to residents including reports on new and current projects and upcoming meetings and events. "Inside Sanger" is distributed with the monthly utility bill and available on the City website. The newsletter is printed in both English and Spanish.

Recommendation R106:

The City Council, Mayor and City Manager should plan a retreat or workshop – as has occurred in the past - to help heal political and personal differences that threaten Sanger's recovery from economic challenges of the recent recession. (F101, F103, F104, F105, F115)

Response to Recommendation R106:

The recommendation has not yet been implemented, but will likely be implemented in the next six months after a new city manager is appointed. (Penal Code § 933.05(b)(2).) Any such retreat or workshop involving a majority of the City Council to address goal setting or strategic planning will be conducted as a City Council meeting open to the public in accordance with the Brown Act.

Recommendation R107:

The City Council should consider a way to broaden the appointment process for City commissions and committees to all parts of the City and varied perspectives are represented. (F101, F102, F106, F107)

Response to Recommendation R107:

The recommendation requires further analysis. (Penal Code § 933.05(b)(3).) This issue was recently discussed before the Grand Jury Report was issued, and the City Council chose not to amend the current manner in which appointments are made. During the next six months, City staff will review appointments to various commissions and committees to determine if there is a concentration of appointees in 1-2 districts, and may recommend amending the appointment process if the specific data shows such a change may be warranted. Respondent invites the Grand Jury to provide Respondent with the data the Grand Jury used a basis for making this recommendation and concluding that the City needs to broaden the appointment process – data the Grand Jury has which shows that neither all parts of the City nor varied perspectives are adequately represented on City commissions and committees.

Recommendation R108:

There should be greater inclusion of council members in ceremonial and other community-affirming events, especially those occurring in a member's district, so constituents can become more familiar with their representatives and council members have more contact with citizens. (F102, F106)

Response to Recommendation R108:

The recommendation has been implemented. (Penal Code § 933.05(b)(1).) All council members are invited to attend all community events throughout the entire City, no matter in which district the event takes place.

Recommendation R109:

City Council members elected from the four districts should each have a small fund in the City budget that would allow the members to address quickly some issues of constituents. (F102, F106)

Response to Recommendation R109:

The recommendation will not be implemented by Respondent because it is not warranted and not reasonable. (Penal Code § 933.05(b)(4).) Although this recommendation may be well-intentioned, implementation and administration of such funds, no matter how small, would be extremely difficult and would create more issues than the funds could ever solve. Such funds would lead to additional conflict of interest issues and likely increase the times in which Council members would be ineligible from participating in votes and have to recuse themselves. Such funds would also lead to allegations of unauthorized gifts of public funds in violation of applicable law. Such funds would lead the public to question what such funds were spent on, and lead to suspicions and allegations of favoritism. Such funds would increase administrative duties like City record-keeping requirements and responding to the numerous Public Records Act requests that would surely follow. Monitoring the expenditure of these funds would require the development of an ordinance, resolution or policy, and then enforcement of the same. Penalties would need to be developed, as well as a procedure for the recovery of funds discovered to have been incorrectly or illegally paid. Would a single Council member be allowed to spend his fund however he chooses without input or approval of the other Council members? This recommendation, although perhaps well-intentioned, is littered with potential legal, ethical, and political issues.

Recommendation R110:

The Measure S Overnight Committee should continue to operate free of influence by any elected officials, but it should be subject to Recommendation 107, to ensure inclusion of all parts of the community in decision making. (F101, F102, F108, F112)

Response to Recommendation R110:

The Measure S Oversight Committee will continue to operate free of *undue* influence by elected officials, but elected officials are not prohibited from bringing matters before the Committee or making presentations to the Committee. So, all influence by elected officials cannot be prohibited, only *undue* influence can and will be prohibited. The remainder of the recommendation will not be implemented because it is not within the City Council's authority to do so. (Penal Code § 933.05(b)(4).) Measure S was a voter approved initiative. The manner in which Committee members are appointed was approved by the voters. Thus, only the voters, not the City Council, can approve a change to the manner in which Committee members are appointed.

Recommendation R111:

The future of Sanger's downtown should be the subject of thorough public discussion, with input from throughout the community. Topics for consideration would include developing a new plan or using

one already available to upgrade downtown as a commerce center, find alternatives to capitalize on anticipated tourism increases; and repurposing the area to some community-desired uses. (F101, F102, F108, F113)

Response to Recommendation R111:

The recommendation requires further analysis. (Penal Code § 933.05(b)(3).) Sanger's downtown has been the subject of public discussion at multiple City Council meetings in the past year. During the next six months, City staff will review the recommended topics and the downtown regulations with the goal of presenting the topic of Sanger's downtown at a public meeting for public discussion thereafter.

Recommendation R112:

The Sanger City Council must strive harder to avoid the appearance of Brown Act violations and conflicts of interest by putting into practice lessons learned in the City's multiple training opportunities. (F101, F109)

Response to Recommendation R112:

The recommendation has been implemented. (Penal Code § 933.05(b)(1).) The Council members strive hard to avoid the appearance of Brown Act violations and conflicts of interest by putting into practice lessons learned in the City's multiple training opportunities. Nevertheless, there will likely always be some in the community that will claim violations have taken place even when they have not. But the City Council will continue to strive to avoid any appearance of Brown Act violations and conflicts of interest by putting into practice lessons learned in the City's multiple training opportunities.

Recommendation R113:

A City Council recall election should be avoided because such elections are costly, deepen divisions rather than repair them, may discourage citizen participation in government and take time. A more professional, civil tone set by council members, perhaps reinforced through positive media coverage, would help citizens understand there are more productive ways to resolve differences for the common good. (F101, F114, F115)

Response to Recommendation R113:

The recommendation has been implemented. (Penal Code § 933.05(b)(1).) The Grand Jury certainly understands that the City Council cannot decide whether a recall election proceeds or not. However, a more professional, civil tone has been observed at City Council meetings over the past several months, although anyone not attending the City Council meetings may not be aware of the positive change because it has been largely ignored by the media coverage. So, although the City Council has implemented this recommendation by conducting City Council meetings in a more professional, civil tone, the positive media coverage has not yet followed. Of course, as the Grand Jury realizes, the City Council has no control over the media coverage.

Recommendation R114:

The City of Sanger should make available on its website or other communications (sic) channels information about contacts for citizens with concerns and complaints about city operations and the City

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Council. The city must first, however, ensure that those contacts are willing to engage with citizens on their issues. (F101, F110, F114)

Response to Recommendation R114:

The recommendation has been implemented. (Penal Code § 933.05(b)(1).) The City includes contact information on its website and elsewhere available to the public for expressing complaints or concerns about the City. The contacts who receive the concerns or complaints understand the importance of engaging with the public on the expressed issues.

Recommendation R116:

The Fresno County Grand Jury should better publicize its complaint process to encourage more participation by citizens who have concerns about local governance. (F101, F110)

Response to Recommendation R116:

The recommendation will not be implemented by Respondent because this recommendation is specifically directed to the Fresno County Grand Jury. (Penal Code § 933.05(b)(4).)

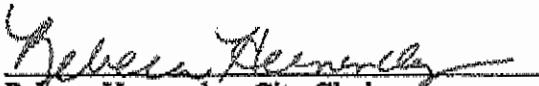
The City Council acknowledges the Grand Jury's review and time involved in this matter, and appreciates the opportunity to respond to the findings and recommendations.

APPROVED BY THE CITY COUNCIL ON OCTOBER 15, 2015



Raul Cantu, Mayor Pro Tem

ATTEST:



Rebecca Hernandez, City Clerk

Cc: Lisa Sondergaard Smittcamp, Fresno County District Attorney

REPORT & RESPONSES #3

PARLIER UNIFIED CHALLENGED
BY LAX LEADERSHIP



Parlier Unified Challenged by Lax Leadership

Fresno County Grand Jury 2014-2015

Report #3

INTRODUCTION

One of California's poorest-performing school districts is the Parlier Unified School District in southeastern Fresno County, about 20 miles from Fresno.

Parlier Unified has a long history of turnover in administrative leadership at the superintendent and principal levels.

Responding to a citizen complaint about district leadership, the Fresno County Grand Jury began an investigation to determine if the Parlier Unified School District elected and appointed leaders are adequately managing the district to best serve its students.

BACKGROUND

The Parlier Unified School District serves more than 3,300 students in the mostly rural agricultural area through four elementary schools, one junior high school, one comprehensive high school and one continuation high school in Parlier.

The district covers about 49 square miles in and around the city of Parlier, a farm center community in southeastern Fresno County. The City of Parlier had a population estimated at just over 15,000 on Jan. 1, 2015, an increase of just under 1 percent in one year (compared to Fresno County's overall 1.8 percent growth rate). More than 97 percent of the residents are Latino as are all five members of the Parlier Unified School District Board of Trustees.

The district's annual budget is about \$40 million from federal, state and local sources. The district employs 280 people and has had a recent growth-spurt in administrative personnel, following a period of rapid turnover at superintendent, the district's top administrator.

Witnesses told the Grand Jury that teacher turnover also was a challenge to Parlier Unified, as was turmoil surrounding the Board of Trustees, which included a recall election in which the incumbents kept their posts and a regular election in 2014 in which three new board members were elected.

Parlier Unified did not have a chief business officer for several months until December 2014, creating a challenge in establishing and enforcing policies to sustain prudent fiscal management.

For many years, Parlier Unified School District has not been improving the educational success of its students, witnesses testified to the Grand Jury, despite state, federal and local money invested in myriad programs, conferences and consultant contracts to turn things around.

Parlier Unified has had more than its share of challenges and the new and growing administration continues looking for the right programs and personnel to change the dynamic.

PURPOSE OF INVESTIGATION

The Fresno County Civil Grand Jury is charged with observing and reporting upon the operations – but not the curriculum – of local school districts.

That includes, but is not limited to, assessing fiduciary performance, administrative policies and management (e.g. Penal Code § 933.5).

The goal is to ensure that the public’s business is being conducted properly and publicly.

When citizens raise concerns with the Grand Jury about potential impediments to the smooth functioning of any local governmental entity, an investigation provides citizens impartial information.

The citizens alone, however, have the ultimate responsibility to examine the Grand Jury’s information and to decide whether action should result.

The Grand Jury also is a guardian of the Ralph M. Brown Act (California Government Code § 54950-54963), which protects the public’s right to know about how local governments conduct business. Therefore, the Grand Jury routinely assesses compliance with the Brown Act when investigating local government organizations.

The Parlier Unified School District was the subject of a 2008-09 Fresno County Grand Jury investigation into an alleged Brown Act violation. The Grand Jury concluded the allegation was unfounded.

DISCUSSION

WHERE PARLIER UNIFIED STANDS

Leaders of the Parlier Unified School District – elected and employed by the district – told the Grand Jury they are keenly aware that the district’s ability to educate its students ranks low in comparison with other districts in California.

One witness testified to the Grand Jury: “... in the last 15 to 20 years, Parlier has failed to give our kids access to quality education.”

The annual California Department of Education Academic Performance Index includes information on graduation and dropout rates for high schools, tracking students in four-year arcs from ninth through 12th grades, according to the report published April 28, 2015.

The state reported Parlier Unified graduates in 2014 were well behind those in neighboring districts on graduation rates and percentage of graduates eligible for University of California or California State University admission:

School/District	Graduated	Dropped out	Qualify for UC entrance
Parlier USD	79%	19%	22.2%
Statewide Average	80.8%	11.6%	41.9%
Fowler USD	95.6%	3.8%	43.4%
Selma USD	92.2%	6.0%	34.3%
Sanger USD	92.2%	5.0%	40.3%
Kings Canyon USD	90.3%	4.9%	31.8%
Kingsburg JUHSD	90.3%	8.6%	44.3%

TURNOVER AT THE TOP

Over the years, Parlier Unified School District has developed a reputation for short-tenured superintendents and turmoil among members of the Board of Trustees.

The churn at the top continued from 2011 to mid-2013, six people served as the Parlier Unified superintendent.

In 2011, a superintendent who had served five years was placed on administrative leave and then fired by trustees. The replacement served only two months in 2012, and then retired.

A third superintendent, appointed in September 2012, just a month after being hired as a principal, was on duty for several months, but became ill and then was placed on "special assignment" for the balance of the contract and at a cost of more than \$200,000. The Grand Jury was told that the special assignment was not completed, although payments continued.

In the many months between superintendents, two district administrators were appointed by trustees to be acting superintendents.

The current superintendent was appointed by the Board of Trustees on June 11, 2013 after being the trustees' adviser since Nov. 1, 2012.

ADVISING TRUSTEES

The Parlier Unified School District Board of Trustees voted 3-2 on July 24, 2012 to hire its own adviser "at no cost to the district. Services would be volunteered." But when a contract was approved 3-2 on Dec. 18, at a special meeting (not on the regular second or fourth Tuesday), trustees obligated the district to pay the adviser \$50 an hour for up to 4 hours per day with no cap, plus expenses and also retroactive to Nov. 1, 2012.

The meeting agenda item for a proposed consultant agreement came from the consultant's résumé: "This service brings an outside independent analysis and voice to organization problem solving. The consultant obtains [sic] a master's degree with an administrative option and has done extensive research on school board roles, agenda, and educational vision and purpose that will give the school board members the tools to define its [sic] purpose and to be able to effectively communicate that purpose and vision with all stakeholders in the education of every student in the Parlier Unified School District."

The meeting minutes reflect no discussion of the change from volunteer to paid adviser, nor any reason the contract was made retroactive.

Parlier Unified's first trustee adviser was a seventh-grade teacher in another district with no administrative experience. The adviser worked in Parlier Unified after fulfilling his weekday teaching obligation in another district as well as on weekends, the Grand Jury was told.

The adviser was familiar with Parlier Unified as a high school alumnus, a trustee two decades earlier, frequent remarks at board meetings, research conducted about school board-superintendent relationships for his master's thesis and as a workshop presenter.

Grand Jury witnesses testified that he had no experience as a school district administrator, but was hired to provide advice to trustees usually provided by the school superintendent. The adviser had an office near the superintendent's in administration headquarters and was given broad authority to be involved in district operations supervised by the superintendent.

In testimony to the Grand Jury, witnesses said the adviser was retained to help trustees do their elected jobs better by explaining budgets, contracting, grants, student achievement and other topics so trustees would be better prepared for meetings.

Witnesses testified they made little use of the adviser's services. He was, however, a frequent presence in trustee meetings' closed sessions, usually reserved for confidential discussions among trustees, top administrators and attorneys, about litigation, personnel and the like. In the meetings the trustees' adviser attended, witnesses testified, was discussion of the superintendent's tenure.

During six-plus months as an adviser, he was a guest of the district for at least 14 meals in Selma, Kingsburg and Fresno restaurants, 11 with the superintendent. One of the trustees ate with the adviser 11 times. The adviser ate with two other trustees 8 times. All three trustees voted for him to succeed the superintendent who had hosted the adviser. Two trustees never participated in meal meetings with the adviser and voted against his becoming superintendent.

The adviser's time was difficult to track. He submitted time sheets showing that he consulted the maximum four hours a day for as many as 26 days in a month.

When the Fresno County Office of Education business office questioned the lack of detail and informed the district it would not authorize payment, the Grand Jury was told, the Parlier Unified Board of Trustees president went to the county office in Fresno and insisted the adviser be paid. Subsequent time sheets included many meetings with board members and meals.

The Grand Jury was unable to discover any work product generated under this agreement and was told by one witness that no emails, memoranda or other documents exist.

The adviser was paid \$36,600 for that six month period and authorized payment for additional district resources to cover his restaurant meals and at least one conference trip with the trustees.

ADVISING ON THE ROAD

On Friday, Feb. 15, 2013, four Parlier Unified School District trustees and their adviser, traveled to the California Association of Bilingual Educators Administrative Leadership symposium in Long Beach.

The trustees received the following description before approving the travel request: "Session will provide district and site leaders with key information and resources to support them in the implementation of the Common Core State Standards and the new ELD [English Language Development] standards."

The symposium began at 10:45 a.m. and ended at 2:30 p.m., with lunch included, to help make it a one-day trip for districts. However, Parlier Unified trustees authorized spending \$1,029 so they could stay overnight (\$205 per person), \$244 for their meals, plus mileage – a total of \$1,533.35.

Because the event was held on a school day, presumably the school where the Parlier Unified adviser taught paid for a substitute to cover his absence.

HIRING A SUPERINTENDENT

The Parlier Unified School District posted a one week notice of the superintendent opening on May 30, 2013, with a filing deadline of June 6, 2013.

Job requirements included an administrative services credential, master's degree, knowledge of educational programs and trends, strong business and human resources skills. "Evidence of continuing professional development" and "five years of successful school district level administrative experience" were listed as "preferred."

On June 13, 2013, the board hired its adviser as the superintendent on a 3-2 vote, although he lacked a credential, district administrative service or demonstrated business and human resources skills. Trustees approved a four-year contract – the maximum allowable under state law – paying \$145,000 per year, plus \$500 monthly car allowance and pension contributions, in addition to lifetime health benefits. A recent amendment allows the superintendent to be paid in cash for unused vacation twice each year.

By early 2015 – less than two years into his contract – the superintendent’s salary had risen to \$176,000 and benefits pegged to salary had increased in addition.

One raise resulted from a “me, too” clause that gives the superintendent the same percentage pay hike awarded in the district’s contract with certificated employees. Such a clause, though, raises a question about for whom the superintendent is bargaining in employee negotiations – the district, which is trying to keep costs down, or himself.

Another raise was granted by trustees on Nov. 18, 2014. During a PUSD board meeting the deputy superintendent stated “it was discovered that” the superintendent was making “only” \$2 per hour more than a PUSD grant coordinator.

The board agenda item read, “As the duties of the superintendent are much more comprehensive in width and depth, the superintendent’s hourly wages will be adjusted accordingly.” That adjustment amounted to a \$10 per hour increase or an additional \$18,000 per year. Trustees also made the adjustment retroactive to the first of the 2014-15 school year.

The financial impact of those raises was not provided with agendas posted online for public information, nor in the minutes of the meetings in which they were approved.

LIMITING PUBLIC INTERACTION

The Parlier Unified School District recently took steps to limit public access at Board of Trustees’ meetings, which, witnesses told the Grand Jury, were designed to ease the trustees’ workload and time commitments and also to thwart negative or confrontational comments and questions from citizens.

When the Grand Jury began its investigation, trustees scheduled regular meetings on the second and fourth Tuesday evening of each month and citizens could speak for up 5 minutes during a 20-minute public comment period at each meeting.

One trustee testified that the twice-monthly schedule didn’t mesh with his work schedule, adding that other trustees and the superintendent also had conflicts that resulted in meetings being canceled or rescheduled.

Grand Jury witnesses said trustees wanted to help lighten their workload so they’d have to study only one agenda per month. There was concern, too, about the time it took to conduct meetings.

Oct. 27, 2014 was the first reading of proposals to amend the Board of Trustees bylaws which had the effect of limiting citizen participation. The proposals cut the number of monthly meetings (fourth Tuesday) from two to one, to restricting citizens to 2 minutes of public comment, formerly five minutes and cut total public comments in half to 10 minutes overall.

Less than one month later, the changes were adopted at a special meeting rescheduled from the fourth Tuesday to the fourth Wednesday of November – Thanksgiving Eve – and convened at 2:08 p.m. (rather than 6 p.m.). Only three trustees were present. Meeting minutes reflect no discussion about the actions.

Witnesses were asked about a special trustees meeting at 8 a.m. Saturday, April 25, that replaced a regular meeting scheduled at 6 p.m. April 28. The Grand Jury was told that the meeting was moved up

because two trustees and three top administrators were scheduled for a trip to Harvard University on the regular meeting day. Their trip was approved at a special meeting at 5:30 p.m. Friday, April 17.

Testimony to the Grand Jury indicated that the convenience of trustees and the superintendent came before the public's in scheduling public meetings

The public comment limitations were approved, said witnesses, because trustees and the superintendent were weary of negative remarks and questions from citizens – one of them a former district administrator. Witnesses said another objective was to shorten meetings and encourage greater citizen involvement.

Since the new public comments limitations were imposed, there have been several verbal confrontations between citizens, trustees and the superintendent. In at least two meetings, recesses were called to restore order. Minutes reflect that while the public comments are strictly limited, trustees and the superintendent sometimes respond personally and at length, effectively extending meetings.

In the first five months of the new monthly meeting schedule, trustees met 11 times, but only 4 on a fourth Tuesday. There were (four regular meetings, seven special meetings or study sessions) during the first five months, an average of more than twice a month. Meetings were convened at three venues; on Fridays and Saturdays, on Tuesdays other than the fourth of the month; and at 8 a.m., 5 and 5:30 p.m., in addition to the customary 6 p.m.

Of the three regular monthly meetings and one special meeting (a regular meeting moved to the previous Saturday morning) for which minutes were available, the shortest was 3 hours and the longest ran 4 hours, 46 minutes. The average was 4 hours, 15 minutes.

Closed sessions lasted 1 hour to 2 hours added to the length of meetings.

Citizens who want to observe proceedings or to make comments to trustees must wait until the closed sessions end before getting their opportunity to participate. Grand jurors observed a presentation by a student well after 10 p.m. and some citizens already had left because of other obligations.

SCHEDULING ISSUES

As the 2014-15 school year began, one could understand why a Parlier Unified School District resident would be confused about when the district's elected Board of Trustees met, at what time and where the meeting might be held.

The meeting confusion early in 2015 was nothing new for Parlier Unified trustees, though. After adopting a 2014-15 budget and its state mandated Local Control and Accountability Program at a special meeting on the fourth Wednesday (rather than previously scheduled fourth Tuesday), the Board of Trustees met as scheduled in July and the second Tuesday of August.

After that, the board skipped its second August meeting, met as scheduled in early September, skipped two more regular meetings, and then conducted the regular meeting agenda as a special meeting on Oct. 27, a Monday, one day earlier than the previously scheduled regular meeting.

During November 2014 there were four meetings in just over two weeks, none on regularly scheduled dates—one on the afternoon before Thanksgiving, rather than during the evening. It was at one of those November meetings when trustees adopted the new once-a-month meeting schedule beginning in January.

In December, with a new Board of Trustees, there were three meetings, only one on its scheduled day, and then there wasn't another time for the public to interact with the trustees at a meeting for more than a month.

Special meetings pose special challenges for all governing bodies, not just Parlier Unified.

They may be necessary to conduct urgent business, so they're subject to only 24 hours' public notice. They may also replace regularly scheduled meetings. In either case, however, changing dates and meeting places repeatedly has the appearance of a poorly administered district at best and raises questions about the district's transparency at worst.

Trustees met at 5:30 p.m. Friday, April 17, 2015, for example, to vote on two items: Travel requests for conferences in California, Illinois, Nevada and Massachusetts—most of them months in the future—and student field trip requests. Both items are part of regular-meeting consent agendas, not special meetings.

Among the nearly \$85,000 in conference travel requests was a \$64,315 item for six administrators, two trustees and two teachers to attend training at Harvard University starting nine days later. Two of the administrators went in 2014 for the same training.

The 2014 trip was questioned by two trustees as an unnecessary expense. That became an issue in a subsequent election campaign in which those trustees were defeated by candidates supported publicly by the superintendent.

Two of the new trustees were listed on the manifest of the Harvard conference.

No minutes were available more than a month afterward to determine whether any of that special meeting's requests were approved, whether there was public or trustee comment and whether the two trustees voted to send themselves on the trip to Massachusetts.

Payments, also called warrants, for the trip were not authorized until a regular trustees meeting rescheduled as a special meeting on April 25, one day before the trip and eight days after the warrants were issued.

MINUTES DELAYED

Parlier Unified School District Board Policy 9324 states, "The Governing Board recognizes that maintaining accurate minutes of Board meetings provides a record of Board actions for use by district staff and the public. Accurate minutes also help foster public trust that Board actions are occurring in public in accordance with law."

The Policy further states, "The Superintendent or designee shall distribute a copy of the 'unapproved' minutes of the previous meeting(s) with the agenda for the next regular meeting. At the next meeting, the Board shall approve the minutes as circulated or with necessary amendments."

Unfortunately, Parlier Unified does not follow its own policy, erecting another barrier to public engagement district leaders and elected trustees say they want to encourage.

The Grand Jury found that minutes for the Oct. 27, 2014 meeting, which was itself convened the night before its scheduled date, weren't provided to the public until the agenda for the Jan. 27, 2015 regular meeting was published – a full three months afterward.

At the Jan. 27 meeting, trustees approved minutes of seven other meetings in November and December 2014, but did not include minutes of a special meeting earlier in January.

At the May 26, 2015, Board of Trustees regular meeting, minutes were available for the April 11 and 25 meetings, but not for the meeting on April 17, nor one on May 19.

While the minutes policy does not explicitly include special meetings, the intent seems clear that minutes of a special meeting should also be provided with the agenda for the next regular meeting.

Minutes play a big role in reflecting a commitment to transparency that helps the public be involved in its government institutions.

ERECTING BARRIERS

Although Grand Jury witnesses testified to their concern for public engagement in Parlier Unified School District governance, there are other practices that make it difficult for the public to discern what's happening.

Among them:

- Warrants List agenda items routinely say there are no expenditures of special note. Tens of thousands of dollars for attorneys, supplemental education supplies and programs, contractors, new buses and vans are on the lists, but seldom are discussed by trustees. So, too, are parking tickets, mileage for an administrator to take a child to school outside Parlier Unified and a letter from the superintendent to district residents just before an election.
- Some conference requests are “ratified,” meaning the trustees are voting on a trip that already happened, but wasn’t authorized per district policy.
- Meeting agendas are archived online in two places, but on the district website they aren’t linked.
- Translators aren’t always available for Spanish-speaking members of the public and what those citizens say may not be accurately translated. Grand jurors observed one citizen speaking Spanish whose remarks, as translated by the superintendent, were not accurate, nor were they accurately recorded in minutes of that meeting. However they were approved by trustees, three of whom didn’t attend that meeting, yet became part of the district’s archives.
- At Board of Trustees meetings, the public is seated at the back of the room, at least fifty feet distant from where trustees and the superintendent sit. Numerous administrators sit among the citizens and appear to be keeping watch on the public when not conducting private conversations or applauding their boss.
- Grand jurors observed rudeness directed by the superintendent and trustees toward members of the public who were expressing disagreement or asking questions. And while there were limitations on the length of time that citizens could comment, trustees and the superintendent spent as much time as they wanted to respond, then didn’t allow any rebuttal.

ADDING ADMINISTRATORS

The number of administrators at Parlier Unified district headquarters has grown during the 2013-14 and 2014-15 school years.

2012-13	2013-2015
District level Certificated Personnel	
Superintendent	Superintendent
Assistant Superintendent C&I	Assistant Superintendent C&I
Student Services & Special Education	Student Services & Special Education
Director of Support Services	Director of Support Services
	Deputy Superintendent
	Director of Classified Personnel (in 2013-14 was the Athletic Director at PHS then promoted to Administrator on Special Assignment before earning an Admin credential and promoted to this role)
	Director of Special Projects
	Chief Academic Officer of College and Career Readiness
	Turnaround/Transformation Director
	Director of Compensatory Education
	Director of Migrant Education/Community Outreach
	Career and Technical Education Coordinator
	English Language Arts Assessment Coordinator
	District Teacher on Special Assignment (Superintendent's brother)
District level Classified Personnel	
Chief Business Official	Chief Business Officer
Business Manager	Business Manager

2012-13	2013-2015
Food Services Director	Food Services Director
Human Resources Director	Human Resources Director
Maintenance Director	Maintenance Director
Transportation Director	Transportation Director
Child Welfare and Attendance Coordinator	Child Welfare and Attendance Coordinator
Director of Technology	Director of Technology
	Supervisor of Technology
	Prevention and Intervention Coordinator
	Supervisor of Athletics
	Elementary Physical Education Coordinator (An outside contractor who is the Superintendent's high school classmate)
	An additional Human Resources Technician
	Facilities Director
	Facilities Assistant

These additional district level administrative positions will cost Parlier Unified School District \$1.5 million per year.

Not included among the 14 district administrators listed are principals at the seven schools and the directors of facilities, transportation and technology. There are also learning directors, guidance instructional specialists, psychologists and coordinators.

Witnesses told the Grand Jury that there are so many administrators that district offices had to be reconfigured and the business team relocated to a nearby building.

By comparison:

Similar Districts to Parlier	# Students	# District Certificated Staff	# District Classified Staff
Parlier	3,300	14	15
Brawley Elementary School District- Kern County	3,800	3	5
Arvin Union Elementary Kern County	3,200	7	10
McFarland Unified- Kern County	3,300	4	7
Corcoran Unified- Kings County	3,300	3	3
Richland Union Elementary	3,300	3	8
Washington Unified	3,200	4	9
Southern Kern Unified Kern County	3,100	4	8
San Benito High School District- San Benito County	3,000	4	4
Selma Unified School District	6,400	7	10

While the superintendent was creating a larger administrative team, one area that was neglected was appointing a chief business officer (CBO). It was nearly 18 months after the superintendent was appointed by trustees and only after the urging of the Fresno County Office of Education, witnesses told the Grand Jury, that a CBO was hired in late 2014.

However, testimony to the Grand Jury indicated the CBO’s office and the entire district business office have been separated physically from offices housing the superintendent’s expanded administrative team and the CBO has had little contact with the superintendent.

A CBO plays a key role in ensuring the fiduciary responsibility of the District. The Grand Jury’s concern is that the CBO in PUSD is not allowed or expected to enforce and administer policies and procedures to provide oversight on spending by the superintendent, his administrators and trustees and implement more stringent policies about contracts.

EATING AND MEETING

From June 18, 2013 to Oct. 27, 2014, while Parlier Unified School District students continued to perform below state and local averages, the district superintendent, elected trustees and top administrators dined out 164 times and the district paid more than \$9,281 for their food and drink.

The superintendent hosted at district expense, at least 161 of those events, often two or three per day. All were claimed as meetings and Parlier Unified paid every tab, witnesses testified to the Grand Jury.

More than 40 percent of the meal meetings reviewed by the Grand Jury had incomplete or no documentation about who ate and what they discussed. Although 28 of the meal meetings exceeded the district's per diem meal allowances, the district business office did not ask anyone to make up the difference between the tab and the allowable \$13 for breakfast, \$20 for lunch or \$28 for dinner.

Not only did these meetings occur outside district headquarters, nearly 80 percent were convened at restaurants outside Parlier, although the district also spent additional thousands of dollars on meal meetings and "meeting supplies" through open purchase orders with two Parlier restaurants.

Within a week of his appointment, the superintendent began hosting restaurant meetings just as he had been hosted 14 times at district expense when he was the trustees' contract adviser. The superintendent's most frequent guest (nearly 42 percent of the 161 meals) was one trustee who voted to approve the board adviser's contract and for his appointment as superintendent.

Missing and incomplete documentation hampered the Grand Jury's ability to provide a full accounting, and it appeared that someone other than the superintendent wrote notes supporting some receipts after the Grand Jury requested additional documentation. It was not clear if those notes were written at the time of their submittal in 2013-14 or in 2015 when the Grand Jury request was made.

"Personnel matters" was written on five receipts submitted by the superintendent that the district paid March 13, 2014 and another on Jan. 14, 2014. The handwriting is different from a notation written by the superintendent on another receipt paid March 13. Those "personnel matters" meal meetings in Reedley, Delano, Kingsburg, Selma and Fresno cost the district \$405.67.

One "personnel matters" meeting luncheon in Delano (\$60) was followed by a "promoting positive relations" dinner in San Diego (\$204) eaten by the superintendent and three trustees, all there for a trustee-authorized conference. Dinner was billed to the superintendent's district credit card. It exceeded the dinner per diem allowance of \$28 per person by \$23. The superintendent also appears to have received \$600 in cash from his Sunshine Club account (see separate section) to spend at the San Diego conference on "team building."

The Grand Jury also requested documentation for a Christmas party at a Selma restaurant on Dec. 23, 2013 that cost the district \$708. The district supplied what a witness testified was an agenda prepared for the event that he said was prepared around the date of the party. The document submitted to the Grand Jury was produced after the fact. It was written on Parlier Unified School District letterhead with the December 2014 school board listed, not the board serving at the time of the party one year earlier.

Documents and witness testimony indicated no request for meal reimbursement by the superintendent was refused by the business office, nor was any district employee or trustee asked to pay the difference between per diem meal allowance and any meal exceeding the limits of \$13 for breakfast, \$20 for lunch and \$28 for dinner.

The Grand Jury was told that the policy was under review because it had not been updated in several years. Witnesses who submitted requests for meal reimbursements said they didn't think the per diem applied to local dining

Most meal meetings for which reimbursement was sought were conducted at restaurants outside the district, occurred on weekends, holidays and at night, outside district administration business hours.

Receipts show that food served to the superintendent and his guests often dined very well at Parlier Unified's expense.

On Oct. 30, 2013, at a Selma steakhouse, the superintendent hosted four district administrators and one trustee to discuss "School Improvement Grant tech alignment to high school tech plan." They ate steak dinners, added premium side dishes and enjoyed \$48.94 worth of desserts, for a total of \$255.58.

There were 33 dinners at the same restaurant from June 2013 through October 2014 for which the superintendent billed the district \$3,691.

One receipt had the word "BAR" blacked out. Another submitted to the Grand Jury was for a meeting Nov. 3, 2014 at which the superintendent, two trustees and two administrators purportedly discussed high school physical education. The \$69.03 bill covered six servings of premium whiskey, one of Canadian whiskey, a cola and three 20-ounce draft beers.

The following day, the superintendent and others attending the event at the Selma steakhouse actively campaigned for three new trustees to be elected, the Grand Jury was told.

The receipts and supporting notations for the meal meetings reimbursed by the district raise questions about whether they violated or skirted the Brown Act's intent to keep the public informed about public agencies' decision-making.

The volume of meals, the expense involved, the lack of supporting information and the many meals that exceeded district per diem policy raise questions about how Parlier Unified exercises its fiduciary responsibilities and administers its own business policies and procedures.

However, trustees who ate out at district expense repeatedly didn't voice any questions or objections publicly.

ENLISTING ALLIES

In the Parlier Unified School District, 2014 was an election year, with two incumbents seeking new terms and one choosing not to run. Two of the incumbents questioned the superintendent's and board majority's decisions on personnel, programs, travel and other spending at meetings that were frequently disrupted by loud, personal remarks from both citizens and district leaders on the dais.

A sequence of Parlier Post newspaper headlines told the story: "**Top Parlier Unified officials clash,**" "**Board sorts through controversies**" and "**Continued conflict divides board.**"

As the Nov. 4, 2014 election drew nearer, the superintendent walked through Parlier neighborhoods campaigning for three trustee candidates to replace the incumbents. Witnesses testified that the superintendent was joined on the campaign trail by a trustee instrumental in his hiring both as a contract adviser and as superintendent, and by a former principal promoted by the superintendent to a new district administrative post. Just over two months later, the administrator was promoted again to become the No. 2 district administrator.

On September 17, 2014, the Parlier Post published an advertisement purporting to be one citizen's many complaints, personal and professional, against the superintendent, the trustee and the other administrator who had visited the citizen's neighborhood campaigning the weekend previous.

Publication of the ad came when trustees were in one of their periodic hiatuses from meetings (none from Sept. 10 until Oct. 27). So there was no opportunity for discussion or rebuttal at a board meeting. However, the superintendent was quoted extensively in the Parlier Post on Oct. 22, denying the accusations and defending choices made during his tenure and there was testimony to the Grand Jury that he had talked with district residents on occasion, who urged him to make a public rebuttal.

Witnesses told the Grand Jury that the superintendent directed the printing of a message to district residents that answered points made in the newspaper ad and in trustees' meetings. District legal counsel – which is paid at an hourly rate – was engaged to help craft the message, according to testimony.

The message minimized accusations, stated his qualifications and promised more meetings with food for district residents. The superintendent's message said that meals served at community meetings helped the district receive about \$42 million, although most of it was Parlier's share state and federal funds. It exhorted district residents to follow his lead to "focus on the voices that unite, not divide."

Accompanying the two pages of message were 10 more pages: Copies of the superintendent's degrees, credential certificates, workshop completion certificates and a list of "professional readings" listing 20 books read in an 18-year education career.

The original intent was to have the superintendent's message reproduced on district copying machines, the Grand Jury was told, but that plan was scrapped because the job was too big and would tie up machines needed for regular district business.

The superintendent estimated the message cost \$1,500-\$2,000, according to Grand Jury testimony. However, hiring a printer cost \$8,262.80 alone. Other costs include counsel's time spent drafting the superintendent's message, postage, envelopes and address materials.

The package of materials was sent to district residents – including 4,304 registered voters – less than two weeks before election day, Nov. 4, 2014, when 39 percent of the electorate voted in the three individuals endorsed by the superintendent.

On election day, said Grand Jury witnesses, the superintendent stationed himself across the street from the polling place, which was in a building occupied by a district vendor. One of the trustees elected Nov. 4 is an executive director for the vendor.

TRAVELING TO LEARN

During the 2013-14 and 2014-15 school years, the Parlier Unified School District trustees voted to spend more than a half-million dollars for the superintendent, his administrative team, trustees and others to travel throughout California and around the nation for conferences, training sessions and other events.

Each trustee meeting agenda states: "Board Policy 4133 requires the Board approve all conference travel (both in-state and out-of-state). Travel expenses not previously budgeted also must be approved on an individual basis by the Board."

The policy is silent on whether trustees may authorize requests with inaccurate computations, incomplete (or missing) information and/or submitted after the travel in question, although the Grand Jury's review of requests found repeated instances of those issues. There does not appear to be any policy requiring a post-trip assessment of the conference's value to the district, its students or to employees.

The Grand Jury was told by district employees that the PUSD Business Department reviews all requests and also researches costs of travel, lodging and registration (even making reservations to take advantage of "early-bird" prices). The requests are gathered together in the superintendent's office for placement on the monthly regular meeting agendas.

The Board of Trustees greenlighted trips both school years (2013-15) to Harvard University, Ivy League colleges, Texas, Las Vegas, Incline Village and Reno, Nev., and Eugene, Ore., as well as travel to Florida, New Mexico and Arizona – 16 out-of-state trips in all.

California destinations included San Diego, San Francisco, Newport Beach, Anaheim, Cupertino, Los Angeles, Palm Springs, Riverside, Monterey, San Luis Obispo, Sacramento and Rancho Cucamonga – a total of 72 trips.

Travel requests typically are placed on the trustees' consent agenda and are rarely discussed publicly (only if a citizen comments or a trustee seeks more information objects). At least 14 during the two years reviewed by the Grand Jury were approved by trustees after the trips were made.

The Grand Jury was told that not all authorized travel actually occurs.

One that was canceled, the Grand Jury was told, was a trustee-approved five-day summer-break junket to Chicago at a cost to the district of \$10,179 for a grant writing conference. The superintendent and three administrators, most of whom don't write grants, were scheduled to attend.

However, during the two years, Parlier Unified trustees *did* authorize:

- Paying \$68,900 for 44 employees to visit Pasadena for a three-day summer break 2013 conference on "professional learning communities." Fourteen months later, the board approved \$18,465 (including \$2,070 for substitute teachers) to send 14 employees to Anaheim for what apparently was the same training.
- A four-day trip to San Diego for the three-day California School Boards Association (CSBA) conference attended by the superintendent and three trustees for \$10,244. Trustees authorized \$11,051 for the superintendent, his wife (a district employee), five trustees, an administrator and another employee to visit San Francisco for the next three-day CSBA meeting.
- Two trips for Parlier High School football coaches to coaching clinics in Eugene, Ore., totaling \$6,415.
- In 2014 a 15-person delegation headed by the superintendent and four trustees to the California Association of Bilingual Educators (CABE) conference in Anaheim for \$26,555. The next year, trustees approved \$17,235 for attendance at the 2015 CABE conference by 11 employees, including the superintendent, his spouse (a district employee), a trustee who attended the previous year, and three administrators.
- A trip over summer break to Lake Buena Vista, Fla., for four staffers to stay seven nights for a district vendor's five-day "summer academy," costing the district \$12,915.

It was difficult for the Grand Jury to review some trips approved by trustees using information available to the public and the trustees.

For example, on Nov. 26, 2014, the special projects director, athletic director and a human resources technician were authorized for a trip to Los Angeles on Jan. 22, 2015 for a one-day workshop on labor law and labor arbitration with an overnight stay at a cost of \$2,595.

However, on Jan. 27, 2015, the trustees retroactively approved the labor conference request that listed those employees plus the superintendent, the superintendent's spouse (a district employee) and the superintendent's brother (a district teacher on special assignment). The new request was for \$4,564, which included two nights' lodging, \$96 worth of parking, seven registrations and seven hotel rooms and didn't name the seventh person, who turned out to be a trustee.

Social media documented that some Parlier Unified trustees attended a 7 p.m. Los Angeles Clippers basketball game after the workshop ended around 4:30 p.m.

The Grand Jury's questions on just this trip include:

- Why, beyond the basketball game, did the district pay for an extra night of hotel rooms?
- Why was the trustee's identity not identified?
- Who in the administration was making the retroactive request, which wasn't signed?
- Where was the proper account information?
- Why did people go who weren't involved in labor issues?
- How many hours were six district employees away from their offices?
- How much did the district spend on the trip ultimately?
- Why wasn't the second request submitted before the trip?

Numerous other requests had obvious computational errors, leaving the total authorized by trustees open to speculation. Some lines had no information, others said the amounts would be forthcoming or had previously been approved, but were not listed on the new request.

Many times there were multiple requests for a single conference, without notation about that fact. Some multiple requests were submitted for authorization over multiple meetings, denying both public and trustees easy access to full-cost ramifications of a given conference as travelers and their costs were added piecemeal.

TRAVELING TO HARVARD

Most trips made by Parlier Unified School District employees don't attract much public notice. Not so the 2014 junket to Harvard University by the superintendent, four administrators, two teachers and a trustee at a cost of \$35,572.40.

The weeklong visit to Massachusetts was authorized (3 ayes, 1 abstention, 1 absent) for training in Instructional Rounds, a protocol based on medical practice to investigate issues in schools and districts from multiple perspectives.

Questions asked by one trustee about the cost and whether the training was available closer to Parlier went unanswered that night, Feb. 25, 2014, but were repeated at later trustee meetings, in media coverage and again during the 2014 trustee election campaign.

Instructional Rounds training has been offered at the University of California, Davis (about a 210-mile drive from Parlier vs. a 2,600-mile airplane trip to Boston).

However, the Grand Jury was told that getting the training at Harvard, which developed the program, justified the greater distance, time away from the district and expense. Witnesses said the superintendent also decided against working with two regional school districts that had implemented Instructional Rounds, because of the program's complexity and the need to modify any program to meet Parlier's needs.

Of the total spent by the district, \$20,760—more than 58 percent—was for registration. Because there were two teachers in the eight-person travel party, the district also paid \$920 to hire substitutes.

Besides the teachers, Parlier Unified sent its superintendent, five administrators and one trustee with the intent of implementing Instructional Rounds to help improve the success of students.

The superintendent mentioned Instructional Rounds at subsequent Board of Trustees meetings, but no detail was reflected in minutes, and witnesses told the Grand Jury the program was not implemented.

However, on April 17, 2015, trustees voted unanimously—and apparently without expressions of dissent—to authorize a second trip to Harvard at a cost of \$64,315.50, more than an 80 percent increase from 2014.

This time, the Parlier Unified team was comprised of the superintendent and an administrator who went the previous year. Joining them for the trip were Instructional Rounds newcomers: two trustees, two teachers and six other administrators.

Registration, up \$355 per person from 2014, was the biggest expense at \$29,950—more than 46.5 percent of the trip total. The district's financial investment averaged \$6,431 per person, up nearly \$2,000, and the district was authorized to pay \$1,150 to substitutes for the two teachers.

The justification for the second Harvard trip says the district “is embarking on the development and full implementation of Instructional Rounds systemwide. It is our overall goal to train and build Instructional Rounds teams from the elementary to the secondary level.”

How much more than the nearly \$100,000 spent already will be necessary to implement the program was not reported to trustees. The Grand Jury was unable to determine whether parameters are in place to measure the program's success and return on its \$100,000 investment.

SHINING A LIGHT ON SUNSHINE

The Sunshine Club was an informal pool of money established by Parlier Unified School District employees to pay for flowers to send sick or grieving employees and for other minor expenditures of the sort that don't come out of the school district treasury. However, after the superintendent was appointed, Sunshine Club funds were used for many other purposes.

Many teachers and staff members donated small amounts of money for this good cause, according to witnesses who testified before the Grand Jury. Taxpayer money was not put into the fund and it was not subject to government oversight by either Parlier Unified trustees or the Fresno County Office of Education.

Although it was called the Sunshine Club, citizens were left in the dark about a series of expenditures from the fund beginning a month after the superintendent was appointed.

With \$2,850 in the account, the first check issued was payable to the superintendent for \$1,109.43 for an overnight trip with a trustee to Napa (\$814.34), which does not appear to have been authorized by the Board of Trustees, and for meal meeting reimbursements (\$291.09).

No documents were provided to the Grand Jury about the purpose of the trip. In testimony to the Grand Jury, witnesses did not agree on whether it was a social occasion (a district vendor's birthday party), involved attorney-client meetings or whether the district representatives and their spouses traveled together or separately at district expense.

Receipts from the hotel indicate the superintendent charged more than \$115 in room service/lobby bar dinner costs to his \$349/night room, while there were no extra expenses for the trustee.

The superintendent was the payee for the account's second check (\$107.58), too, which was for two meal meetings unaccompanied by supporting documents about who attended and what district

business was conducted. One receipt indicates the credit card issuer wouldn't authorize the full amount of the bill, leaving the balance to be paid by the superintendent in some other way.

One troubling issue is the source of money for the Sunshine Club. A home developer, seeking to have a 20-acre vacant parcel annexed to the city of Parlier and rezoned to build 59 single-family houses and one apartment building, donated \$10,000 in November 2013. The developer was granted an easement from Parlier Unified before donating the money, the Grand Jury was told, expecting it to be used to help students.

A \$500 donation was received from a law firm whose contract with Parlier Unified was renewed shortly after the superintendent was appointed, but changed from a flat fee to billing hourly. The superintendent and trustee visited one of the firm's principal attorneys in Napa. That firm was paid nearly \$57,000 by the district in the few weeks before and after the Sunshine Club gift was deposited.

Another \$1,000 came from the superintendent as a refund to the Sunshine Club. There was no additional detail. The Grand Jury asked for all Sunshine Club records, but only two were supplied beyond a March 1-31, 2014 bank statement: The \$1,000 deposit and a \$31 check to a local restaurant for "Bulk Mailing – Parent Letter." An accompanying receipt indicates the vendor supplied food.

The Grand Jury received no documentation or other information on the source of \$2,940 deposited to the fund.

The superintendent was the payee on \$2,960 of Sunshine Club funds for everything from mileage to meal/meetings and shopping expeditions at markets. The club also underwrote a team-building meeting, cutting checks to rent tables and chairs (\$40), hire a caterer (\$100) and purchase groceries (\$500).

A \$600 check made out to "cash" was used by the superintendent to treat three trustees to meals at a San Diego conference for "team building," although he had—over the seven months since his appointment—hosted at least 32 restaurant meals with those same trustees (one or two at a time). A troubling aspect is that the trustees had approved travel expenses for the trip Aug. 27, 2013 for a total of \$10,244.40, including \$1,344 for meals at the per diem rate of \$61.

The superintendent also received a check for \$370.08 as a "mileage stipend" for the San Diego trip, even though trustees already had approved and paid, \$1,202.40 in mileage expenses for travel to the conference.

The superintendent attached a "Parlier Unified School District Conference Reimbursement Form" dated Aug. 27, 2013, indicating he was entitled to \$370.08 for "Transportation/Parking Charges." However, the reimbursement form used for the Sunshine Club expense documentation was not presented to trustees on Aug. 27, as it indicates. The form was filled out in hand, contains no details, has a map downloaded from the internet and approval signatures that are unreadable.

This wasn't the only issue involving Sunshine Club funds used to supplement authorized district travel funds.

In late March and early April 2014, the superintendent and others traveled to Harvard University in Massachusetts as approved by trustees on Feb. 25, 2014 at a total cost of \$35,572.40. The trip, according to the expenditure detail, ended on April 3, but on April 4 the superintendent deposited a certified check he apparently purchased for \$1,000 into the Sunshine Club account. The notation on the check says, "Note: Refund Sunshine."

On June 30, 2014, three months after the Harvard sojourn, the superintendent was the recipient of a \$500 Sunshine Club check for "Cash Advance, Boston Trip/ Cashier's check 312850371." It was after-the-

fact, nor a cash advance and since the district had already paid for the trip, why was a check for it issued by the Sunshine Club and why did it mention the superintendent's cashier's check deposited April 4?

The Sunshine Club account was even used to make loans. One person, under contract with the district as a non-credentialed coach, received a check for \$1,000 on June 4, 2014 as "advance pay – May services – hardship financial." This loan was repaid about two weeks later, but the Grand Jury questions the practice of loaning money from any school source without Board of Trustees approval and whether the board had any authority over this fund at all.

With three trustees dining with the superintendent for what was being billed as a business meeting, the question arises about whether the gatherings violated the Brown Act. Most of the meals at which the superintendent and trustees were guests exceeded the district's meal per diem guidelines.

Not all the meals paid from Sunshine Club funds were linked to the superintendent. One trustee received \$150 for two meals. Documentation for a \$600 check made out to cash, indicates the expenditure was for meetings and supplies billed by a Parlier pizza restaurant against a \$1,200 open purchase order. The same restaurant received two other Sunshine Club checks for \$65.

The superintendent, on at least one occasion in January 2014, received reimbursement for the same meal expense twice – submitting the "guest copy" of a credit card receipt adding a gratuity and also a receipt for the same meal with just the food and beverage charge.

On Aug. 2, 2013, the superintendent received \$126.22 reimbursement from the Sunshine Club account for dinner at a Fresno restaurant for another "team building" meeting on a Friday night, but no indication who attended. The receipt *does* show that \$67 of the total \$126.22 tab was for a tip. The Sunshine Club check is dated Aug. 2 and the dinner was paid for at 9:33 p.m.

The Sunshine Club was disbanded in July 2014 after the Grand Jury made inquiries into its existence and purpose. The Grand Jury was told that the \$5,000 balance in the account at closing was distributed as stipends and scholarships to students.

ATTENDING ELSEWHERE

One indicator that Parlier Unified isn't meeting the needs of many of its students or the expectations of taxpayers is the number of parents who send or take their children to schools in other districts.

The Grand Jury asked the district for information about the number of children living within Parlier Unified but attending elsewhere. That information was not made available. Instead, the district provided information about a handful of such students added to the program, but not disclosing the total requested.

Interdistrict transfers are supposed to be approved by a school district's Board of Trustees, but the Grand Jury's review of agendas and minutes going back more than two years revealed that trustees weren't voting on such agreements until spring 2015.

Trustees vote at every regular meeting on warrants lists, which detail how much and to whom the district is sending checks. These checks can be for everything from mileage and meal reimbursements for administrators and trustees to new vehicles and shopping trips to discount stores to buy incentives and rewards for students.

Buried in dozens of pages of warrants each month are reimbursements to a dozen or so parents taking their children to schools in Fresno, Sanger, Reedley, Selma and elsewhere.

Warrants authorized by the Board of Trustees from January through May 2015 for parental mileage totaled \$19,361, an average of about \$3,870 each month. The Grand Jury was told that many parents don't seek the reimbursement for transporting their children out of Parlier Unified for schooling.

Among those receiving reimbursement is one of Parlier Unified's top administrators, who receives \$250-\$300 each school month from PUSD to get his child to school in another district, Grand Jury witnesses said that past trustees sent their children to out-of-district schools, but did not collect the mileage reimbursement.

The Grand Jury was told there could be as many as 100 children leaving Parlier Unified each day, which not only results in expenditures, but also robs the district of state attendance revenue.

The Grand Jury was unable to discover the total financial impact of the undisclosed number of Parlier Unified children attending schools outside the district, nor the state attendance revenue lost as a result.

CONTRACTS RAISE QUESTIONS

Through the past two years, the Parlier Unified School District has contracted with a wide variety of vendors for everything from pizzas to a publicist.

What distinguishes Parlier Unified's contracting is that few contracts appear to result from competitive bidding; have no performance-measuring metrics, even for outlays of hundreds of thousands of dollars; no cap on cost; or are for services provided by staff in other Fresno County districts.

By routinely approving contracts from the consent agenda, the trustees appear to accept with few or no questions the short descriptions offered by the administration in support of most contracts. While trustees can remove items such as contracts from the consent agenda for additional questions/discussion, seldom does that happen.

One trustee is the executive director of a contractor with Parlier Unified, but was not on the board when decisions were made to hire his company. However, several contracts with his company—committing the district to pay a total of \$539,832.80—were approved by the Board of Trustees only 13 days before he and the other newly elected trustees—all endorsed by the superintendent and two trustees—were sworn-in.

The meeting was moved from its regular Tuesday evening slot to 2 p.m. the Wednesday before Thanksgiving (Nov. 26, 2014) and only three trustees attended. Every action taken that day was by the 3-0 bare minimum needed to transact business, including additions to the superintendent's administrative team (including his brother), other contracts and board policies that limited public access.

Minutes reflect there were no public comments nor any questions raised by trustees during the hour and 35-minute meeting (a short session for the trustees). The contracts in question were all approved from the consent calendar, which is reserved for noncontroversial and routine items.

So the three trustees present did not question that one of the contracts with the future trustee's employer was retroactive to Aug. 1, 2014.

Two of the contracts appear to govern the same types of services, for overlapping time periods, with only minor changes in their descriptions -- \$120,000 for the contractor to perform "Outdoor Youth Leadership Training" and \$98,832.80 to provide a "Parent University."

The Grand Jury's review found that both contracts were almost identical. Many of the same descriptions merely change "Leadership Training" to "Parent University" depending on the contract. Many of the paragraphs are identical.

For example under the “Overview” section of the Outdoor Youth Leadership Training contract:

- Provide Leadership sessions that include research based best practices in Outdoor Leadership courses, and effectively involve families in PUSD academic improvement and volunteerism for their children and communities.

Under the “Overview” section of the Parent University contract:

- Provide Leadership sessions that include research based best practices in Parent University courses, and effectively involve families in PUSD academic improvement and volunteerism for their children and communities.

The Grand Jury is concerned that these contracts do not provide specifics such as detailed course descriptions, identities of instructors and their qualifications, or job descriptions and appear to be just boilerplate language.

The Grand Jury is also concerned about the documentation supporting the cost estimates of these and other contracts. The “Outdoor Youth Leadership Training” contract lists a total budget of \$120,000 with \$102,000 for unidentified staff, \$6,000 for the contractor’s “Leadership Support” and \$12,000 for the contractor’s “Indirect Cost.”

The cost estimates on the \$98,832.80 “Parent University” contract are also curious: \$20,000 for “support staff,” \$7,000 for “supplies,” \$5,000 for “oversight,” \$40,000 for “staff” plus \$2,240 each for six “PU teachers.” More puzzling is a line item of \$8,984.80 described as “indirect costs 10%.”

The Outdoor Youth Leadership Training contract implies that the activities are focused on outdoor activities, yet the description in the contract says:

“PUSD unduplicated parents/students at PUSD school sites and Fantz Center via “Outdoor Youth Leadership Training” focusing on STEM and Common Core Standards. {Academic disciplines of Science, Technology, Engineering, and Mathematics}”

It further says:

“Learning sessions (are focused on four areas that support students in ways that empower them to become leaders and advocates for student learning and school improvement. Academic disciplines of science, technology, engineering and mathematics.”

The contract is not clear on the services the contractor is to provide.

It appears to the Grand Jury that there are no negotiations involving these particular contracts and certainly no significant public discussion and since these do not appear to be arms-length transactions since there is a lack of disclosure about the details of these contracts and the need for the contracts. There is no data that these contracts have had any measurable positive impact on student achievement.

NEPOTISM

One difficulty in small communities or districts such as Parlier Unified is that so many people know or are related to one another that there are bound to be perceptions of nepotism and favoritism.

The superintendent’s wife, brother and sister are employed by Parlier Unified and have seen salary increases and significant promotional advancement during his tenure. Promotions and pay raises for family members drew criticism during the 2014 trustee election campaign. A witness testified to the Grand Jury that all promotions and pay raises made by the superintendent were merit-driven.

The wife and son of one trustee are employed by the district and so is the son of another. Trustees appear not to have participated in the votes, at least, in which their family members were involved, but that hasn't silenced some critics of the Board of Trustees.

It is even more difficult when the school district does not have a Board Policy addressing the nepotism issue. Other school districts and government entities have specific nepotism policies (for example, Fresno Unified Board Policy 4112.8).

The result is that the district's reputation for hiring and promotion can come under suspicion from citizens within the district, employees of Parlier Unified and from those outside the district possibly contemplating employment there.

CONCLUSIONS

The Parlier Unified School District has undertaken many courses of action under a new superintendent that have done little to help improve student success and much to benefit administrators and trustees financially.

Since June 2013, Parlier Unified administrators and trustees have traveled throughout California and across the country; charged thousands of dollars in restaurant meals; increased the administrative staff; given themselves raises; paid millions for consultants and programs; and run up big legal bills.

By not speaking out at meetings, trustees seem to accept poor performance of students and the extra expense of appointing a growing cadre of administrators, few of whom have a direct role in improving student outcomes.

Trustees don't question contracts with vendors, some of whom have done business for years with the district but have not changed the performance of students. Many contracts have no performance metrics and some are for services usually performed by staff in other Fresno County districts. Still others appear to duplicate services for which other vendors are being paid.

The superintendent and Board of Trustees talk about being accessible to the public and about overall transparency in operations. However, the superintendent and board have acted to sharply limit citizen access and stifle free speech at board meetings.

Some administrative practices and policies seem to hide information and decisions from public view and possibly even from trustees, especially those trustees concerned more about cutting time from their elective service than about asking questions about items they vote on.

The trustees have regular meetings only half as frequently as they did at the start of the 2014-15 school year; yet the meeting schedule is as busy as before because of special and rescheduled meetings that often are held at times that could hinder public participation. Various venues are scheduled for the meetings, making it more difficult for citizens to participate.

The Grand Jury's review found that hundreds of thousands of dollars were spent sending trustees, the superintendent and his top administrators to out-of-district conferences a practice in need of review. The request process often doesn't provide accurate or complete information to trustees authorizing such travel and occasionally results in piecemeal information that's difficult to track. More troubling was the practice of approving trip expenditures after trips had taken place, although the district policy suggests advance approval is necessary.

Trustees either don't know about or aren't concerned with the amount of money spent by the superintendent and themselves dining at restaurants to conduct meetings that might be conducted at

no cost in district offices. The Grand Jury was told that some trustees and the superintendent believe dining out is a reward for their service.

The district's per diem meal allowance seems to be followed by employees below the administrative level, but not by the administrators or trustees, yet there is no effort made to collect the difference between the allowable and what's actually spent.

The Grand Jury found in the district's warrant lists many examples of expenditures that should raise trustee questions.

One is the exodus of students to other schools. Every month warrants are issued to reimburse parents – even one top district administrator – to transport their children outside Parlier Unified. In nearly two years, though, Parlier Unified Board of Trustees minutes do not reflect any discussion of that fact or how many district students go elsewhere or the financial impact.

Another issue unaddressed by the trustees is the superintendent's expansion of the district's administrative staff.

Parlier Unified is challenged by an inexperienced superintendent who did not meet the minimum criteria in the job posting. He also seems too close with a few trustees, and in his two years as superintendent has not been able to measurably improve student achievement. The superintendent freely spends district money on his own dining and traveling and seems to reward his allies and relatives at district expense.

Parlier Unified trustees seem to think of public service as something you do only when there's some spare time. They limit public access, disrespect the citizens at meetings, expend district resources on themselves and don't hold anyone accountable for an ongoing history of underachievement.

Trustees behave like cheerleaders for the superintendent, not representatives of the citizens who elected them. And citizens are marginalized and disrespected in the significantly less time that trustees allow for their comments at the regular board meetings.

Unless many fundamental aspects of governance in the Parlier Unified School District change quickly, the district can be expected to continue its history of underperformance, which harms its children first and foremost.

FINDINGS

F101 – The Parlier Unified School District (PUSD) does not compare well with other districts in Fresno County or the state in student achievement, although it has the advantage of extra state and federal funds to help the district improve.

F102 – PUSD has a long history of turnover at superintendent position, including six permanent or acting superintendents appointed by trustees from 2011-13, which prompted the hiring of a district alumnus first as an adviser to the board and seven months later as superintendent.

F103 – Although the board adviser was paid \$36,600 for six months' work ostensibly provided after his middle school teaching job in another district, no work product resulted from the district's investment.

F104 – The trustees' adviser was present at closed-to-the-public sessions at meetings, including those where the current superintendent's tenure was discussed.

F105 – PUSD's announcement for a superintendent included an administrative credential and experience in school district administration among qualifications, but trustees hired their adviser as superintendent although he wasn't credentialed at the time and had no experience.

F106 – At the superintendent’s suggestion and with Board of Trustees assent and little questioning, PUSD has expended hundreds of thousands of dollars on programs, training sessions, trips and meetings without improving the district’s educational quality.

F107 – A costly area of growth has been in the district’s administrative team, chosen by the superintendent and approved by the trustees, and larger than the administration staff in even bigger Fresno County school districts and districts around the state.

F108 – PUSD’s legal costs have ballooned recently as counsel was engaged to handle the aftermath of disciplinary actions by the superintendent and trustees, write the superintendent’s response to campaign advertisement and advise the district about responding to Grand Jury requests.

F109 – The superintendent has appointed, promoted and raised the salaries of friends and family of himself and of PUSD trustees.

F110 – The superintendent and trustees have dined out at district expense, billing their restaurant meals as meetings, disregarding PUSD meal-cost allowances and raising no questions about why such meetings are not conducted on district premises.

F111 – Some meal meetings billed as district business events involved the superintendent and a majority of trustees, raising questions about whether such meal meetings violated Brown Act strictures.

F112 – The superintendent, trustees, administrators and the superintendent’s family members who are PUSD employees traveled throughout the state and nation at district expense, sometimes attending conferences or training unrelated to their duties.

F113 – The Grand Jury was presented no evidence that two trips to Harvard University in Massachusetts involving mostly administrators, the superintendent and trustees have had any benefit in student performance, although the district spent nearly \$100,000 on the two trips.

F114 – There has been minimal scrutiny of expenses by PUSD’s Business Department or by the Board of Trustees and no effort to collect from individuals – including the superintendent and trustees – any amounts expended in excess of district allowances or trustee authorization.

F115 – Contracting by the district seldom is the result of competitive bidding.

F116 – Many contracts approved by PUSD trustees contain no metrics to measure success or return on investment; have no spending cap; duplicate services of other vendors; cover programs/services typically run by school districts, and provoke no comment from trustees.

F117 – PUSD trustees and the superintendent have worked together to cut the number of its public meetings, reduced time allowed for public comments and established an uninviting meeting environment that physically separates citizens from their elected and hired leaders.

F118 – PUSD trustees have a monthly fourth Tuesday meeting schedule, but have met more frequently in 2015 in special sessions convened at varied times, days of the week and venues, adding a barrier to public participation.

F119 – PUSD trustee meeting minutes are not always ready at the next regular meeting as district policy requires; sometimes are not provided for several months; and are archived online in two places that don’t appear to be connected on the district website.

F120 – The superintendent took an active part in the election campaign for three new members of the Board of Trustees, including a questionable mailing less than two weeks before the election and at district expense to answer allegations raised in the campaign.

F121 – The superintendent’s pay and cost of benefits have risen significantly, including raises tied to those of district employees with whom he negotiates as a PUSD representative.

F122 – The superintendent used a fund, established with employee contributions to pay for bereavement flowers and similar good deeds, to finance trips and meals for himself and trustees, some of which appear to have been reimbursed also by PUSD.

F123 – Dozens of PUSD parents—even one of the district’s top administrators—send their children to other districts for schooling, costing Parlier Unified thousands of dollars each month for mileage reimbursement and hundreds of thousands in state and federal enrollment funds.

RECOMMENDATIONS

R101: Parlier Unified School District trustees must re-examine their role as the elected representatives of the citizens and invest the time necessary -- however inconvenient -- to become more responsible stewards of the district and the children it is trying to educate. (F101-103, 106-121, 123)

R102: PUSD trustees must set an example of fiscal responsibility by asking questions about expenditures and by limiting their own actions -- such as meals out and travel at district expense -- while holding the superintendent accountable for developing habits of prudent spending. (F106-116, 120-123)

R103: PUSD trustees must reassess their contracting policies to insist on competitive bidding as often as possible and ensure that every contract with every vendor has safeguards against runaway costs, has measurable performance metrics and directly benefits the students. (F102-103, 105-108, 115-116)

R104: PUSD trustees must evaluate the performance of the superintendent at least once each school year, including input from district employees and the public and preferably in a public session to assess student improvement, fiscal responsibility, leadership, personnel administration, etc. (F101, 106-116, 120-123)

R105: PUSD trustees should restore public access to its meetings and make certain the citizens are made to feel welcome by extending public comment periods for individuals and collectively, seating the public closer to the dais and asking for citizen input on ways to improve public participation. (F111, 117-119)

R106: PUSD trustees must insist that minutes of its meetings are promptly provided for adoption. (F119)

R107: PUSD trustees must demand more information from the district about all expenditures and consider setting a threshold limit to trigger greater disclosure by the administration to trustees. (F103-116, 120-123)

F108: PUSD trustees must begin to scrutinize every program, every trip and every hire to determine its benefit in improving the educational experience for the district’s students. (F101, 107-109, 112-13, 116, 123)

R109: The superintendent must set an example of fiscal responsibility by ending frequent restaurant meetings, nonessential travel and apparently limitless pay increases for himself and his administrators, but also fully utilizing the CBO and business staff to enforce stricter policies on spending. (F103-16, 120-123)

R110: The superintendent should scale back the size of his administrative team by consolidating duties, following the example of other Fresno County school districts. (F107-109, 114-116)

R111: Trustees and the superintendent should conduct a public forum to discover how to prevent the loss of revenue from public enrollment funds and the expense of mileage reimbursement as parents send their children to other districts. (F123)

R112: Trustees and the superintendent should institute policies that help eliminate the perception of nepotism and favoritism in district employee appointments, promotions and pay raises. (F112)

R113: Trustees and the superintendent need to work together to develop better planning so the meeting schedule isn't confusing because of special meetings and varied times, dates and venues. (F117-118)

R114: The Parlier Unified School District (PUSD) should give significantly more power to its Chief Business Officer to perform oversight necessary to check spending by the superintendent and trustees and to develop, implement and enforce policies and procedures that promote fiscal responsibility. (F107-110, 112-116, 121-122)

R115: Trustees must be well-versed in state laws such as the Brown Act that are intended to provide transparency in governance and in conflict-of-interest regulations, and they must be exemplars of conduct befitting individuals in whom voters have placed their trust. (F104-106, 108, 110-111, 115-120)

REQUESTS FOR RESPONSES

Pursuant to Penal Code 933(c) and 933.05, the Fresno County Grand Jury requests responses to each of the specific findings and recommendations. It is required that responses from elected officials are due within 60 days of the receipt of this report and 90 days for others.

RESPONDENTS

Gerardo Alvarez, superintendent, Parlier Unified School District (R101-115)

Board of Trustees, Parlier Unified School District (R101-115)

Jim Yovino, superintendent, Fresno County Department of Education (R102,103,106, 115)

Lisa Sondergaard Smittcamp, Fresno County District Attorney (R101-115)

SOURCES AND REFERENCES

- Interviews with Parlier Unified School District Superintendent, Parlier Unified School District trustees and employees past and present, Parlier citizens and the Parlier city manager
- Grand Jury observations of Parlier Unified School District Trustee meetings Oct. 27, 2014 and Jan. 27, 2015
- Final report of the 2008-09 Fresno County Grand Jury on the Parlier Unified School District.
- Expenses/ contracts documents submitted to the Grand Jury from Parlier Unified School District.
- Parlier Unified School District agendas and minutes and documents attached thereto.
- Parlier Post newspaper articles
- Parlier Unified School District website.
- Parlier Unified School District and elected officials' social media pages.
- Websites of various educational organizations and programs that are vendors to the Parlier Unified School District or host conferences
- California Department of Finance "Estimates for Cities, Counties, and the State — January 1, 2014 and 2015"
- California Department of Education
- Ed-Data Website
- Other school district websites



BOARD OF TRUSTEES

Edgar Pelayo, President
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Acting Superintendent
Edward Lucero

October 19, 2015

The Honorable Jon Conklin, Presiding Judge
Fresno County Superior Court
1100 Van Ness Avenue
Fresno, CA 93724-0002

Subject: Response to Fresno County Grand Jury Final Report No. 3

Honorable Judge Conklin:

Pursuant to the California Penal Code, section 933.05, the Board of Trustees of Parlier Unified School District ("Board") submits this response to the findings and recommendations in the above-referenced Grand Jury Report dated July 14, 2015, and publicly released on July 21, 2015 ("Report"). Please post this response on the Superior Court's website and make copies available to the public, as necessary.

FINDINGS

Finding 101

The Parlier Unified School District (PUSD) does not compare well with other districts in Fresno County or the state in student achievement, although it has the advantage of extra state and federal funds to help the district improve.

Response to Finding 101

The Board agrees with the finding. (Penal Code § 933.05 (a)(1).) However, the Board feels it is important to note that the Report uses limited historic metrics that do not fully show the District's current direction. While the District is underperforming in comparison to other districts in Fresno County and the state and the Board will not remain complacent with regard to this issue, there are positives worth noting.

The Board feels it is important to note that the Grand Jury has focused on data from the State of California. This data can be prone to some inaccuracies or errors that may misidentify dropouts.

to show
plans

For example, if a student moves from Parlier High School to Sanger High School and the “next” school is not properly verified and tagged electronically, the State data will tag the student as a “dropout” and this error will negatively impact the graduation rates extracted for the District. The Board believes that the data on Parlier High School graduation rates and UC admission rates reported in the Grand Jury Report is inaccurate and inconsistent with the schoolsite data that Parlier High School collects in order to receive Western Association of Schools and Colleges (“WASC”) accreditation. Below is a chart from the 2015 WASC report for Parlier High School depicting graduation rates in recent years. As noted on this chart, District graduation rates have dramatically increased. Due in part to this impressive graduation rate increase, Parlier High School was given a 6-year WASC accreditation – the maximum awarded to school sites and colleges.

Graduation rates at Parlier High School for the past 6 school years

Year	Graduation rate %
2009 – 2010	77.60%
2010 – 2011	83.80%
2011 – 2012	86.80%
2012 – 2013	86.95%
2013 – 2014	88.80%
2014 – 2015	90.80%

Source: Enrollment numbers obtained from the 2012 and 2015 WASC reports

*The c/o 2015 had the largest number of graduates when compared to the 5 previous graduating classes

Additionally, while again acknowledging the clear need for continued performance improvement, the Board also feels it is important to highlight the positive trend in District university preparation. One of the main highlights of the WASC three-year review in March of 2015 at Parlier High School was the dramatic increase in university admission eligibility rates. The measure used in the Grand Jury report was “UC admission rates.” However, UC admission requirements are a bit more rigorous than CSU admissions requirements and the Board believes “UC eligibility” alone does not give a full picture of Parlier High’s increased university going culture. UC admission requires an overall GPA of 3.00 or higher and completion of at least 15 A-G courses, and the CSUs allow admission with a GPA below a 3.00 with higher ACT and/or SAT scores. The UC system is more selective, but not always superior to CSUs. For example, Cal Poly San Luis Obispo has tougher admissions requirements than UC Merced. Another measure used by the State, which could have been helpful for inclusion in the Grand Jury Report is Parlier High School’s A-G requirement rate. The A-G requirement rates measure the percentage of graduates meeting university eligibility to a UC or CSU campus. The class of 2015 broke UC admission records and CSU admission records for the District. Out of 174 graduates, 73 were eligible to apply to a UC or CSU campus (42%). Currently, the class of 2016 is set to break the previous class record by approximately 10% - presently at 53%. This record is set to beat A-G completion rates of some neighboring districts. Both of these rates are drastically superior to the university admissions rates reported on the Grand Jury Report, which focuses on only one metric that may have some data tagging errors.

Graduates meeting the A-G Requirements for admission to a four-year university

Year	# of Graduates Completing A-G Requirements	# of Graduates	A-G Completion Percentage
2010 – 2011	45	158	29.0%
2011 – 2012	61	153	39.9%
2012 – 2013	59	171	34.5%
2013 – 2014	43	138	31.8%
2014 – 2015	73	174	42.0%
2015 – 2016	105	198	53.6%

Sources: Enrollment numbers obtained from the 2012 and 2015 WASC reports and CDE Data Quest

*The c/o 2015 had the largest number of CSU admitted seniors (65) and UC admitted seniors (23) in the history of PHS

*PHS is now at par with the county (42%) and state (39%) a-g completion average

*PHS c/o 2016 is set to be ABOVE the county and state a-g completion average

While the Board agrees with the finding, the hard work and progress on the part of students, staff, and administrators in the District should be acknowledged, and the Board is committed to building on these positive trends to increase student achievement in the District by all measures.

Finding 102

PUSD has a long history of turnover at superintendent position, including six permanent or acting superintendents appointed by trustees from 2011-13, which prompted the hiring of a district alumnus first as an advisor to the board and seven month later as superintendent.

Response to Finding 102

The Board agrees with the finding. (Penal Code § 933.05 (a)(1).)

Finding 103

Although the board adviser was paid \$36,600 for six months' work ostensibly provided after his middle school teaching job in another district, no work product resulted from the district's investment.

Response to Finding 103

The Board agrees with the finding. (Penal Code § 933.05 (a)(1).) Superintendent Alvarez's contract as Board advisor was approved by the Trustees serving in 2013.

Finding 104

The trustees' adviser was present at closed-to-the-public sessions at meetings, including those where the current superintendent's tenure was discussed.

Response to Finding 104

The Board agrees with the finding. (Penal Code § 933.05 (a)(1).)

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Finding 105

PUSD's announcement for a superintendent included an administrative credential and experience in school district administration among qualifications, but trustees hired their adviser as superintendent although he wasn't credentialed at the time and has no experience.

Response to Finding 105

The Board agrees with the finding. (Penal Code § 933.05 (a)(1).)

Finding 106

At the superintendent's suggestion and with Board of Trustees assent and little questioning, PUSD has expended hundreds of thousands of dollars on programs, training sessions, trips and meetings without improving the district's educational quality.

Response to Finding 106

The Board partially disagrees with this finding. (Penal Code § 933.05(a)(2).) The Board does not dispute the excessive spending outlined in the Report, or that this spending was at Superintendent Alvarez's leading. However, the current Board did begin to actively question Superintendent Alvarez regarding spending. Additionally, it must be noted that the full picture regarding the District's educational quality has not been captured by the Report, and the impact of recent efforts on educational quality has not yet been realized. Traditionally the District has in fact expended hundreds of thousands of dollars on programs, training sessions, trips and meetings without improving the District's educational quality. Previous District and site administrative staff spent professional development dollars for these activities. Due to high turnover at the superintendent position and at other district administrative positions, there was no clear vision, goals, or initiatives to address the low performance of students. There was a lack of quality leadership, dysfunctional systems existed at every level, there was not a clear focus for curriculum alignment, and there was a vacuum of assessment development to drive instruction. However, the current Board and District administration have been working diligently to unify the schools within the District and to set high expectations for alignment of curriculum. The current administration has done this by developing reliable diagnostic tools to improve instructional practices, and most importantly, through a series of cycle inquiry, the development process of a clear roadmap for professional development for staff strategically aligned via CORE instructional practice.

Finding 107

A costly area of growth has been in the district's administrative team, chosen by the superintendent and approved by the trustees, and larger than the administration staff in even bigger Fresno County school districts and districts around the state.

Response to Finding 107

The Board partially disagrees with this finding. (Penal Code § 933.05(a)(2).) While the Board agrees that the District may be somewhat top heavy, and that the growth has not always been

strategic and has increased costs in the District, proper administration must be in place for District success. Additionally, the Board believes that the numbers presented in the Grand Jury Report are not entirely accurate because positions are listed in the Report that have been eliminated and/or are not currently filled, so the number of administrators is overrepresented. Additionally, temporary funding from grants facilitated the addition of administrators during the time period examined, but some of that funding and those administrators are no longer present (specifically, SIG and QEIA). Moreover, the Board believes an examination of districts in Fresno County and across the State will reveal a trend of increased administrative hires in light of Local Control Funding Formula priorities requiring more staffing. Defining "administrators" broadly as listed in the Report, the District notes that there have been six new certificated administrators brought into the District office since 2012-13, but nine such position have been removed/vacated, with a net reduction of three. Six new classified management positions have been brought into the District since 2012-13, but two have been removed/vacated, with a net gain of four. In total, there have been twelve administrators added to the District since 2012-13, but eleven positions have been removed/vacated.

Finding 108

PUSD's legal costs have ballooned recently as counsel was engaged to handle the aftermath of disciplinary actions by the superintendent and trustees, write the superintendent's response to campaign advertisement and advise the district about responding to Grand Jury requests.

Response to Finding 108

The Board partially disagrees with this finding. (Penal Code § 933.05(a)(2).) The Board agrees that legal costs have risen significantly from 2013-14 to 2014-15. However, these costs can be attributed as follows: (1) special education – 14%; (2) personnel issues – 32%; (3) collective bargaining – 18%; and (4) general legal matters – 32%. It should also be noted that a significant portion of these costs have been put towards the necessary hiring of investigators to look into personnel and student matters and complaints, in addition to responding to voluminous Public Records Act requests. The District has not used legal counsel for campaign advertisements.

Finding 109

The superintendent has appointed, promoted and raised the salaries of friends and family of himself and PUSD trustees.

Response to Finding 109

The Board agrees with the finding. (Penal Code § 933.05 (a)(1).)

Finding 110

The superintendent and trustees have dined out at district expense, billing their restaurant meals as meetings, disregarding PUSD meal-cost allowances and raising no questions about why such meetings are not conducted on district premises.

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Response to Finding 110

The Board agrees with the finding. (Penal Code § 933.05 (a)(1).)

Finding 111

Some meal meetings billed as district business events involved the superintendent and a majority of trustees, raising questions about whether such meal meetings violated Brown Act strictures.

Response to Finding 111

The Board agrees with the finding. (Penal Code § 933.05 (a)(1).)

Finding 112

The superintendent, trustees, administrators and superintendent's family members who are PUSD employees traveled throughout the state and nation at district expense, sometimes attending conferences or training unrelated to their duties.

Response to Finding 112

The Board agrees with the finding. (Penal Code § 933.05 (a)(1).)

Finding 113

The Grand Jury was presented no evidence that two trips to Harvard University in Massachusetts involving mostly administrators, the superintendent and trustees have had any benefit in student performance, although the district spent nearly \$100,000 on the two trips.

Response to Finding 113

The Board partially disagrees with this finding. (Penal Code § 933.05(a)(2).) While the current Board agrees that the two highlighted training trips to Harvard University were authorized in the midst of a District climate that was continually overspending on trips and professional development, it would be premature to attempt to measure the impact of the instructional rounds training for students. Moreover, contrary to what is noted in the Report, this same training, by the same preeminent individuals, was not available to the District outside of Massachusetts.

The process of instructional rounds was adapted from the medical rounds model that is used in schools of medicine and teaching hospitals to improve practice of prospective and current doctors in diagnosing and curing patients. Physicians use medical rounds as a major way of improving their theory and practice.

Instructional rounds are one of the most valuable tools that a school or district can use to enhance teachers' pedagogical skills and develop a culture of collaboration. The goal of instructional rounds is not providing feedback to the teacher being observed, although this is an option if the observed teacher so desires. Rather, the primary purpose is for observing teachers to compare their own instructional practices with those of the teachers they observe. The chief benefit of this

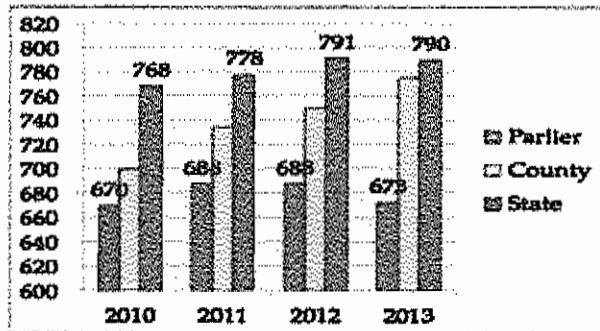
approach resides in the discussion that takes place among observing teachers at the end of the observation as well as in subsequent self-reflection.

District and site administrative staff, along with certificated teachers, attended Instructional Rounds professional learning opportunity with the top professionals at Harvard University with numerous districts from other states and countries. The professionals that led this training are the original researchers and authors of the Instructional Rounds process. The training was an extremely rigorous process through classroom experiences, with fieldwork involved at comprehensive school sites.

The District has traditionally underperformed compared to the local surrounding districts in the County and the State of California for decades since the authorization of the federal Elementary and Secondary Education Act (ESEA) of "No Child Left Behind" (NCLB). Research shows that when a school district has significantly less than 75% of its students at or above grade level proficiency, it is a CORE instructional problem and not an intervention or program problem. This District has traditionally spent thousands of dollars on programs and interventions. And, as can be seen on the chart below, it has not produced significant results. There has been a lack of focus on the core instructional practices, no strategic plan or roadmap to professionally developing teacher pedagogy, and most importantly, there were no clear district initiatives as to how address the low performance of students.

**Parlier Unified School District
6 Year Academic Performance Index Trend Data
Explanation: Legend and Notes**

- The State of California considers an API Score of 800 is proficient.
- As you can see how Parlier Unified in the chart to the right is measured and compared to Fresno County and the rest of California from 2008-2013 the last year of the CST Tests and API reporting.
- The State and County continues to grow but FUSD Refined and decreased.



At this time, it would be premature to determine if there is meaningful evidence that the two training trips to Harvard University have produced any positive gain in student achievement. Implementation is in its infancy stages. Also, this is the first year the District has received

baseline data for the computer adaptive assessment (SBAC). As we are conducting Instructional Rounds this school year, which is inclusive of teachers and administrators, the District has received nothing but positive feedback and reflection from teachers regarding the Instructional Rounds process, and the Board eagerly anticipates a positive impact on student performance.

Finding 114

There has been minimal scrutiny of expenses by PUSD's Business Department or by the Board of Trustees and no effort to collect from individuals – including the superintendent and trustees – any amounts expended in excess of district allowances or trustee authorization.

Response to Finding 114

The Board agrees with the finding. (Penal Code § 933.05 (a)(1).)

Finding 115

Contracting by the district seldom is the result of competitive bidding.

Response to Finding 115

The Board agrees with the finding. (Penal Code § 933.05 (a)(1).)

Finding 116

Many contracts approved by PUSD trustees contain no metrics to measure success or return on investment; have no spending cap; duplicate services of other vendors; cover programs/services typically run by school districts, and provoke no comment from trustees.

Response to Finding 116

The Board partially disagrees with this finding. (Penal Code § 933.05(a)(2).) While there has been an historic lack of oversight in District contracting, contracts have been receiving increased scrutiny under the current Board, with many contracts containing caps and identifiable metrics. Additionally, the current Board has questioned contracting in the District, voting not to approve several contracts. However, the Board notes that even when some spending was disapproved by the Board, Superintendent Alvarez proceeded with the spending contrary to Board direction and with Board knowledge. The Board will hold administration accountable in this area, and will not tolerate such practices.

Finding 117

PUSD trustees and the superintendent have worked together to cut the number of its public meetings, reduced time allowed for public comments and established an uninviting meeting environment that physically separates citizens from their elected and hired leaders.

Response to Finding 117

The Board agrees with the finding. (Penal Code § 933.05 (a)(1).)

Finding 118

PUSD trustees have a monthly fourth Tuesday meeting schedule, but have met more frequently in 2015 in special sessions convened at varied times, days of the week and venues, adding a barrier to public participation.

Response to Finding 118

The Board agrees with the finding. (Penal Code § 933.05 (a)(1).) Additionally, the Board notes that the overuse of special meetings with little notice was carried out by Superintendent Alvarez despite protest from some members of the current Board of Trustees.

Finding 119

PUSD trustee meeting minutes are not always ready at the next regular meeting as district policy requires; sometimes are not provided for several months; and are achieved online in two places that don't appear to be connected on the district website.

Response to Finding 119

The Board agrees with the finding. (Penal Code § 933.05 (a)(1).)

Finding 120

The superintendent took an active part in the election campaign for three new members of the Board of Trustees, including a questionable mailing less than two weeks before the election and at district expense to answer allegations raised in the campaign.

Response to Finding 120

The Board partially disagrees with this finding. (Penal Code § 933.05(a)(2).) The Board does not dispute that Superintendent Alvarez independently took an active role in the election campaign for three new Board members. However, the Board notes that the mailing sent by Superintendent Alvarez was more focused on his own credentials, and not the campaign. Additionally, the mailer was sent without the consent of, and over the objections of, the candidates, with them only learning that it was sent when they received it in their mailboxes.

Finding 121

The superintendent's pay and cost of benefits have risen significantly, including raises tied to those of district employees with whom he negotiates as a PUSD representative.

Response to Finding 121

The Board agrees with the finding. (Penal Code § 933.05 (a)(1).)

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Finding 122

The superintendent used a fund, established with employee contributions to pay for bereavement flowers and similar good deeds, to finance trips and meals for himself and trustees, some of which appear to have been reimbursed also by PUSD.

Response to Finding 122

The Board agrees with the finding. (Penal Code § 933.05 (a)(1).)

Finding 123

Dozens of PUSD parents – even one of the district’s top administrators – send their children to other districts for schooling, costing Parlier Unified thousands of dollars each month for mileage reimbursement and hundreds of thousands in state and federal enrollments funds.

Response to Finding 123

The Board agrees with the finding. (Penal Code § 933.05 (a)(1).)

RECOMMENDATIONS

Recommendation 101

Parlier Unified School District trustees must re-examine their role as the elected representatives of the citizens and invest the time necessary – however inconvenient – to become more responsible stewards of the district and the children it is trying to educate. (F101-103, 106-121, 123)

Response to Recommendation 101

The recommendation has been implemented. (Penal Code § 933.05(b)(1).) The current Board acknowledges the stark historic reality in the District represented by the Report, and it is holding itself and District administration accountable as stewards of District funds and the educational future in our community. However, this reexamination and focus on stewardship must not be a onetime event, and must instead be an area of continued focus and growth for the Board and the District.

Recommendation 102

PUSD trustees must set an example of fiscal responsibility by asking questions about expenditures and by limiting their own actions – such as meals out and travel at district expense – while holding the superintendent accountable for developing habits of prudent spending. (F106-116, 120-123)

Response to Recommendation 102

The recommendation has been implemented. (Penal Code § 933.05(b)(1).) The current Board has been taking an increasingly strong role in questioning expenditures and District practices

over the past several months. The current Board is setting an example of fiscal accountability, and is holding administration and staff to this same standard, and will continue to focus particularly on the actions of Superintendent Alvarez. Like the prior recommendation, this is an area where there must be continued focus and growth for the Board and the District to correct past practices, and safeguard the District's financial and educational future.

Recommendation 103

PUSD trustees must reassess their contracting policies to insist on competitive bidding as often as possible and ensure that every contract with every vendor has safeguards against runaway costs, has measurable performance metrics and directly benefits the students. (F102-103, 105-108, 115-116)

Response to Recommendation 103

The recommendation has not yet been implemented, but will be implemented in the future. (Penal Code § 933.05(b)(2).) The Board agrees that past contracting practices have been lax. Effective immediately, the Board will require that all contracts presented for approval have identifiable goals, caps, and/or metrics to assess performance, as appropriate. Further, the Board is directing administration to examine and implement safeguards to ensure that all contracts are being competitively bid when legally required, and that appropriate legal process is followed in all circumstances. Finally, the Board notes that the current Board and administration have already acted to terminate some contracts that did not have a strong enough measurable benefit for students.

Recommendation 104

PUSD trustees must evaluate the performance of the superintendent at least once each school year, including input from district employees and the public and preferably in a public session to assess student improvement, fiscal responsibility, leadership, personnel administration, etc. (F101, 106-116, 120-123)

Response to Recommendation 104

The recommendation has not yet been implemented, but will be implemented in the future. (Penal Code § 933.05(b)(2).) The evaluation process for Superintendent Alvarez was underway at the time the Grand Jury report was released, but it has been delayed during his administrative leave and while the Board examined the issues raised in the Report. Additionally, the process of evaluating Superintendent Alvarez was delayed at the outset by difficulty facilitating the process between Superintendent Alvarez and the Board committee created to evaluate his performance and Board goals. The current Board began working on an evaluation tool for the superintendent position earlier in the year, and will work to complete that process. The Board will evaluate the superintendent position once a year, with a focus on student improvement, fiscal responsibility, leadership, and personnel administration, seeking input from District employees and the public.

Recommendation 105

PUSD trustees should restore public access to its meetings and make certain the citizens are made to feel welcome by extending public comment periods for individuals and collectively, seating the public closer to the dais and asking for citizen input on ways to improve public participation. (F111, 117-119)

Response to Recommendation 105

The recommendation has been implemented. (Penal Code § 933.05(b)(1).) While the Board notes that public access to meeting was never terminated, steps were taken in the past that had a potentially limiting impact on public participation. The current Board and administration have already acted to extend the period of public comment, change seating arrangements to move the public closer to the dais, provide an independent third-party Spanish-language interpreter, and provide a more welcoming atmosphere. Additionally, the Board has gone out of its way to communicate clearly with the public regarding important upcoming meetings well in advance to encourage participation. The Board would like to see an increase in the number of Parlier community members in attendance and participating in Board meetings, so that the parents of District students have a direct line of communication with the Board.

Recommendation 106

PUSD trustees must insist that minutes of its meetings are promptly provided for adoption. (F119)

Response to Recommendation 106

The recommendation has not yet been implemented, but will be implemented in the future. (Penal Code § 933.05(b)(2).) The Board is directing that administration ensure that staff has specific time set aside so that the important task of preparing minutes can be timely completed so they may be reviewed and adopted by the Board. The Board will continue to provide meeting minutes online.

Recommendation 107

PUSD trustees must demand more information from the district about all expenditures and consider setting a threshold limit to trigger greater disclosure by the administration to trustees. (F103-116, 120-123)

Response to Recommendation 107

The recommendation has not yet been implemented, but will be implemented in the future. (Penal Code § 933.05(b)(2).) The Board agrees that historical spending practices and oversight have been lax. Effective immediately, the Board will redouble its efforts to more closely examine District spending practices. Further, the Board is directing administration to examine and implement safeguards to ensure that appropriate thresholds are considered, adopted, and enforced. This is necessary to secure the District's financial and educational future.

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Recommendation 108

PUSD trustees must begin to scrutinize every program, every trip and every hire to determine its benefit in improving the educational experience for the district's students. (F101, 107-109, 112-13, 116, 123)

Response to Recommendation 108

The recommendation has not yet been implemented, but will be implemented in the future. (Penal Code § 933.05(b)(2).) The current Board has taken an increasingly close examination of programs, trips, and hires, and these areas will continue to be scrutinized even further. Effective immediately, the Board is directing administration to provide more detailed information in such areas for Board review. Additionally, the Board is directing that schoolsite and District administration focus on prior planning to ensure that the Board has sufficient time to fully examine program, trip, and personnel matters that are presented to the Board in advance of the need for Board action with the goals of reducing requests for ratification. Finally, the Board is redoubling its commitment to ensure that all decisions focus on improving education in the District.

Recommendation 109

The superintendent must set an example of fiscal responsibility by ending frequent restaurant meetings, nonessential travel and apparently limitless pay increases for himself and his administrators, but also fully utilizing the CBO and business staff to enforce stricter policies on spending. (F103-16, 120-123)

Response to Recommendation 109

The recommendation has not yet been implemented, but will be implemented in the future. (Penal Code § 933.05(b)(2).) While the current Board has lead the way to significant change with regard to spending in these areas, District-wide change has not been fully implemented. The Board will closely examine District spending and administrative activity in these areas to ensure that past practices are not repeated, with a sharp focus on the example of the Superintendent. Additionally, the Board is directing that the CBO work closely with administration to examine and enforce spending policies in the District for all District administration. As noted with some of the prior recommendations, this is an area where there must be continued focus and growth for the Board and the District to correct past practices, and safeguard the District's financial and educational future.

Recommendation 110

The superintendent should scale back the size of his administrative team by consolidating duties, following the example of other Fresno County school districts. (F107-109, 114-116)

Response to Recommendation 110

The recommendation has not yet been implemented, but will be implemented in the future. (Penal Code § 933.05(b)(2).) While the Board notes that the Grand Jury's assessment of

administrative positions is not entirely accurate, the Board agrees that it is appropriate for the District to examine the scopes and size of the administrative teams. The Board also notes that there has been a trend of appropriate additions to administrative teams in local school districts to comply with State mandates related to the Local Control Funding Formula's requirements. The Board will be directing administration to review and examine the size of the District's administrative team in light of District needs, State requirements, and the best educational outcomes for the District, with the goal of implementing an appropriate size reduction by July 1, 2016.

Recommendation 111

Trustees and the superintendent should conduct a public forum to discover how to prevent the loss of revenue from public enrollment funds and the expense of mileage reimbursement as parents send their children to other districts. (F123)

Response to Recommendation 111

The recommendation has not yet been implemented, but will be implemented in the future. (Penal Code § 933.05(b)(2).) The Board requests that administration conduct a hearing by July 2016 to assess this issue. Moreover, the Board directs District administration to track and monitor the legislative development of the federal Elementary and Secondary Education Act's (ESEA) amendment or reauthorization of "No Child Left Behind" (NCLB) and CHOICE's Title I Funding to program improvements school districts to either improve or raise student achievement to under performing students through Supplemental Education Services (SES). The public forum will be an additional step to discover how to prevent the loss of revenue from public enrollment funds and the expense of mileage reimbursement as parents send their children to other surrounding non-program improvement districts. Further, the Board asks that administration continue its efforts to improve student achievement in the District making it an attractive option for all families.

Recommendation 112

Trustees and the superintendent should institute policies that help eliminate the perception of nepotism and favoritism in district employee appointments, promotions and pay raises. (F112)

Response to Recommendation 112

The recommendation has not yet been implemented, but will be implemented in the future. (Penal Code § 933.05(b)(2).) The Board agrees there is a problem with the perception of nepotism and favoritism in District employment. The Board also notes that the District does currently have policies in place with regard to these issues, but they have not necessarily been followed. In addition to the current policies, the Board notes that objective tests and standards for hiring are being implemented by District administration. The Board directs administration to assess and implement increased structure, objectivity, and consistency in appointments, promotions, and pay raises, so the public can be assured that District employment issues are handled without undue influence or bias.

Recommendation 113

Trustees and the superintendent need to work together to develop better planning so the meeting schedule isn't confusing because of special meetings and varied times, dates and venues. (F117-118)

Response to Recommendation 113

The recommendation has been implemented. (Penal Code § 933.05(b)(1).) The current Board has increasingly been voicing concerns with an emphasis on proper planning to eliminate inconsistency and confusion with Board meeting scheduling. While the District, like all public bodies, still needs special meetings, these meetings should be clearly communicated and be in addition to consistent and predictable regular meetings that are being held. The Board acknowledges that logistical issues remain with the holding of District meetings – in terms of appropriate facilities/venues – the Board has worked with administration to eliminate confusion for the public.

Recommendation 114

The Parlier Unified School District (PUSD) should give significantly more power to its Chief Business Officer to perform oversight necessary to check spending by the superintendent and trustees and to develop, implement and enforce policies and procedures that promote fiscal responsibility. (F107-110, 112-116, 121-122)

Response to Recommendation 114

The recommendation has not yet been implemented, but will be implemented in the future. (Penal Code § 933.05(b)(2).) The Board is directing administration to more fully integrate the role of CBO throughout the District to ensure that proper oversight is being enforced, and to assess and implement policies and procedures that promote fiscal solvency. The Board has been pleased to see that this has already begun to occur, and will monitor this situation to ensure that the integration of the CBO expands.

Recommendation 115

Trustees must be well-versed in state laws such as the Brown Act that are intended to provide transparency in governance and in conflict-of-interest regulations, and they must be exemplars of conduct befitting individuals in whom voters have placed their trust. (F104-106, 108, 110-111, 115-120)

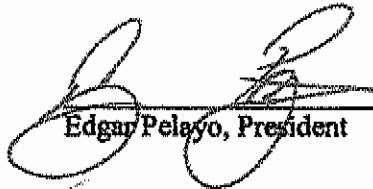
Response to Recommendation 115

The recommendation has not yet been implemented, but will be implemented in the future. (Penal Code § 933.05(b)(2).) While many of the Board members have been able to set aside time to attend trainings and workshops in these areas, this is an area where the Board must collectively hold each of its members to a high standard. The Board will continue to monitor and take advantage of continuing opportunities for learning and growth in these areas so that each member fully understands their obligations to the community. Moreover, the Board will

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redouble its focus on transparency and helping the community understand the role and decisions of the Board. In the next year, the Board will participate in a self evaluation that will include an assessment of these issues.

The Board acknowledges the Grand Jury's review and time involved in this matter, and appreciates the opportunity to respond to the findings and recommendations.



Edgar Pelayo, President



Stephanie Moreno, Clerk

Cc: Gerardo Alvarez

Jim Yovino, Superintendent, Fresno County Office of Education

Lisa Sondergaard Smittcamp, Fresno County District Attorney



COUNTY OF FRESNO

Lisa A. Smittcamp
District Attorney

August 7, 2015

The Honorable Jon Conklin
Presiding Judge
Fresno County Superior Court
1100 Van Ness Avenue
Fresno, CA 93721

Re: Response to the 2014-2015 Grand Jury Report #3
Parlier Unified School District

Dear Judge Conklin:

Our office would like to express our appreciation and gratitude for the Grand Jury's work in their investigation of the leadership in the Parlier Unified School District. It is our hope that the Board of Trustees and school administrators will consider this report as they work to improve the educational experience of the students they serve.

Please find our requested responses to the Grand Jury's findings and recommendations listed in order.

RECOMMENDATIONS

Recommendation 101: *Parlier Unified School District trustees must re-examine their role as the elected representatives of the citizens and invest the time necessary—however inconvenient—to become more responsible stewards of the district and the children it is trying to educate.*

The policies and procedures of a public school district, absent criminal conduct, are not matters within the supervision or jurisdiction of our office. On that basis, our office does not express any view as to this recommendation.

RECOMMENDATION 102: *PUSD trustees must set an example of fiscal responsibility by asking questions about expenditures and by limiting their own actions—such as meals out and travel at district expense—while holding the superintendent accountable for developing habits of prudent spending.*

OFFICE OF THE DISTRICT ATTORNEY

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The policies and procedures of a public school district, absent criminal conduct, are not matters within the supervision or jurisdiction of our office. On that basis, our office does not express any view as to this recommendation.

RECOMMENDATION 103: PUSD trustees must reassess their contracting policies to insist on competitive bidding as often as possible and ensure that every contract with every vendor has safeguards against runaway costs, has measurable performance metrics and directly benefits the students.

The policies and procedures of a public school district, absent criminal conduct, are not matters within the supervision or jurisdiction of our office. On that basis, our office does not express any view as to this recommendation.

RECOMMENDATION 104: PUSD trustees must evaluate the performance of the superintendent at least once each school year, including input from district employees and the public and preferably in a public session to assess student improvement, fiscal responsibility, leadership, personnel administration, etc.

The policies and procedures of a public school district, absent criminal conduct, are not matters within the supervision or jurisdiction of our office. On that basis, our office does not express any view as to this recommendation.

RECOMMENDATION 105: PUSD trustees should restore public access to its meetings and make certain the citizens are made to feel welcome by extending public comment periods for individuals and collectively, seating the public closer to the dais and asking for citizens input on ways to improve public participation.

The Ralph M. Brown Act (Government Code §54950 et seq.) guarantees the right of the public to attend and participate in meetings of local legislative bodies, including public school districts. On that basis, our office concurs with the recommendation that Parlier Unified School District trustees should restore public access to its meetings. The Fresno County District Attorney's Public Integrity Unit has, as part of its mission, the investigation and where appropriate, prosecution, for violations of the Brown Act. As to the balance of this recommendation, the policies and procedures of a public school district, absent criminal conduct, are not matters within the supervision or jurisdiction of our office. On that basis, our office does not express any view as to the balance of this recommendation.

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RECOMMENDATION 106: PUSD trustees must insist that minutes of its meetings are promptly provided for adoption.

The policies and procedures of a public school district, absent criminal conduct, are not matters within the supervision or jurisdiction of our office. On that basis, our office does not express any view as to this recommendation.

RECOMMENDATION 107: PUSD trustees must demand more information from the district about all expenditures and consider setting a threshold limit to trigger greater disclosure by the administration to trustees.

The policies and procedures of a public school district, absent criminal conduct, are not matters within the supervision or jurisdiction of our office. On that basis, our office does not express any view as to this recommendation.

RECOMMENDATION 108: PUSD trustees must begin to scrutinize every program, every trip and every hire to determine its benefit in improving the education experience for the district's students.

The policies and procedures of a public school district, absent criminal conduct, are not matters within the supervision or jurisdiction of our office. On that basis, our office does not express any view as to this recommendation.

RECOMMENDATION 109: The superintendent must set an example of fiscal responsibility by ending frequent restaurant meetings, nonessential travel and apparently limitless pay increases for himself and his administrators, but also fully utilizing the CBO and business staff to enforce stricter policies on spending.

The policies and procedures of a public school district, absent criminal conduct, are not matters within the supervision or jurisdiction of our office. On that basis, our office does not express any view as to this recommendation.

RECOMMENDATION 110: The superintendent should scale back the size of his administrative team by consolidating duties, following the example of other Fresno County school districts.

The policies and procedures of a public school district, absent criminal conduct, are not matters within the supervision or jurisdiction of our office. On that basis, our office does not express any view as to this recommendation.

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RECOMMENDATION 111: Trustees and the superintendent should conduct a public forum to discover how to prevent the loss of revenue from public enrollment funds and the expense of mileage reimbursements as parents send their children to other districts.

The policies and procedures of a public school district, absent criminal conduct, are not matters within the supervision or jurisdiction of our office. On that basis, our office does not express any view as to this recommendation.

RECOMMENDATION 112: Trustees and the superintendent should institute policies that help eliminate the perception of nepotism and favoritism in district employee appointments, promotions and pay raises.

While nepotism and favoritism might well be appropriate areas for policy directives, the policies and procedures of a public school district, absent criminal conduct, are not matters within the supervision or jurisdiction of our office. On that basis, our office does not express any view as to this recommendation.

RECOMMENDATION 113: Trustees and the superintendent need to work together to develop better planning so the meeting schedule isn't confusing because of special meetings and varied times, dates and venues.

The policies and procedures of a public school district, absent criminal conduct, are not matters within the supervision or jurisdiction of our office. On that basis, our office does not express any view as to this recommendation.

RECOMMENDATION 114: The Partier Unified School District (PUSD) should give significantly more power to its Chief Business Officer to perform oversight necessary to check spending by the superintendent and trustees and to develop, implement and enforce policies and procedures that promote fiscal responsibility.

The policies and procedures of a public school district, absent criminal conduct, are not matters within the supervision or jurisdiction of our office. On that basis, our office does not express any view as to this recommendation.

RECOMMENDATION 115: Trustees must be well-versed in state laws such as the Brown Act that are intended to provide transparency in governance and in conflict-of-interest regulations, and they must be exemplars of conduct befitting individuals in whom voters have placed their trust.

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The Ralph M. Brown Act (Government Code §54950 et seq.) guarantees the right of the public to attend and participate in meetings of local legislative bodies, including public school districts. Conflict of interest laws such as the Political Reform Act of 1974 are grounded on the notion that public officials owe paramount loyalty to the public they serve and that public service is a public trust. The Fresno County District Attorney's Public Integrity Unit has, as part of its mission, the investigation and where appropriate, prosecution, for violations of the Brown Act and conflicts of interest. Our office concurs in the recommendation that Parlier Unified School District trustees should be well-versed in those and all other pertinent state and federal laws. As to the balance of the recommendation, the policies and procedures of a public school district, absent criminal conduct, are not matters within the supervision or jurisdiction of our office. On that basis, our office does not express any view as to the balance of this recommendation.

Thank you for giving our office the opportunity to serve the Fresno County Grand Jury and the people of the County of Fresno.

Very truly yours,



Lisa A. Smittcamp
District Attorney

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fresno county office of education

Jim A. Yovino
Superintendent

September 17, 2015

The Honorable Jon Conklin, Presiding Judge
1100 Van Ness
Fresno, CA 93724-0002

Re: Fresno County Grand Jury Final Report No. 3 - Parlier Unified Challenged by Lax Leadership

Dear Judge Conklin:

As the Fresno County Superintendent of Schools, I commend the Grand Jury for its work, findings, and recommendations in the Fresno County Grand Jury Report No. 3, "Parlier Unified Challenged by Lax Leadership." The Grand Jury report sets forth many of the same concerns that this office has been communicating to and recommending that Parlier Unified School District (PUSD) address. However, despite the best efforts of this office, PUSD has implemented only some of our recommendations.

The Grand Jury report is timely as its issuance coincides with this office's decision to order an audit of PUSD's expenditures and internal controls. I have retained the Fiscal Crisis & Management Assistance Team (FCMAT) to conduct the audit. The audit is being ordered pursuant to my authority as county superintendent under Education Code section 1241.5, subdivision (b). Subdivision (b) states in relevant part: "At any time during a fiscal year, the county superintendent may review or audit the expenditures and internal controls of any school district in his or her county if he or she has reason to believe that fraud, misappropriation of funds, or other illegal fiscal practices have occurred that merit examination."

In the interest of implementing long-lasting transparency and accountability in the governance and administration of PUSD, student academic success, and fiscal responsibility, this office responds to Grand Jury Recommendations 102, 103, 106, and 115 as follows:

RECOMMENDATION 102: PUSD trustees must set an example of fiscal responsibility by asking questions about expenditures and by limiting their own actions – such as meals out and travel at district expense – while holding the superintendent accountable for developing habits of prudent spending.

RESPONSE 102: This office agrees with this recommendation, and is willing to assist and support the PUSD trustees to set an example of and achieve fiscal responsibility. In particular, I have offered, and the offer stands, to assist PUSD to retain experienced personnel, including an interim superintendent, who may advise and guide PUSD in implementing changes to achieve fiscal responsibility. I have also offered, and the offer stands, to provide and pay the cost of a consultant to advise and guide PUSD to implement programs to increase student academic progress. As of the date of this response, the PUSD board has not accepted my offers, but I understand that the PUSD board may consider them at a future meeting.

RECOMMENDATION 103: PUSD trustees must reassess their contracting policies to insist on competitive bidding as often as possible and ensure that every contract with every vendor has safeguards against runaway costs, has measurable performance metrics and directly benefits the students.

RESPONSE 103: This office agrees with this recommendation. In the audit that I have ordered, FCMAT is reviewing the internal controls of PUSD, including contracting and other policies. It is my hope that the audit will, among others, result in recommendations for PUSD to implement regarding competitive bidding, contracting, and sound fiscal practices in the procurement of goods and services.

RECOMMENDATION 106: PUSD trustees must insist that minutes of its meetings are promptly provided for adoption.

RESPONSE 106: This office agrees with this recommendation. Among the items being reviewed by FCMAT are the policies and procedures for handling board agendas and minutes. It is my hope that the audit will result in recommendations for PUSD to implement in this area. I have had the pleasure of attending PUSD's board meeting on August 25, 2015. I plan to attend future meetings as my schedule permits in order to support PUSD as it reviews and undertakes the changes necessary to achieve fiscal responsibility and student academic progress.

RECOMMENDATION 115: Trustees must be well-versed in state laws such as the Brown Act that are intended to provide transparency in governance and in conflict-of-interest regulations, and they must be exemplars of conduct befitting individuals in whom voters have placed their trust.

RESPONSE 115: This office agrees with this recommendation. In the audit that I have ordered, FCMAT is reviewing internal controls, including PUSD policies and procedures. It is my hope that the audit, among others, will result in recommendations for PUSD to implement policies, practices, and training relating to the Brown Act, conflict of interest laws, and other areas to provide transparency and accountability.

I thank the Grand Jury for its work on the issues relating to PUSD, which are of great importance to my office and the students, parents, and community of Parlier. My office is committed to providing the PUSD governing board and administration with the support they need to undertake actions to improve education for our students, as well as transparency, accountability, and fiscal responsibility. I am and will continue to work with PUSD, State Superintendent Tom Torlakson, and the California Department of Education staff to ensure the delivery of outstanding educational programs to students within the Parlier Unified School District.

Sincerely,



Jim A. Yovino
Fresno County Superintendent of Schools

cc: Fresno County Board of Supervisors

REPORT & RESPONSES #4

FRESNO MOVES SLOWLY
ON HOUSING BLIGHT



Fresno Moves Slowly on Housing Blight

Fresno County Grand Jury 2014-2015

Report #4

INTRODUCTION

The City of Fresno has embarked on multiple new efforts to reclaim decaying or neglected neighborhoods to help energize the city's downtown and neighboring areas by encouraging residential development.

At the same time the City of Fresno launched its initiatives, the recession that began in 2007 caused serious financial hardship for the City, resulting in numerous staff cuts.

One area that lost substantial resources was the Development and Resource Management Department's Code Enforcement Division (now called Community Revitalization). With fewer people available to enforce the multiple areas governed by city codes, some issues previously abated in a timely manner were allowed to linger, including regulation of abandoned residential properties.

With the recent, albeit slow, economic recovery has been increasing interest in residential development and rehabilitation in south Fresno, near and in the downtown area. For this report, south Fresno shall refer to all areas located south of the 180 freeway. In spite of recent economic improvement, citizens purchasing, upgrading and maintaining residential property near downtown complain that boarded-up, abandoned or poorly maintained properties in their neighborhoods degrade improvement efforts.

Property owners and City officials told the Grand Jury that a coordinated, collaborative, innovative approach will be needed to accomplish improvement plans and rehabilitate neighborhoods.

BACKGROUND

In July 2014, when the 2014-15 Fresno County Grand Jury was seated, several articles appeared in newspapers and reports were broadcast on television bringing a spotlight on negative impacts of blighted housing in south Fresno.

"Blighted housing" refers to the external conditions of single- and multiple-family residential properties, including unpainted plywood sheets covering windows, doors, and crawl space entries; un-mowed lawns and weeds in flowerbeds; and trash and rubbish that can be seen from the street. Blight also is reflected in knocked-down and shabby fences, peeling paint and roofs needing repair.

Other indicators of blight include non-working plumbing, mold and mildew, unsafe electrical fixtures and wiring, non-working air conditioning and heating units, unsafe natural gas pipes and connections and pest infestations. This Grand Jury investigation is limited to exterior blight visible when walking or driving by that adversely affects the surrounding neighborhood,

eroding property values and property-tax revenue while increasing expenditures of police and fire resources.

The community groups Faith in Community, No More Slumlords, Tenants Together and the Lowell Community Development Corporation complained publicly that the City of Fresno was not enforcing Fresno Municipal Code §10-601 through 10-606, 10-617 and 10-620. The result, they said, was degradation of neighborhoods and increased crime, drug activity and fires, adding to City costs.

The groups noted that some property owners seek lower assessed valuation of their unoccupied residential units to cut County property taxes, thereby reducing tax revenue that funds Fresno County and the City of Fresno's programs and services.

One community group stated that a single entity owns approximately 4,500 properties in Fresno, more than 1,100 of which are uninhabited, boarded-up and not in compliance with City codes. The community group claimed that the entity submitted 700 requests to lower assessed property valuations to the Fresno County Assessor's office on a single day, each accompanied by photographic evidence.

The Lowell District of Fresno, roughly bounded by Divisadero and the State Route 180 and 41 freeways, has been the site of redevelopment and restoration of many good-sized homes, some at least 75 years old. In spite of recent restoration efforts, neighbors told the Grand Jury the Lowell District also was home to 58 boarded-up houses, half of them owned by the same company and not in compliance with Fresno Municipal Code § 10-617.

The City of Fresno Development and Resource Management Department is charged with enforcing property codes related to blight through its Community Revitalization division (formerly Code Enforcement). During the course of the Grand Jury's investigation, the City simultaneously hosted a task force comprised of the Mayor, members of the Fresno City Council, City staff, educators from Fresno State, and leaders of local community organizations to develop a strategy to improve revitalization efforts.

Task force minutes provided to the Grand Jury indicated a significant number of neglected issues that would require attention, with vacant housing blight being at the top of the priority list. At the conclusion of the Grand Jury's investigation, an amendment to the City's Municipal Code for vacant housing was approved. The fate of the blight reduction for occupied housing, the remaining code enforcement items on the task force's list, and the task force itself was undetermined.

PURPOSE OF INVESTIGATION

The Grand Jury conducted this investigation under the authority of Calif. Penal Code § 925a. When the Grand Jury investigation began, there had been extensive discussion in the community and in media about a lack of code enforcement by the City to deal with residential blight in south Fresno. City staff testified to the Grand Jury that the absence or slow response of code enforcement in many areas was due to a lack of financial or personnel resources.

As the Grand Jury worked to understand the issues and community groups continued their advocacy of enforcement, the City appointed a task force to develop a plan that could be implemented quickly.

The Grand Jury's goal was to understand the issue as thoroughly as possible, and to report to citizens on what the City was doing to address housing blight as a serious impediment to revitalization initiatives.

DISCUSSION

The Grand Jury interviewed community and neighborhood leaders and residents, code enforcement advocates and City officials to collect relevant information about Fresno's blighted housing issue.

Grand jurors made multiple visits – walking and driving – to several neighborhoods south of the State Route 180 freeway to inspect conditions and talk with residents.

Grand jurors also attended public meetings on the issue, but not the City task force meetings. City staff stated to the Grand Jury that those meetings were private to allow for a candid exchange of ideas free from public scrutiny.

The Grand Jury, after several requests, did receive minutes of the task force meetings. The Grand Jury also reviewed media accounts and sought help from California State University, Fresno, which was conducting research on the community's blighted housing issue.

Social media postings by various groups and individuals involved in the housing blight issue also were monitored by grand jurors.

Citizens, both as individuals and in community and neighborhood groups, raised the alarm that the City of Fresno was not adequately dealing with Municipal Code violations regarding abandoned, poorly maintained and boarded-up residential housing, especially in south Fresno.

Residents complained that their efforts to rehabilitate older homes or build new housing in areas near Fresno's downtown were being undermined by blight neglected by code enforcement staff.

In spring 2014, more than 150 Fresno State sociology students, working with community groups, began compiling an inventory, with photo documentation, of vacant blighted homes in Fresno. The City of Fresno does not maintain such a database.

Although the Grand Jury made multiple requests to review the information collected by Fresno State students, the university group's information was not complete by the time this investigation concluded.

Until a database can be compiled, the magnitude of the issue is not clear.

IMPACT OF BLIGHT ON COMMUNITIES AND LOCAL RESOURCES

Two main sources of blighted residential units identified during this investigation are:

- 1.) Companies and individuals who buy properties with the intention of renting or leasing them to the public, and then find that the units cannot be rented due to major deficiencies that would be expensive to fix. When the property is deemed no longer rentable, it is abandoned or boarded up.

- 2.) Units that are foreclosed by banks and other financial institutions, leaving owners with no control of the property still liable for fines and assessments levied on the property. In some cases the lender decides it cannot get enough money out of the property to cover costs and walks away.

City of Fresno staff testified to the Grand Jury that a poor economy and financial cutbacks are to blame for their lack of code enforcement related to housing blight.

Prior to 2011, City of Fresno Community Revitalization had more than 60 employees. Their current staffing level of 25 employees receives 8,000-11,000 complaints a year, over a broad range of issues beyond housing blight. City staff did not provide the Grand Jury with information about whether the 25 remaining code enforcement staff members are involved in field inspections of complaints or if any are management or administrative support staff.

Requests to City staff to further quantify the reported 8,000-11,000 complaints by type or by fiscal or calendar year did not receive a response. It is unknown how many blighted housing complaints were received or if any required a response by the City.

Community groups and task force members point out that abandoned and blighted housing undermine property values, reducing property tax revenue needed to operate City programs. Residential blight adds expense to the City of Fresno's Police, Fire and Public Works departments. The City has legal authority to collect fines and fees through more vigorous enforcement, but doesn't do so.

The Mayor-City Council task force minority report indicates Fresno Police Department considers 45 percent of the city's abandoned properties to be a public nuisance, because some are used by homeless people as shelter or by people involved in drug distribution or prostitution.

The minority report also provided data via the Fresno Fire Department that in 2014 there were 90 vacant-property fires concentrated in south Fresno. Suppression costs to taxpayers were estimated at \$200,000-\$500,000.

The Grand Jury requested the following data from the City of Fresno Development and Resource Management Division:

- Amount of money owed to City of Fresno in fees and/or fines, related to blighted property violations
- Amount owed in reimbursements for work performed by City of Fresno crews billed back to property owners (i.e. boarding, weed abatement)
- Copy of draft ordinances being discussed and edited by the current task force (watermarked or draft marked copies would be acceptable)
- Source data for similar cities referenced by City staff during testimony to the Grand Jury with regard to code enforcement case volume and cost recovery
- Any available weed abatement/resolution tracking data available

A data scope of three years (fiscal or calendar) was requested by the Grand Jury from City staff in March and again in April. Neither request received a response. Without data to review, the Grand Jury is unable to determine what impact additional costs related to blight have on the City's budget, which is largely funded by taxpayer dollars.

During a May 2015 Fresno City Council meeting, a workshop presented by the Mayor indicated that the blight line for the City of Fresno is now Herndon Avenue. A blight line is a boundary between deteriorating and stable neighborhoods. The previous blight boundaries were McKinley Avenue in the 1980s, Ashlan Avenue in the 1990s and Shaw Avenue in the 2000s.

Although this Grand Jury report reviews only blight in south Fresno, the progression of the blight line north over the years to now encompass more than 75% of Fresno's geographic area indicates that a lack of City code enforcement action contributes to housing blight that has impacts throughout the city.

MEASURING THE ISSUE

Grand Jurors visited the Lowell neighborhood, where there are approximately 1,000 housing units. At the time of the tour, approximately 95 were vacant, but not all were blighted.

On a tour of the intersection of Poplar and Klondike avenues, there were:

- Two six-unit apartment buildings. Eight units were boarded-up improperly.
- A six-unit apartment building with all units boarded-up improperly.
- One house burned, ready to be demolished.
- Two houses boarded-up, one of which was being rehabilitated.
- A three or four unit apartment house with one unit improperly boarded-up.

A driving tour of Mono, Balch, Platt, Iowa, Illinois, Nevada, McKenzie and Washington avenues between 2nd and 9th streets revealed that out of more than 150 homes, 12 were boarded-up and four of those had "For Rent" signs, but none met the necessary aesthetic requirements outlined in the Fresno Municipal Code.

For this south Fresno neighborhood, data collected by Grand Jurors indicates more than 7 percent blighted, vacant single-family units, slightly higher than the 6 percent vacancy rate for Fresno found in the 2010 U.S. Census and notably higher than the national average of 2.5 to 5 percent.

MAYOR-COUNCIL TASK FORCE

The Fresno City Council and Fresno mayor launched a multidisciplinary Code Enforcement Task Force in September 2014 to review existing codes in relation to the Fresno General Plan.

The task force was comprised of the mayor, three council members, city manager, community leaders, residents of historic neighborhoods, rental property investors, neighborhood advocates, nonprofit organizations, a general contractor, and a representative from the Fresno Association of Realtors. The group met monthly through April 2015 and there were subcommittee meetings as well.

In its final report, the task force concluded that the existence of blighted, boarded up residential properties is a priority issue that has plagued Fresno neighborhoods for too long, requiring remediation to improve property values and promote reinvestment in established neighborhoods.

The task force reported that the City of Fresno has many Municipal Code sections and ordinances that address vacant properties, management of real property and blight but implementation can be unclear or subjective.

The task force recommended:

- Repeal and replace the vacant building ordinance, now requiring property owners to maintain their units in clean and safe external conditions and levying fees and fines for properties that do not comply. The new ordinance clearly defines external property standards.
- Conduct a citywide survey to identify vacant, blighted residential properties, as opposed to responding only to complaints.
- Establish a vacant, blighted residential property enforcement team of four housing/commercial compliance specialists who can evaluate external conditions and take action when necessary.
- Create a voluntary contact list for property owners for use by City personnel in case of a code violation, fire or other emergency.
- Equip each member of the Blight Team with a tablet computer, vehicle and cell phone.
- Establish a system to monitor vacant, blighted properties, with quarterly updates on occupancy, amount of fines assessed/collected, receiverships filed/settled, criminal misdemeanor suits filed/settled and calls for police and fire services.
- The City Attorney will initiate a receivership program to handle properties that cannot or will not come into compliance with the new ordinance.

The majority of the task force members agreed to postpone work on interior blight standards to allow City staff more time to implement changes and assess their impact on exterior blight.

TASK FORCE MINORITY REPORT

The task force also produced a minority report that recommended a vacant-building registration program modeled upon a successful effort by the City of Vallejo.

Registration would be required of all structures that have been or are expected to be vacant for longer than 60 days.

Vallejo's registration ordinance tracks inspections, findings, resolution, revenue, new registrations, etc., on a quarterly basis. The task force minority report said Vallejo's initiative reduced a 50 percent blight rate in 2012 to 3.8 percent in 2014.

In evaluating Fresno's current vacant property registration ordinance, the task force minority recommended:

- Requiring owners to register their property within 60 days of vacancy and pay a reasonable fee for service so City staff can track, process, inspect and monitor vacant properties.
- Requiring internal health and safety inspection on all formerly blighted properties brought up to code standards before they are rented to be certain substandard housing is not being made available to the city's most-vulnerable populations.
- Allow nonprofit and community groups to enforce the new ordinance at no expense to the City. Current code allows for criminal misdemeanor charges to be filed by the City Attorney against negligent property owners and for the City to pursue receivership on

properties that have been vacant for extended periods with excessive code violations and uncollected fines. However, neither of those options has ever been exercised, said the task force minority report.

NEW QUESTIONS ARISE

As the Grand Jury was concluding its investigation, the housing blight and code enforcement issue moved back into the public spotlight with allegations of improprieties involving City of Fresno code enforcement officials and a firm that owns numerous properties, many of them vacant.

The city hired a law firm to investigate, but no report had been issued when the Grand Jury report was submitted.

The Mayor's 2015 workshop for the Fresno City Council introduced a new initiative called "Restore Fresno", proposing neighborhood revitalization teams to address decaying neighborhoods including Yokomi, Kirk, Jefferson, and Lowell amongst others in south Fresno. The workshop indicated that Lowell, a neighborhood previously targeted for revitalization, was already experiencing a backslide since the City reduced its presence in the area.

With previous revitalization teams from the City only having limited success, it is unknown what action the City will take to ensure the long term success of new revitalization efforts.

CONCLUSIONS

The City of Fresno's housing blight challenges have been brought forcefully to public attention by individual citizens and community organizations, resulting in the appointment of a Mayor-City Council Code Enforcement Task Force.

The impact of blight is felt in many ways. It diminishes property values, thereby cutting tax revenue, and it causes public safety and health issues, including increased use of vacant properties by vagrants and by drug dealers and users.

The visual impact of clearly abandoned or neglected buildings is demoralizing and presents a poor image of the city, especially in long-established neighborhoods where revitalization is in progress,

Improperly boarded-up houses and apartments and insufficiently maintained landscaping pose fire, health and safety hazards that already have cost the City hundreds of thousands of dollars, threatening the safety of neighboring people and properties.

The Grand Jury was given no data to indicate that any efforts have been made to levy and collect financial penalties nor to move in any substantive way against multi-property holders in violation of blight codes.

In almost a full year of meetings, only one issue brought about by the special task force was addressed: vacant housing blight. The City Council must approve funding for sufficient staff and support equipment to enforce the revised vacant property ordinance.

City of Fresno staff repeatedly indicates that lack of resources is to blame for the lack of code enforcement and delayed response to housing blight. The mayor and Fresno City Council must partner to provide adequate funding to the Development and Resource Management Division to address these issues and division managers must use those resources effectively.

FINDINGS

F101: Housing blight is an issue, especially in south Fresno that has impact on neighboring residents in substantial ways that include property value degradation as well as health and safety issues, and pride of place.

F102: Housing blight also contributes to lower property values, resulting in decreased property tax assessments that fund operations of both the City of Fresno and the County of Fresno.

F103: Housing blight brings criminal conduct into neighborhoods which add to the City's law-enforcement challenges and expenditures.

F104: Vacant, abandoned housing invites vagrants to "squat," which fire officials say leads to a greater number of fires that threaten neighboring people and their property and also add costs to the City.

F105: By inviting a broad group of interests to the code enforcement task force, the City got the input needed to put blighted housing at the top of the priority list of action items.

F106: The city's plan to enforce the updated vacant housing ordinance calls for an increase in personnel and equipment upgrades.

F107: The Community Revitalization Division's upgrades in technology need to be supported by better City data collection and storage, complete with remote access to allow more staffers to work in the field.

F108: The City has not provided information about the total amount of taxpayer dollars applied to combat the impact of blight to the City's budget, nor whether any of those costs were recovered from the parties responsible.

F109: The City has failed to respond to two requests from the Grand Jury for data on issues handled by the Community Revitalization Division.

F110: Testimony indicates there is no city data base and the one being prepared by Fresno State has missed several completion deadlines. Until the scope of this challenge is known, appropriate action cannot be taken by the City of Fresno and the public is unaware of the scope of this issue.

F111: Community groups and individuals commendably worked as advocates for progress on the housing blight issue by publicizing it and continuing to work collaboratively on solutions.

F112: The integrity of the City of Fresno's code enforcement operation needs tangible improvement in order for the public to feel confident the division is doing its job adequately.

RECOMMENDATIONS

R101: The City must establish a registry or database of vacant blighted housing and monitor and update it regularly. (F110)

R102: The City must effectively collect and evaluate data to monitor the success of the updated vacant housing ordinance, which took over nine months to complete. (F106, F109, F110)

R103: The Fresno City Council must adequately staff and fund the proposed neighborhood revitalization teams within the Community Revitalization division. (F106, F107)

R104: The Fresno City Council must approve the support resources, such as vehicles and computer technology, to maintain timeliness and productivity of the revitalization teams. (F106, F107)

R105: The Mayor's task force should continue its efforts to prioritize and address other neglected issues impacting blighted neighborhoods and set appropriate deadlines to meet established goals. (F105, F112)

R106: All existing and revised municipal codes under the scope of Code Enforcement/Community Revitalization should be enforced fairly and consistently. (F112)

R107: All complaints received by City code enforcement should be accurately recorded and addressed to evaluate what types of issues require additional attention, whether in the form of resources or municipal code amendments. (F107, F108, F112)

R108: Community groups that have been the impetus to make the issue of blighted housing visible to the general public must continue their advocacy and vigorously monitor the City's progress. (F111)

R109: The City must re-evaluate its fine structure, cost recovery and receivership processes to reduce the negative impact negligent property owners of blighted homes have on the City's budget. (F101-F104, F108, F109)

R110: The City of Fresno Development and Resource Management must respond to requests for information from the Grand Jury that have gone unanswered since March. (F109)

RESPONSES

Ashley Swearingin, Mayor, City of Fresno (R101-R110)

Bruce Rudd, City Manager, City of Fresno (R101-R110)

Jennifer Clark, Director, Development and Resource Management Department, City of Fresno (R101-R110)

Del Estabrooke, Division Manager, Community Revitalization, City of Fresno (R101-R110)

Dr. Matthew Jendian, Professor and Chair of Sociology, California State University, Fresno (R101, R105, R108)

Oliver Baines, Fresno City Council President (R101-R110)

SOURCES

The Fresno Bee and Community Alliance newspapers

Interviews with City of Fresno Development and Resource Management staff

Interviews with California State University, Fresno staff

No More Slumlords: nomoreslumlords.org

Faith in Community: faithincommunity.org

www.fresno.gov/cityclerk

www.fresno.gov

City of Fresno Mayor-Council Task Force Report and recommendations, April 2015

City of Fresno Mayor-Council Task Force Minority Report

<https://library.municode.com/index>

Public meetings of the Fresno City Council



MAYOR ASHLEY SWEARENGIN

October 16, 2015

The Honorable Jon Conklin, Presiding Judge
Fresno Superior Courthouse
1100 Van Ness Avenue
Fresno, California 93721

Re: Responses to Grand Jury 2014-2015 Report #4

Dear Judge Conklin:

We appreciate the opportunity to respond to the Fresno County Grand Jury's 2014-15 Report #4 regarding the review of blighted housing. Included in this document are general statements in response to the overall work of the Fresno County Grand Jury in issuing Report #4, followed by the required, specific responses to the Grand Jury's recommendations.

First and foremost, Respondents would like to convey deep appreciation to the Grand Jury for focusing its attention on the issue of blight and neighborhood deterioration. Blighted housing has plagued our community for decades, and correcting this issue must remain the highest priority, not just for the City of Fresno officials, but for our entire community. Dealing with the root issues in our community that have led to the symptoms of neighborhood blight will require difficult, sustained work and political support from the residents of Fresno for elected officials to make long term land use decisions that improve inner city neighborhood quality instead of draining life and resources from these neighborhoods. By publishing Report #4, the Grand Jury is continuing the process of building public support for the kinds of difficult choices that will need to consistently be made for the next twenty years in order to reverse decades of poor planning and the resulting neighborhood distress in the City of Fresno.

Second, Respondents would like to clarify and correct several misstatements and misrepresentations made in Report #4 about the work of the Mayor-Council Code Enforcement Task Force (Task Force). As you know, Mayor Swearengin initiated the Task Force in order to establish priorities for Code Enforcement consistent with the 2035 General Plan and ensure an effective implementation strategy to address those priorities. The City Council identified three of its members to work with the Mayor and staff, and the Mayor appointed 17 additional community leaders to participate on the Task Force.

The Task Force worked diligently for seven months to review existing codes; evaluate processes and procedures; and make specific recommendations to the public and City Council for improvements,

including changes in organizational structure, case prioritization, needed technological and legal tools, and appropriate fee/citation levels. This work resulted in repealing a previous ordinance and developing a revised Blighted Vacant Building Ordinance, as well as several other comprehensive recommendations.

The 2014-15 Grand Jury Report #4 indicates that a lack of resources and staff were the primary issues causing Code Enforcement to allow the regulation of abandoned residential properties to linger. This is simply not the case based on the research and evaluation of the Task Force. The Task Force found that, in many cases, vacant buildings were being managed according to the local ordinance requiring Vacant Building Plans. Therefore, simply hiring additional staff to issue citations and implement an insufficient local ordinance would not have provided the long term changes needed. For example, having a house boarded up was not a violation based on the requirements/standards contained in the prior ordinance.

Respondents believe the Grand Jury fails to recognize the importance of evaluating and changing local policy as the first, most vital step to addressing the outcomes desired in our community. Respondents also believe that the Grand Jury fails to recognize the complexity of circumstances and issues that needed to be addressed by the new Blighted Vacant Building Ordinance, which is why seven months of public meetings and work were needed to complete Phase I of the Task Force's work.

The 2014-15 Grand Jury Report #4 states that the fate of the Task Force and its body of work has been left undetermined. Later in the report it indicates the "majority of task force members agreed to postpone work on interior blight standards to allow City staff more time to implement changes and assess their impact on exterior blight." Respondents would like to provide clarity on the status of the Task Force. The Task Force concluded its focus on exterior blight in the recommendations published in April 2015 and approved in May 2015. Since that time, the following milestones have been completed:

- City of Fresno 2015-2016 Budget Approved (June 2015)
- Windshield Survey Completed (July – August 2015)
- Blighted Vacant Building Ordinance Courtesy Notices to 2,101 Properties (August 2015)
- Hiring of Blight Team (July – October 2015)
- Vacant Building Registry Prototype and Test Groups (September 2015)
- Reinspections (September – October 2015)

The Mayor-Council Code Enforcement Task Force will reconvene in spring 2016 to focus on interior standards.

The 2014-15 Grand Jury Report #4 indicates that Fresno State sociology students, working with community groups, began compiling an inventory of blighted, vacant homes in Fresno. After multiple requests to review this information, the Grand Jury was advised that the university group's information was not complete. Report #4 indicates that without a database to compile this information, the magnitude of the issue is not clear. Respondents agree, which is why a windshield

survey was completed. As part of the Task Force recommendations, the City of Fresno conducted a “windshield survey” which concluded in August 2015. After reviewing all of the assessor’s parcel numbers (APNs) within the city limits, it was determined that approximately 1,150 were blighted, vacant properties as defined in the current Blighted Vacant Building Ordinance (Attachment A).

While Respondents are not required to respond to the findings listed in the 2014-15 Grand Jury Report #4, Finding F110 should be clarified. Finding F110 states that “Until the scope of the challenge is known, appropriate action cannot be taken by the City of Fresno and the public is unaware of the scope of this issue.” Regardless of the “scope of the challenge,” it was clear that improved policies and resources were needed. Instead of waiting for the completion of the windshield survey, the City of Fresno began making required policy changes to ensure that once the scope was clearly defined, implementation could begin and there would be no unnecessary delays.

Respondents also wish to comment on the Grand Jury’s conclusion to Report #4 that states: “in almost a full year of meetings, only one issue brought about by the special task force was addressed: vacant housing blight.” Respondents find this statement inflammatory and irresponsible. It demonstrates a fundamental lack of understanding of the work of the Task Force, as well as the broader issue of blight and the effect of historical land use patterns in our cities and county.

Finally, in recognition of the importance of addressing blight and distressed neighborhoods in the City of Fresno, Respondents wish to encourage the Fresno County Grand Jury to conduct a thorough investigation on the effects of suburban land use patterns throughout Fresno County that exacerbate blight conditions in the metropolitan area, including land use plans and policies that would allow urban development in unincorporated parts of Fresno County. If blight is the symptom, city and county historical and current land use policies are another, major root issue that should be thoroughly evaluated, in addition to City of Fresno Code Enforcement.

Pursuant to the Grand Jury’s request, the Respondents offer the following responses to recommendations R101-110:

R101: **The City must establish a registry or database of vacant blighted housing and monitor and update it regularly. (F110)**

Response: On May 14, 2015, the Fresno City Council adopted the Blighted Vacant Building Ordinance that requires a vacant building registry.

The Vacant Building Registry is currently under development, and the prototype is being tested for efficiency and user friendliness by a test group from the Mayor-Council Code Enforcement Task Force. Respondents anticipate that the Vacant Building Registry will be available for use by November 2015.

R102: **The City must effectively collect and evaluate data to monitor the success**

of the updated vacant housing ordinance, which took over nine months to complete. (F106, F109,F110)

Response: Respondents would like to report there are two efforts that address this recommendation. The first was addressed in response to Recommendation R101 related to the Vacant Property Registry.

In coordination with the Mayor-Council Code Enforcement Task Force Report and Recommendations item #2 (Conduct City-Wide Survey), the City of Fresno assembled a team to systematically canvas and catalogue properties to assess exterior standards and vacancy status. This analysis began on July 20, 2015, and concluded on August 18, 2015. This effort resulted in a listing of 2,101 properties estimated to be vacant (**Attachment B**). Of those properties, 1,150 were identified as vacant and blighted (**Attachment C**).

Beginning August 20, 2015, courtesy notices were mailed to all 2,101 property owners, notifying them of the new Blighted Vacant Building Ordinance and the expectations that properties be kept compliant. Courtesy Notices outlined the 18 day grace period to bring properties into compliance, an overview of exterior standards to be met, and that failure to comply could result in a code case being opened as well as additional penalties, including criminal citation and administrative citations of \$250 per day, per violation.

Respondents would like to correct the 2014-15 Grand Jury's misstatement contained in Recommendation R102 indicating that updating the vacant housing ordinance [Blighted Vacant Building Ordinance] took over nine months to complete. This is an inaccurate statement and demonstrates a lack of understanding when it comes to the full scope of work taken on by the Mayor-Council Code Enforcement Task Force.

The Mayor-Council Code Enforcement Task Force met over a course of seven (7) months (October 2014 through April 2015), resulting in a report and recommendations for presentation to the Fresno City Council on April 30, 2015. After the required two week wait after introduction, the Fresno City Council adopted the updated Blighted Vacant Building Ordinance on May 14, 2015.

For additional clarification:

- October 10, 2014: First meeting of the Mayor-Council Code Enforcement Task Force
- April 8, 2015: Last meeting of the Mayor-Council Code Enforcement Task Force
- April 30, 2015: Mayor-Council Code Enforcement Task Force presented recommendations to the Fresno City Council

- April 30, 2015: The introduction of the Blighted Vacant Building Ordinance at Fresno City Council
- May 14, 2015: The adoption of the Blighted Vacant Building Ordinance by the Fresno City Council (adoption must be at least two weeks following introduction)
- May 14, 2015: The adoption of the registration portion of the Blighted Vacant Building Ordinance with the condition of approval including the development of a Vacant Building Registry

R103: **The Fresno City Council must adequately staff and fund the proposed neighborhood revitalization teams within the Community Revitalization division. (F106, F107)**

Response: Respondents would like to confirm that the Neighborhood Revitalization Team was expanded and appropriately resourced through the 2015-2016 City of Fresno Budget. Mayor Swearingin released her proposed budget in May 2015, increasing the funding and staffing in the Neighborhood Revitalization Team in the Community Revitalization Division to include two teams rather than one. The proposal was adopted on June 23, 2015, when the City Council approved the 2015-2016 City of Fresno Budget.

However, Respondents believe that the Grand Jury recommendation is referencing the Code Enforcement team that is working directly on the Blighted Vacant Building Ordinance (the "Blight Team"), not the Neighborhood Revitalization Team specifically mentioned in Recommendation R103. While both groups are integrated and part of the Community Revitalization Division, there are distinct differences in their roles within the organization.

The Blight Team was fully funded, including vehicles and technology, in the 2015-2016 Budget. And, the Mayor and Council also increased staffing in the standard Code Enforcement, on top of added resources for the Neighborhood Revitalization and Blight Teams.

R104: **The Fresno City Council must approve the support resources, such and [as] vehicles and computer technology, to maintain timeliness and productivity of the revitalization teams. (F106, F107)**

Response: Respondents would like to again state that prior to receiving the Grand Jury 2014-15 Report #4 in July 2015, the Fresno City Council approved the funding of support resources necessary to maintain timeliness and productivity of the revitalization teams, as part of the 2015-2016 City of Fresno Budget that was adopted on June 23, 2015. This includes both the Neighborhood Revitalization Team mentioned specifically in Recommendation R103, as well

as the Blight Team focused on blighted, vacant properties.

R105: **The Mayor's task force should continue its efforts to prioritize and address other neglected issues impacting blighted neighborhoods and set appropriate deadlines to meet established goals. (F105, F112)**

Response: Respondents agree and have already committed to re-convening the Mayor-Council Code Enforcement Task Force in spring 2016. In the meantime, the Swearingin Administration is continuing its implementation of the Blighted Vacant Building Ordinance. Of the 1,150 properties identified as blighted and vacant, 910 have been reinspected to date. Of the 910 properties, 320 are now compliant and 282 properties are actively being worked on.

It should be noted that Respondents agree with Finding F112 that "tangible improvement is necessary in order for the public to feel confident in this process," which is why the City remains focused on the successful implementation of the existing recommendations prior to shifting to other priorities.

R106: **All existing and revised municipal codes under the scope of Code Enforcement/Community Revitalization should be enforced fairly and consistently. (F112)**

Response: Respondents agree that the Fresno Municipal Code should be enforced fairly and consistently.

R107: **All complaints received by City code enforcement should be accurately recorded and addressed to evaluate what types of issues require additional attention, whether in the form of resources or municipal code amendments. (F107, F108, F112)**

Response: Respondents agree that complaints received by the Code Enforcement Division should be accurately recorded and addressed so that the appropriate enforcement action can be taken and compliance is achieved. This is currently occurring and will continue to be the practice in the Code Enforcement Division.

R108: **Community groups that have been the impetus to make the issue of blighted housing visible to the general public must continue their advocacy and vigorously monitor the City's progress. (F111)**

Response: Respondents affirm the value of having the general public engaged in the issue of blighted housing. The City has continually reached out to community groups to ask for their help in raising awareness about conditions of inner-city

Fresno and for their help in securing policy changes needed to address these concerns. Respondents have been, and remain, committed to improving blighted conditions in neglected neighborhoods and view their roles within the City of Fresno as part of the comprehensive approach necessary to restore neighborhoods. This includes community groups, engaged residents, responsible property owners and managers, and an efficient and effective Code Enforcement Division.

R109: **The City must re-evaluate its fine structure, cost recovery and receivership processes to reduce the negative impact negligent property owners of blighted homes have on the City's budget. (F101-F104, F108, F109)**

Response: Respondents agree with this observation, and it is reflected in the City's revised Blighted Vacant Building Ordinance, which includes a \$250 per violation/day citation provision. The initial reaction by many property owners to the new citation schedule has been to correct these deficiencies, due in large part to the cost of non-compliance. Furthermore, Respondents participated in the evaluation of a receivership program during the Mayor-Council Code Enforcement Task Force. The Task Force recommendations addressed this as well, and Respondents anticipate that a draft Receivership Program will be completed by the City of Fresno Attorney's Office before the end of 2015.

R110: **The City of Fresno Development and Resource Management must respond to requests for information from the Grand Jury that have gone unanswered since March. (F109)**

Finding F109 reflects that the City failed to respond to two requests for information. Respondents understand that on two occasions the information outlined on page four of the Fresno County Grand Jury 2014-15 Report #4 was requested but not sufficiently addressed by City staff. Recognizing that there is always room for improvement, Respondents would like to comment that the follow-up questions outlined were generated in response to Grand Jury testimony provided by Jennifer Clark, the Development and Resource Management Department Director. Ms. Clark was asked to provide additional information if it was available following her interview. Ms. Clark verbally communicated to a member of the Grand Jury by telephone that the information was not readily available, and would have to be produced on a case-by-case basis and that allocating additional resources to generate this information would take away from the work of implementing the Blighted Vacant Building Ordinance. It was Ms. Clark's understanding that this request for information was sufficiently addressed with a member of the 2014-15 Fresno County Grand Jury. Respondents are happy to discuss this further with the Grand Jury.

At this time, Respondents would like to provide written responses to the same questions outlined on page 4 of the Grand Jury Report #4. The request was for three years of information related to blighted property violations as follows:


- Amount of money owed to the City of Fresno in fees and/or fines:
This information was not available to produce as requested. To separate by fees and/or fines related to blighted property violations would require that each code enforcement case over the last three years be reviewed, and subsequently compiled, for the sole purpose of producing this information for the benefit of the Grand Jury. Nevertheless, information that is available outlining all Code Enforcement cases and cost recovery summaries has been included for the time period of January 2009 through June 2015 (Attachment D). There were over 80,000 code cases processed during that time. Please note that the financial information provided compares *code collections to fees assessed*.
- Amount owed in reimbursements for City work performed: This information was not available to produce as requested. The information is not tracked separately and is all in one large file. Again, in order to track this information separately from the bulk of data collected, each case would need to be pulled, reviewed and then data entry would be needed to capture this information for the sole purpose of the 2014-15 Grand Jury. The fees assessed include both soft (administrative) and hard costs incurred by the City as part of the \$17.2 million number included in attachment D.
- Copies of draft ordinances being discussed and edited by Task Force: At this time a final ordinance has been approved, and has been previously referenced as attachment A.
- Source data for similar cities referenced in Grand Jury interviews with regard to code enforcement case volume and cost recovery: Ms. Clark recalls her testimony related to this topic to include a statement about the national average of cities, not citing specific cities. Her testimony should reflect that code enforcement divisions do not typically recover the full cost of operating their divisions by citing, and that the national average for cities to collect towards that figure is approximately 15%. Ms. Clark is unable to locate the specific national average report that she recalls citing at the time of her interview, but has provided two examples in California:
 - Ventura-0%: Stopped charging for cost recovery because it cost more to collect than they benefitted from the collections.
 - Riverside-21%: Collects both fines and fees.While cost recovery is important and fines/fees are critical to spurring action, the greater benefit to the neighborhood is the improved housing conditions which result in improved property values, occupancy rates, and perception of safety. (Attachment E).


- Any available weed abatement/resolution tracking data: Ms. Clark referenced a staff report on the weed abatement process, basically stating that the resolution rate was in the 90% range when the City provided advanced notice that if not compliant the City would complete work and collect fees, versus notices simply requesting that properties be brought into compliance. The staff report provided to the Fresno City Council on March 5, 2015, has been included (Attachment F), and can also be found on the City of Fresno website at www.Fresno.gov.


Again, thank you for dedicating time and attention to the issue of the conditions of Fresno's inner city. While we have some disagreements about Report #4's statements and findings, overall, we are grateful for the efforts to elevate the profile of this issue. We respectfully request that the Grand Jury continue its inquiry into why and how our neighborhoods fell into such a state of disrepair and that the evaluation is broadened to include historic and current land use patterns on the Valley floor.

If there are any questions, please feel free to contact City Manager Bruce Rudd's office at 621-7770.

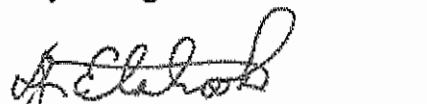
Sincerely,


Ashley Swearingin
Mayor


Oliver Barnes
Fresno City Council President


Bruce Rudd
City Manager


Jennifer Clark
DARM Director


Del Estabrooke
DARM Division Manager

Attachment A



BILL NO. B-14

ORDINANCE NO. 2015-11

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA, REPEALING SECTION 10-617 AND ADDING SECTION 10-617; AMENDING SECTIONS 10-603; AND REPEALING SECTIONS 10-620, 11-335 AND 11-422 OF THE FRESNO MUNICIPAL CODE RELATING TO STANDARDS FOR VACANT BUILDINGS

THE COUNCIL OF THE CITY OF FRESNO DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 10-617 of the Fresno Municipal Code is repealed and the following is added to read:

SECTION 10-617. BLIGHTED VACANT BUILDING ORDINANCE

(a) All vacant buildings shall be maintained in a non-blighted condition, consistent with the requirements of this section. A vacant building in a blighted exterior condition shall be deemed a public nuisance. If the Director finds the building is being maintained in a blighted condition, the Director may issue a Notice of Correction to the property owner and the property owner may be subject to fines and penalties as set forth in this section.

(b) All vacant buildings shall be actively maintained, monitored and secured in compliance with all of the following standards:

(1) Maintain all yards visible from any public right of way, including interior yards visible from adjacent properties to be maintained in a safe and sanitary condition, including keeping all



plant materials controlled to avoid Overgrowth as defined in this Article; including park strips, with Landscaping as defined in this Article, installed and maintained in a trimmed, live and healthy condition; the requirements of this subsection to maintain live plant material shall not be effective if and during the time the city has implemented Stage 2, 3, or 4 water shortage contingency rationing under its Water Use Reduction Plan.

(2) Maintain the exterior of the building, including but not limited to, paint, finishes, roofing materials, siding, stucco, masonry, railings, steps, gutters, and structural elements in good condition. Painted surfaces shall be deemed in good condition if there is at least 95% coverage of the structural element that is painted.

(3) Remove all trash and debris from exterior of the property within seventy-two (72) hours of notification.

(4) Comply with all applicable state and local codes and regulations, and any applicable city issued permits and site plans in the replacement and repair of all elements of the exterior of the building.

(5) Take all reasonable steps necessary to prevent criminal activity, including, but not limited to, the use and sale of controlled substances, prostitution, and criminal street gang activity, on the premises. Examples of reasonable steps include actively



monitored security alarm systems and frequent physical inspections as defined in subsection 10-603(c).

(6) Secure and maintain the property, both structure and grounds, against trespassers, including maintaining all windows and doors with locks, replacing all broken doors or windows, and securing any other openings into the structure that are readily accessible to trespassers as defined under Chapter 11 of this code or such other means as may be accepted by the Director. Securing windows that are visible from any public right of way shall be done only with rigid transparent material such as clear Lexan type material with a minimum of 3/8 inch thickness to 1/2 inch thickness. No opaque (typically plywood) boarding materials shall be used where visible from a public right of way, following sixty (60) days of the effective date of this ordinance.

(7) Remove all graffiti on the property within forty-eight (48) hours of placement on the property in compliance with Fresno Municipal Code Section 9-2514.

(8) Maintain the property free of all fire hazards.

(9) Maintain the property free of any Attractive Nuisance, as defined in this Article.

(10) All buildings that have been or are expected to be vacant for longer than thirty (30) days ~~may~~ shall be registered, at no cost, with the city as may be provided on a city website or web



application. The registration shall include the identity of all record owners, the street address of the vacant building, and a local contact, and shall be maintained only for internal use by the city.

(c) **Non-compliance.** Failure by the property owner to comply with each of the standards set forth in sections (b) (1) through (b) (10) above for the exterior of a vacant building within eighteen (18) days of notification under this section is a separate violation of this code and subject to the following penalties:

(1) Use of any abatement procedure provided in this Article;

(2) Issuance of a criminal citation under Section 1-305, should the owner of a vacant building be found responsible for three or more violations of this Article on three or more separate buildings within a thirty (30) day period;

(3) Issuance of an administrative citation of \$250 per violation, per day, under Section 1-308. There shall be a presumption that a violation continued from day to day between the initial inspection date at which it was observed by the city and a subsequent inspection date at which it continued to exist; and/or

(3)(a) Vacant properties that are not registered on the City's vacant property registry shall be subject to an administrative citation of \$250 per month, and/or



(4) Institution of legal action to pursue any available legal remedy, including receivership or injunction, by the City Attorney upon request by the Director.

(d) Occupancy. If a vacant building has been found to be in violation of this Article, the building shall not be occupied until all fines and abatement costs are paid, or acceptable arrangements with the city for payment have been made, and the owner certifies the property meets all health and safety code standards that are required for occupancy and the property owner receives a written release from the city. The city reserves the right to require an interior inspection of the property to ensure the property meets local and state law requirements for habitability prior to issuing the city's release for occupancy.

(e) Grace period. Owners of newly acquired blighted vacant buildings shall have thirty (30) days from the date of legal possession of the building to be in compliance with this ordinance.

SECTION 2. Section 10-603 of the Fresno Municipal Code is amended to read:

SECTION 10-603. DEFINITIONS.

(a) "Abandoned Vehicle" means a vehicle which is left on a highway, public or private property in such inoperable or neglected condition that the owner's intention to relinquish all further rights or interests in it may be reasonably concluded.

(1) In reaching a reasonable conclusion, one must consider the amount of time the vehicle has been there without



being moved, its condition, statements from the owner and witnesses, etc.

(2) In reference to highway or public rights of way, "abandonment" is presumed to have occurred if a vehicle is parked, resting, or otherwise immobilized on any highway or public right of way; and lacks an engine, transmission, wheels, tires, doors, windshield, or other part of equipment necessary to operate safely on the highway in this city. Such vehicles are presumed to be a hazard to public health, safety, welfare and considered an attractive nuisance and may be removed immediately upon discovery.

(b) "Attractive Nuisance" shall mean any condition, instrumentality or machine which is or may be unsafe or dangerous to children by reason of their inability to appreciate the peril therein, and which may reasonably be expected to attract children to the premises and risk injury by playing with, in, or on it, whether in a building or on the premises.

[(c) "Blight" means the condition of a specific property or group of properties which would be offensive in the eyes of the public as compared to the standard of maintenance of the property pursuant to Article 6, Section 10; where the conditions are visible from public streets or right of ways and substantially detract from the aesthetics and economic value of the neighboring properties including health and safety hazards, public nuisance, crime, neglect and deterioration of property.]



~~(d)e~~ "Blighted Building" means a vacant residential, commercial, or industrial building and all yards surrounding the building that is in violation of one or more provisions of the Fresno Municipal Code or California state law, and therefore reduces the aesthetic appearance of its neighborhood, area or district, is offensive to the senses, or is detrimental to nearby properties uses or property values. A blighted building includes a vacant building and the yards surrounding the building that are not being actively maintained, or actively monitored, or actively secured. ~~To actively maintain, monitor, and secure a vacant building, the owner or his or her agent must comply with all sections of this article and do all of the following:~~

~~(i) Maintain all yards in compliance with any applicable development permits. If there are no applicable development permits, maintain all interior yards (those that are not visible to the general public) in a safe condition, including keeping all plant materials controlled to avoid overgrowth; maintain all exterior yards (those that are visible to the general public), including park strips, with landscaping, as defined in this section, installed and maintained in a trimmed, live and healthy condition;~~

~~(ii) Maintain the exterior of the building, including, but not limited to, paint and finishes, in good condition;~~

~~(iii) Remove all trash and debris from their placement or abandonment on the property;~~



~~(iv) Maintain the building in continuing compliance with all applicable state and local codes and regulations and any applicable city issued permits; and~~

~~(v) Take all reasonable steps necessary to prevent criminal activity on the premises, including, but not limited to the use and sale of controlled substances, prostitution and criminal street gang activity; and~~

~~(vi) Remove all graffiti on the property.~~

(e) "Decorative Landscaping" means decorative non-live materials used to cover dirt in a garden or yard, such as rocks, gravel, bark, or synthetic lawn, and does not include pavement with asphalt, cement or any other impervious surface.

(f) "Director" shall include any person authorized to issue citations pursuant to Fresno Municipal Code Section 1-308(k).

(g) "Dismantled Vehicle" means any vehicle that is partially or wholly dismantled.

(h) "Inoperative Vehicle" means any motor vehicle that cannot be moved under its own power.

(i) "Landscaping" means at least fifty percent (50%) of the non-paved portions of the exterior yards (those that are visible to the general public) shall be covered with live trees, shrubs, lawns, or other live or synthetic lawn materials, and the remaining portion of the non-paved portions of the exterior yards shall be covered with live trees, shrubs,



lawns, or other live plant materials or shall have decorative landscaping installed, so long as weed block is used where decorative landscaping is installed. Notwithstanding the above, all unpaved areas of a park strip may be landscaped with decorative landscaping, so long as weed block is used. [The requirements of this subsection to maintain live plant material shall not be effective if and during the time the city has implemented Stage 2, 3, or 4 water shortage contingency rationing under its Water Use Reduction Plan.]

(l)(j) "Overgrown" means grass, lawn blades, or weeds [that are:

1. Over twelve (12) inches long or any [ground covering] plant material that extends over [twelve (12)] inches onto a public right-of-way [street, curb, gutter, or sidewalk or.

2. Over six (6) inches long or any ground covering plant material that extends over six (6) inches on to the public street, curb, gutter or sidewalk when the condition exists in combination with one or more other violations under this Article.]

(l)(k) "Park Strip" shall mean that portion of a street right of way that lies between the ~~property line~~ [sidewalk] and the outside edge of a street, gutter, or gutter lip, including a driveway approach. Where no curb exists, "park strip" shall mean the area of property from the ~~property line~~ [sidewalk] to the edge of the street pavement.

(l)(k) "Property" shall mean any lot or parcel of land. For purposes of this definition, "lot or parcel of land" shall include any alley, sidewalk,



park strip or unimproved public easement abutting such lot or parcel of land. Further, for the purpose of this definition, "unimproved public easement" shall not include an exposed irrigation canal.

([m]) "Record Owner" shall mean the person to whom land is assessed as shown on the last equalized assessment roll of the county or current title owner of record, if different.

([n]) "Structure" means anything constructed or built, any edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner, which requires location on the ground or is attached to something else attached to the ground.

([o]) "Vacant building" means real property with one or more structures, whether residential, commercial, or industrial, that is/are unoccupied or occupied by unauthorized persons. In the case of a multi-unit structure or complex, vacant shall mean when any one unit is fifty percent (50%) or more of the units are unoccupied or occupied by unauthorized persons.

([p]) "Vehicle" means a device by which any person or property may be propelled, moved, or drawn upon a highway, excepting a device moved by human power or used exclusively upon stationary rails or tracks.



((g)p) "Weed Block" means material that is installed over a dirt surface in order to prevent the growth of weeds and that does not prevent the infiltration or passage of water into the dirt surface.

((f)e) "Wrecked Vehicle" means any vehicle that is damaged to such an extent that it cannot be operated upon the highway.

SECTION 3. Section 10-620 of the Fresno Municipal Code relating to Registration of Vacant Foreclosed Properties is repealed.

SECTION 4. Section 11-335 of the Fresno Municipal Code relating to Standards for Temporarily Boarding a Vacant Building or Structure is repealed.

SECTION 5. Section 11-422 of the Fresno Municipal Code relating to Standards for Temporarily Boarding a Vacant Building or Structure is repealed.

SECTION 6. This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its final passage.

* * * * *



STATE OF CALIFORNIA)
 COUNTY OF FRESNO) ss.
 CITY OF FRESNO)

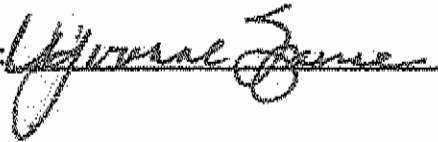
I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing ordinance was adopted by the Council of the City of Fresno, at a regular meeting held on the 14th day of May, 2015

The Council voted to bifurcate the vote on item 2A, file 15-384 into two votes. Councilmember Brand made the first vote to approve the registration portion of the ordinance repealing Section 10-617 (b)(10) and Section (c)(3)(i)(ii), and adding Section 10-617(b)(10) and Section (c)(3)(i)(ii). The motion also included Councilmember Brand's condition of approval that a trial program be started and evaluated and staff would come back to council no later than six months after implementation to tweak the process if necessary. Council President Baines seconded the motion. Council adopted Bill No. 14 and Ordinance No. 2015-11 (Registration portion only as described above) entitled, Repealing Section 10-617 and adding Section 10-617; of the FMC relating to standards for vacant buildings by the following vote:

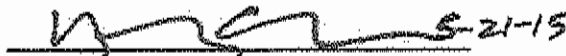
AYES : Brand, Caprioglio, Quintero, Soria, Baines
 NOES : Brandau and Olivier
 ABSENT : None
 ABSTAIN: None

Mayor Approval: _____ May 19, 2015
 Mayor Approval/No Return: _____ N/A, 2015
 Mayor Veto: _____ N/A, 2015
 Council Override Vote: _____ N/A, 2015

YVONNE SPENCE, CMC
 City Clerk

BY: 

APPROVED AS TO FORM:
 DOUGLAS T. SLOAN,
 City Attorney

BY:  5-21-15
 Douglas T. Sloan Date
 City Attorney



STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing ordinance was adopted by the Council of the City of Fresno, at a regular meeting held on the 14th day of May, 2015

The Council voted to bifurcate the vote on item 2A, file 15-384 into two votes. Councilmember Olivier made the motion for the second vote to approve the remaining portion of the ordinance (excluding the registration portion described in Section 10-617, which Council had approved). Councilmember Brandau seconded the motion. Council adopted Bill No. 14 and Ordinance No. 2015-11 entitled, Repealing and replacing Section 10-617 (a)(b)(1-9)(c)(1)(2)(4)(d)(e), Amending Sections 10-603; and repealing Sections 10-620, 11-335 and 11-422 of the FMC relating to standards for vacant buildings by the following vote:

AYES : Brand, Brandau, Caprioglio, Olivier, Quintero, Soria, Baines
NOES : None
ABSENT : None
ABSTAIN: None

Mayor Approval: _____ May 19, 2015
Mayor Approval/No Return: _____ N/A, 2015
Mayor Veto: _____ N/A, 2015
Council Override Vote: _____ N/A, 2015

YVONNE SPENCE, CMC
City Clerk

BY: *Yvonne Spence*

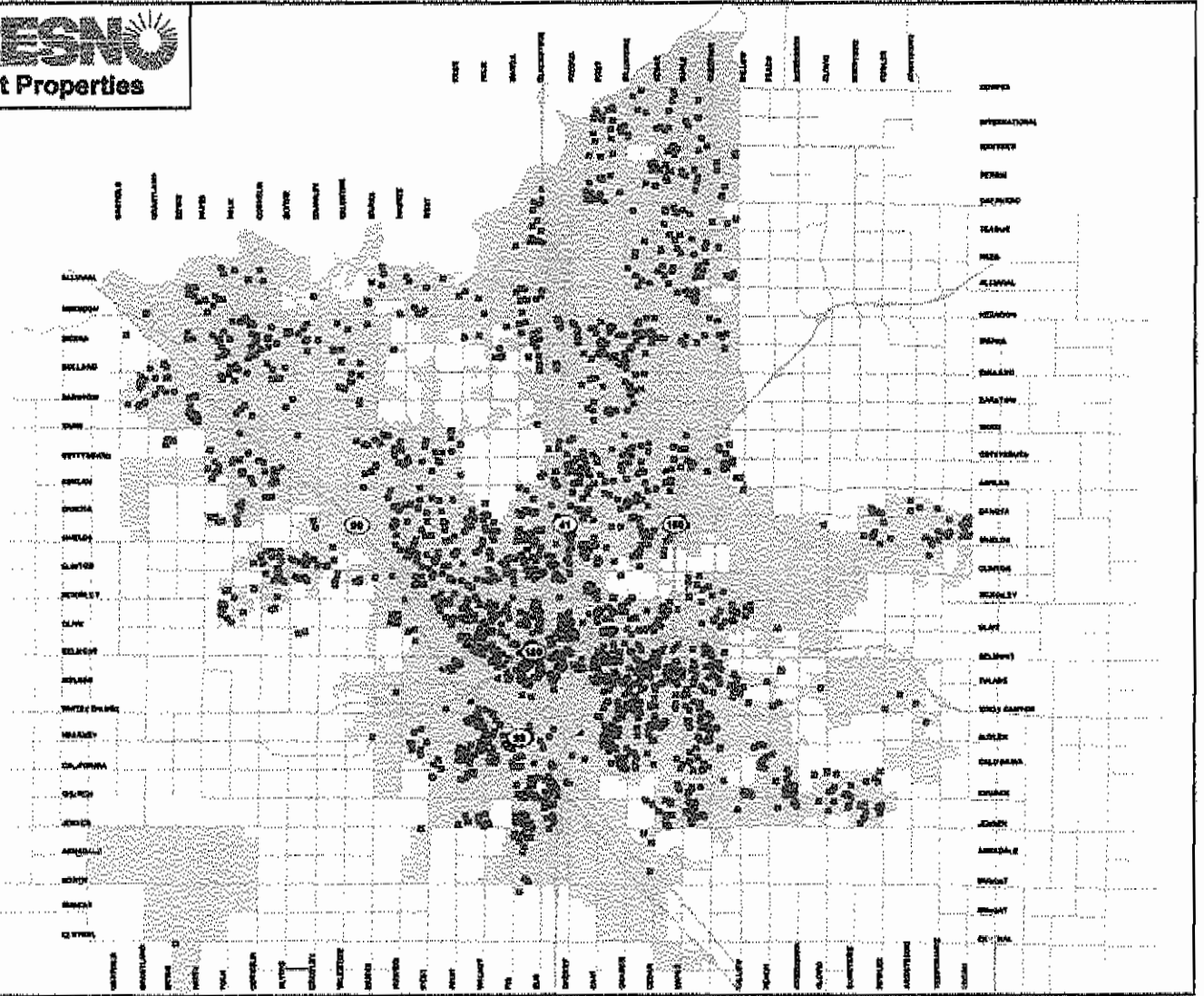
APPROVED AS TO FORM:
DOUGLAS T. SLOAN,
City Attorney

BY: *Douglas T. Sloan* 5-21-15
City Attorney Date

Attachment B

FRESNO

Vacant Properties



Attachment C

Attachment D

Code Collections

	Calendar year							
	2015	2014	2013	2012	2011	2010	2009	
Jan	435,200	535,600	350,400	344,900	46,800	66,000	213,000	
feb	168,600	59,700	44,200	164,200	709,400	452,000	371,000	
mar	205,700	128,500	320,500	101,900	88,600	96,000	134,000	
apr	58,400	146,200	142,000	179,800	198,800	304,000	308,000	
may	378,800	392,200	248,800	491,300	111,000	63,000	140,000	
jun	43,900	219,100	98,200	79,200	822,400	428,000	328,000	
jul		53,000	72,700	73,200	293,500	173,100	129,000	
aug		58,500	207,600	235,500	58,700	177,300	156,000	
sep		200,400	357,700	67,000	16,700	208,000	165,000	
oct		157,400	54,700	246,200	76,100	189,600	69,000	
nov		47,300	68,800	214,300	137,400	186,200	70,000	
dec		69,500	49,000	50,600	70,000	107,200	133,000	
	1,290,600	2,067,400	2,014,600	2,248,100	2,629,400	2,450,400	2,216,000	14,916,500

Fees

	Calendar year							
	2015	2014	2013	2012	2011	2010	2009	
Jan	137,000	241,000	222,200	116,600	209,000	272,700	233,300	
feb	71,400	118,200	217,200	172,000	122,400	209,300	149,800	
mar	228,500	148,700	325,100	268,800	96,200	329,400	219,100	
apr	128,800	108,300	300,000	252,400	134,200	255,900	227,900	
may	180,300	186,000	229,800	372,200	112,200	279,500	126,500	
jun	222,100	139,800	325,200	274,400	165,700	344,200	157,400	
jul		126,500	254,700	300,500	88,800	408,300	256,600	
aug		107,400	254,900	320,200	162,900	281,700	310,000	
sep		127,200	228,000	296,200	172,600	319,700	409,300	
oct		148,000	314,300	344,800	182,000	369,200	411,600	
nov		108,600	178,700	277,400	169,200	253,500	284,500	
dec		158,400	156,700	237,100	159,300	210,700	248,200	
	968,100	1,718,100	3,006,800	3,232,600	1,774,500	3,534,100	3,034,200	17,268,400

% of Fees Collected During Year (collections during the year are for multiple prior years' fees)

Calendar year	2015	2014	2013	2012	2011	2010	2009
	133%	120%	67%	70%	148%	69%	73%

Attachment E



Vacant Properties

The True Costs to Communities

© August 2005

Acknowledgements

The National Vacant Properties Campaign would like to thank the U.S. Environmental Protection Agency for providing the funding to develop this report. We also thank the many people who contributed to the study: Margaret Bass, Don Chen, Jennifer Leonard, Lisa Mueller Levy, Cheryl Little, Barbara McCann, Allie Moravec, Joe Schilling, and Kevin Snyder.

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Jennifer Leonard
Joe Schilling

National Vacant Properties Campaign

1707 L Street, NW Suite 1050 Washington, DC 20036 www.vacantproperties.org

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WHAT ARE VACANT PROPERTIES?

The National Vacant Properties Campaign (NVPC) defines vacant properties as residential, commercial, and industrial buildings and vacant lots that exhibit one or both of the following traits:

- Ⓐ The site poses a threat to public safety (meaning the definition of a public nuisance) or
- Ⓑ The owners or managers neglect the fundamental duties of property ownership (e.g., they fail to pay taxes or utility bills, default on mortgages, or carry liens against the property.)

Vacant properties can include abandoned, boarded-up buildings; unused lots that attract trash and debris; vacant or under-performing commercial properties known as grey fields (such as under-leased shopping malls and strip commercial properties); and neglected industrial properties with environmental contamination known as brownfields. The NVPC also monitors deteriorating single-family homes, apartments with significant housing code violations, and housing that remains vacant for long periods of time, as these are indicators of future vacancy and abandonment. State laws and uniform building codes further refine what constitutes an abandoned building, but these vary from jurisdiction to jurisdiction. Often these structures have been unoccupied for over a year, are beyond repair, and pose serious danger to public safety.

Executive Summary

By all accounts, vacant properties are a curse. Just ask anyone who lives next to a drug den, a boarded-up firetrap or a trash-filled lot. But abandonment often seems beyond the control of local officials, and it rarely incites a sense of urgency beyond the neighbors on the block where it occurs.

But the evidence shows that vacant properties are an expense that local governments simply cannot afford – and that the expense grows with every year a property remains vacant or abandoned. Such properties produce no or little property tax income, but they require plenty of time, attention, and money:

- ⊙ A study in Austin, Texas found that “blocks with unsecured (vacant) buildings had 3.2 times as many drug calls to police, 1.8 times as many theft calls, and twice the number of violent calls” as blocks without vacant buildings.¹
- ⊙ More than 12,000 fires break out in vacant structures each year in the US, resulting in \$73 million in property damage annually. Most are the result of arson.²
- ⊙ Over the past five years, St. Louis has spent \$15.5 million, or nearly \$100 per household, to demolish vacant buildings. Detroit spends \$800,000 per year³ and Philadelphia spends \$1,846,745 per year cleaning vacant lots.⁴
- ⊙ A 2001 study in Philadelphia found that houses within 150 feet of a vacant or abandoned property experienced a net loss of \$7,627 in value.⁵

The aim of this report is to summarize the many and varied costs that vacant and abandoned properties impose upon communities. It compiles research from across the country quantifying a wide variety of costs, including city services (nuisance abatement, crime and fire prevention), decreased property values and tax revenues, as well as the costs born by homeowners and the issue of the spiral of blight.

This report also includes some good news: communities are finding ways to recapture the value in vacant properties, bringing vitality back to once blighted neighborhoods. These communities are providing valuable lessons for us all, and many of the most successful practices are being replicated throughout the country.

Introduction

The places with the most well known vacant property problems are older industrial cities in the Midwest and Northeast. One leading expert has estimated that roughly ten percent of residential structures are vacant in Camden (NJ), Baltimore, and Detroit.⁶ But with sprawl pushing new development to the edges of many communities, even growing metropolitan areas such as San Diego and Las Vegas pay the costs of vacant and abandoned properties. The Brookings institution found that in 60 cities with populations over 100,000, there are an average of two vacant buildings for every 1,000 residents⁷ (see table below).

Region	Number of Cities Reporting Abandoned Property Data	Average % of Vacant Land to Total Area	Average Number of Abandoned Structures per 1,000 Inhabitants
East	10	1.5	2.5
Midwest	10	1.5	2.5
South	10	1.5	2.5
West	10	1.5	2.5
All Cities	60	1.5	2.5

Source: Pagano & Bowman p. 7

Properties are often abandoned as a result of metropolitan-wide trends, such as sprawling development, consumer preference, job loss, and demographic shifts. But on an individual level, the most common reason a property is abandoned is that the cost of maintenance and operation exceeds the apparent value of the property. This occurs regardless of "whether the market is intrinsically capable of supporting continued use of the property, or whether market inefficiencies, or inadequate and inaccurate information, lead property owners to that conclusion."⁸ Most importantly for cities facing abandonment problems, the longer a property remains abandoned, the higher the cost of renovation. This leads to continued abandonment even when market conditions have dramatically improved.

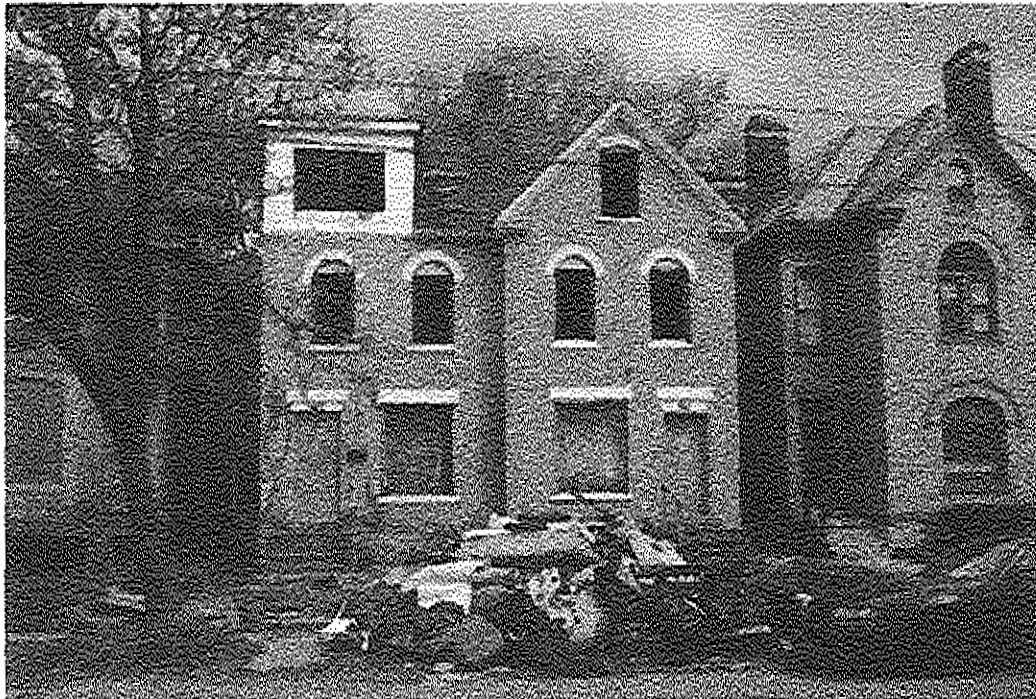
Cities must address the increasing number of vacant properties, not only because of the negative impact they have on the surrounding community, but because of the numerous costs they impose. They strain the resources of local police, fire, building, and health departments, depreciate property values, reduce property tax revenue, attract crime, and degrade the quality of life of remaining residents. In summary, vacant and abandoned properties "act as a significant fiscal drain on already strapped municipalities, requiring disproportionate municipal resources, while providing little or no tax revenue to municipal coffers."⁹

Costs of Municipal Services

Vacant properties have been neglected by their owners, leaving it up to city governments to keep them from becoming crime magnets, fire hazards, or dumping grounds. In some communities, attending to vacant and abandoned properties can overwhelm city resources. The police and fire departments bear the brunt of the responsibility, along with building inspection and code enforcement units. But most municipalities have staff from several departments addressing the care of vacant properties: legal offices, public works, housing, and real estate services all deal with vacant properties. In Philadelphia, at least fifteen public agencies, not including the police and fire departments, have a role in the management of public land.¹⁰ Vacant property management also demands coordination among local governments, such as county health departments, tax collectors and assessors.

Crime

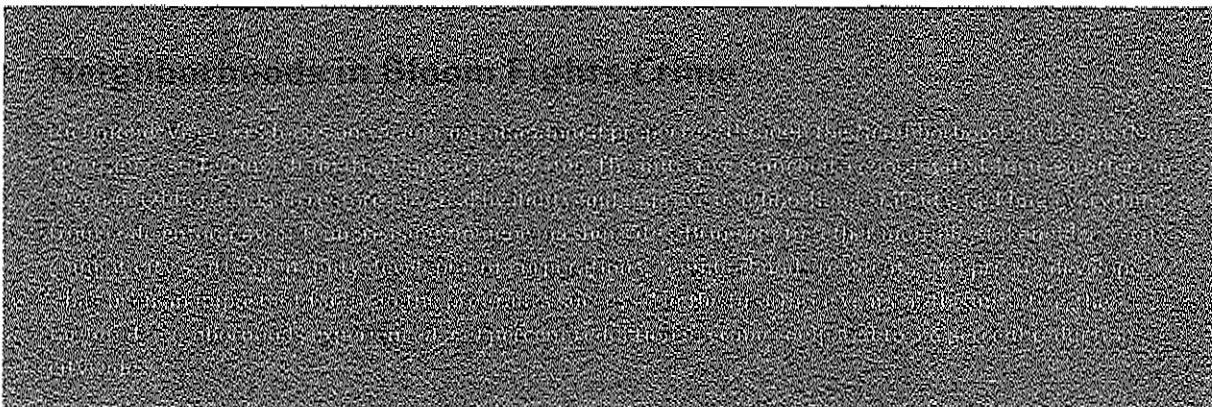
Vacant properties often become a breeding ground for crime, tying up an inordinate amount of police resources. The City of Richmond, VA conducted an analysis of citywide crime data from the mid-90s. Of all the economic and demographic variables tested, vacant/abandoned properties had the highest correlation to the incidence of crime.¹¹ Another study focusing on crime in abandoned buildings in Austin, Texas found that crime rates on blocks with open abandoned buildings were twice as high as rates on matched blocks without open buildings. The survey also found that 41 percent of abandoned buildings could be entered without use of force; of these open buildings, 83 percent showed evidence of illegal use by prostitutes, drug dealers, property criminals, and others.



Even if 90 percent of the crimes prevented are merely displaced to the surrounding area, securing abandoned buildings appears to be a highly cost-effective crime control tactic for distressed neighborhoods."¹²

A crime-prevention tactic that has gotten much attention in recent years is directly related to vacant, neglected, and abandoned property. According to George Kelling and James Q. Wilson, "The Broken Window Theory" holds that "If the first broken window in a building is not repaired, then people who like breaking windows will assume that no one cares about the building and more windows will be broken... The disorder escalates, possibly to serious crime." Wilson and Kelling suggest that it is the nature of the physical environment that leads to an increase in criminal activity.¹³

While the monetary costs of addressing the crime associated with abandoned buildings has not been calculated, it is clear that vacant properties burden police departments.



Arson and Accidental Fires

In 1999, firefighters in Worcester, Massachusetts entered a vacant cold storage building that was aflame to search for a homeless couple reported to have been in the building. Two firefighters became disoriented, and others went to their aid. Six became trapped and died in the fire. The homeless couple had left the premises after the fire began.¹⁴ The firefighters' deaths became national news as one of the major costs of vacant properties became all too clear.

The US Fire Administration reports that over 12,000 fires in vacant structures are reported each year in the US, resulting in \$73 million in property damage annually. Fires are likely in vacant properties because of poor maintenance, faulty wiring, and debris. In the winter, homeless people burn candles for light and heat and may even bring in outdoor grills. But more importantly, vacant buildings are a primary target of arsonists. More than 70 percent of fires in vacant or abandoned buildings are arson or suspected arson. Such fires strain the resources of fire departments. Because vacant buildings often contain more open shafts, pits, and holes that can be an invisible threat to firefighters, the cost of fighting those fires is more than financial. The National Fire Protection Association (NFPA) estimates that 6,000 firefighters are injured every year in vacant or abandoned building fires.¹⁵

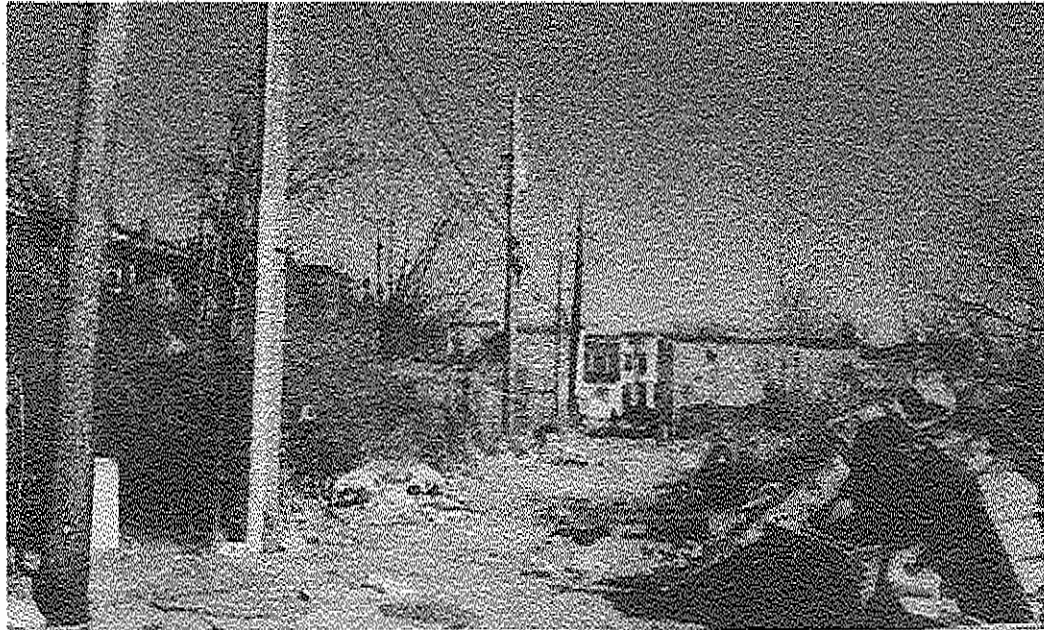
Public Nuisances and Health

Vacant and abandoned properties require a disproportionate amount of public maintenance. In addition to securing buildings against criminal activity, local governments must clean and care for them to prevent a buildup of trash, illegal dumping, and rodent infestations. In some cases, abandoned properties contain toxic waste, particularly in the case of abandoned industrial buildings.¹⁸

Most municipalities have adopted ordinances that allow them to clean, board, and secure abandoned buildings. For example, in Roanoke, Virginia, the city has taken a tougher stance on properties deemed health and safety hazards. If a property is deemed a hazard by the city the owner is given thirty days to ameliorate the problem. If no action is taken, the city will solicit input from the neighborhood, do asbestos and lead abatement, solicit demolition bids, raze the house, and place a lien on the property to try to recoup the demolition costs.¹⁹

Cities spend significant funds on these activities. "In Trenton, New Jersey during the 1990's, these dedicated resources (depending on the amount allocated for demolition) ranged from \$500,000 to well over \$1 million per year."²⁰ Over a five-year period, St. Louis spent \$15.5 million, or nearly \$100 per household, to demolish vacant buildings.²¹ Detroit spends \$800,000 each year just to clean vacant lots.²²





Demolishing crumbling vacant buildings does not completely eliminate the costs associated with abandonment. The resulting vacant lots still require maintenance. A study of vacant lots in Philadelphia estimated that the city and closely related public agencies spent \$1.8 million annually on cleaning vacant lots. At the current level of activity and assuming a three percent inflation rate, this adds up to \$49.6 million over the course of twenty years.²³ The study only included the costs of five out of the fifteen agencies that have a role in vacant property management.²⁴

Rehabilitation is clearly a better choice. An examination of the St. Paul, Minnesota budget for maintenance and security costs associated with vacant buildings revealed that while demolition saves \$4,697,²⁵ the rehabilitation of a vacant building will save an estimated \$7,141 in maintenance costs over a twenty-year period.

Managing vacant properties ties up the time of municipal employees and the resources of municipal taxpayers. At the same time, these properties depress the value of other properties and generate little or no tax revenue themselves.

Lot Clean-Up Programs

Lot clean-up programs offer a means for neighborhoods to reverse the neglect associated with vacant and abandoned properties with sweat equity. Most often, they are efforts run by community volunteers with supplies and dumpsters provided by local government. In St. Louis, Missouri, Project Blitz puts 75,000 volunteers to work every spring on 100 neighborhood "cleaning and greening" projects. This program has helped clear more than seven million pounds of trash from streets, alleys, and vacant lots.²⁶

Decreased Property Values and Tax Revenues

Vacant properties reduce city tax revenues in three ways: they are often tax delinquent; their low value means they generate little in taxes; and they depress property values across an entire neighborhood. Lower property values mean lower tax revenues for local governments.

According to Frank Alexander, Interim Dean and Professor at Emory University Law School and an expert in housing issues, "failure of cities to collect even two to four percent of property taxes because of delinquencies and abandonment translates into \$3 billion to \$6 billion in lost revenues to local governments and school districts annually."²⁷ Property taxes remain the single largest source of tax revenue under local control, so this loss of income is substantial.²⁸

Lost Tax Revenue

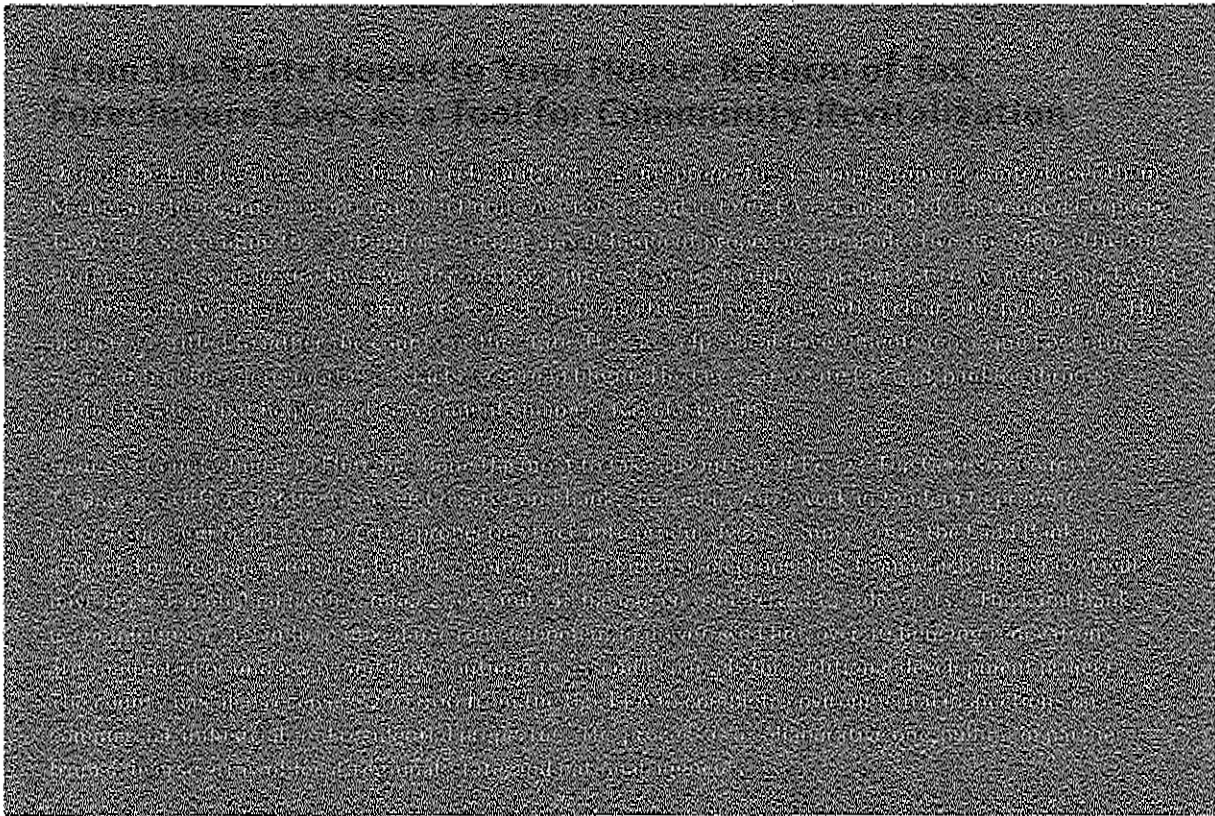
Taxes are often lost on vacant properties because of tax delinquency. Abandoned properties often become delinquent because the cost of paying taxes on the property may well exceed the value of the property. If the property goes into tax forfeiture, a common fate for vacant or abandoned properties, ownership is transferred to the municipality which tries to recover the lost taxes through the sale of the property. But such sales are problematic for several reasons.

Simply gaining title is a long and difficult process that consumes government resources (*see From the State House to Your House on page 8*). Once the title is obtained, cities often auction off delinquent properties for the amount of the tax lien, but the reclamation of all of the lost taxes is not guaranteed. One study found that 83 percent of the balance due is lost on foreclosed properties. When cities try to recover delinquent taxes on parcels where homes have been demolished, not only are they not able to recover the taxes, but typically the demolition itself was



costly - in St. Paul, the overall loss to the city for a single demolished house is about \$7,789.²⁹ And while tax sales provide a source of income for municipalities, they do not ensure that the abandoned property will be put to productive use. The properties are sometimes purchased by speculators without any intent to restore them, and the process fails to assemble marketable parcels of land.

Even if the taxes are being paid, those taxes don't amount to much. In St. Paul, a vacant lot produces \$1,148 in property taxes over 20 years; an unrenovated but inhabited home generates \$5,650, and a rehabilitated property generates \$13,145.³⁰



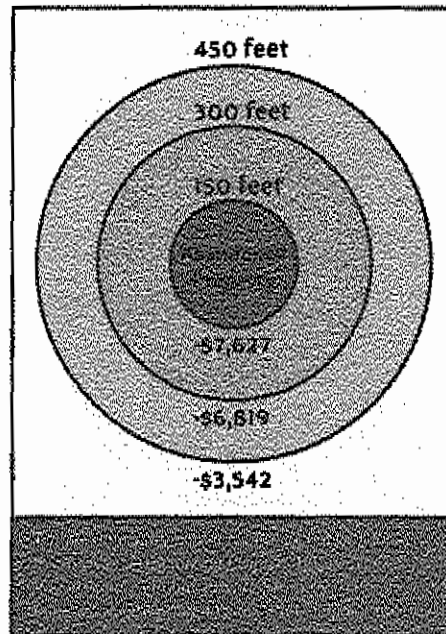
Lower Property Values

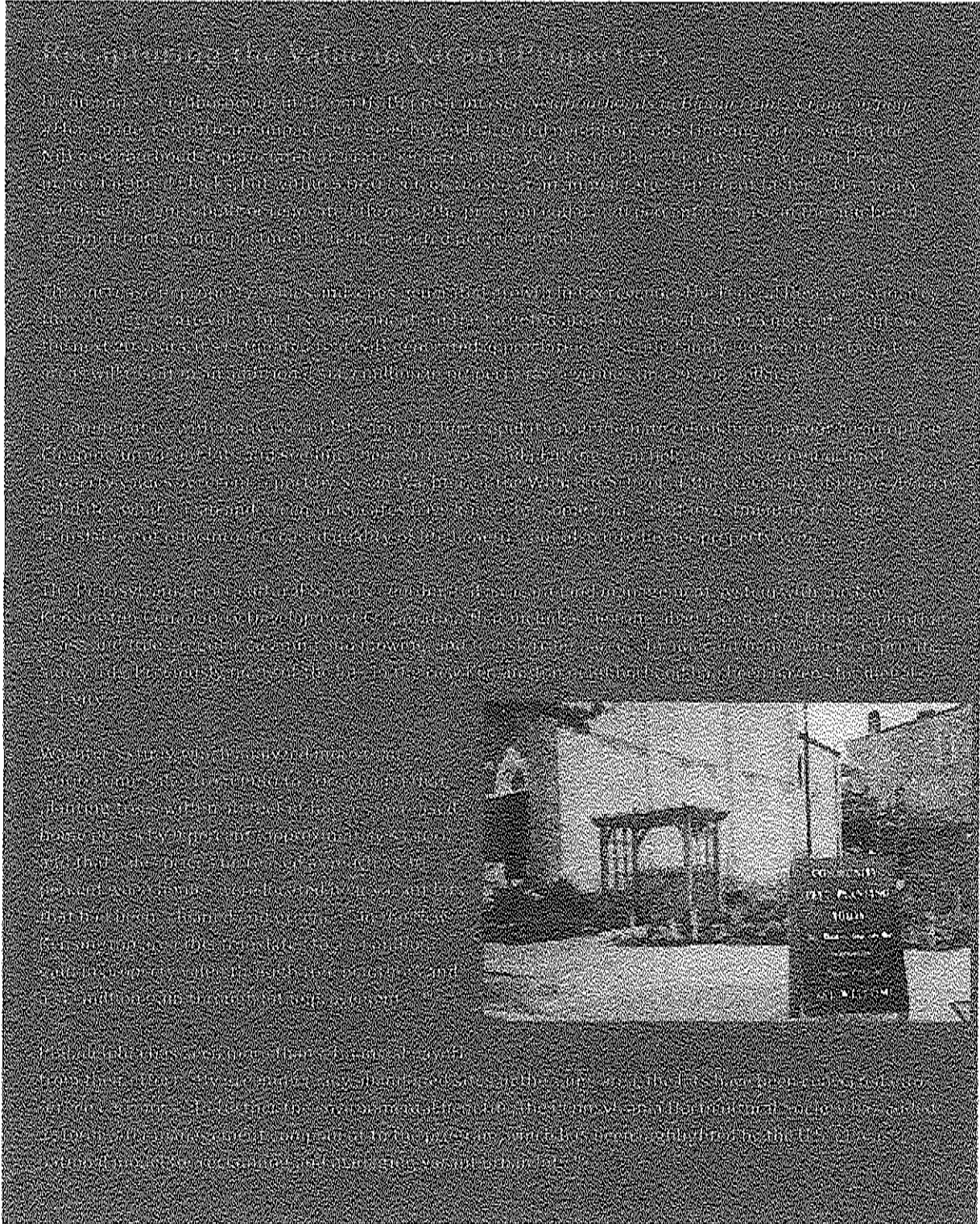
Vacant properties generate little in taxes - but, perhaps more importantly, they rob surrounding homes and businesses of their value. In a 2001 study, researchers from Philadelphia found that houses within 150 feet of a vacant or abandoned property experienced a net loss of \$7,627 in value. Properties within 150 to 300 feet experienced a loss of \$6,819 and those within 300 to 450 feet experienced a loss of \$3,542 (see diagram below).

Philadelphia researchers also found "that all else being equal, houses on blocks with abandonment sold for \$6,715 less than houses on blocks with no abandonment."³³

A University of Minnesota study also evaluated the fiscal benefits the city of St. Paul would receive if it renovated abandoned housing. The study found that vacant properties negatively affected neighborhood property values, reducing the city's tax base. While a renovated property did not negatively affect surrounding property values, demolishing a vacant building and leaving a vacant lot in its stead led to "\$26,397 in lost property tax revenue over a twenty-year period."³⁴

These lower property values represent a hit in the pocketbook for both homeowners and the city. But a focused effort to bring vacant properties back can restore value - and taxes - for the city.





Costs to Homeowners

Living in a neighborhood with many vacant and abandoned properties exacts many costs on homeowners. As discussed above, it leads to decreased property values, which can devastate a family's financial security. When neighborhood populations decline and properties become vacant, a smaller number of residents bear a greater proportion of the city's tax burden. This fact is particularly relevant in lower-income neighborhoods and among residents without the resources or the desire to leave their neighborhood. And there are other, less easily measured costs of owning a home in an area with vacant properties - costs that are both fiscal and psychological.

Higher Insurance Premiums

The proximity of vacant and abandoned properties makes obtaining homeowner's insurance, mortgages, and loans for home improvements more difficult. Insurance companies pay attention to what is going on in a neighborhood; this can mean increased premiums or even policy cancellations for those homeowners living close to an abandoned property. Determining how vacant and abandoned properties influence the cost of homeowners insurance is difficult at best. There are a number of variables involved in the setting of premiums and many insurance companies hold their underwriting manuals to be proprietary. An interview with an insurance agent in Washington, DC representing a national insurance company revealed that the presence of a "high hazard" property (which includes condemned properties) within forty feet of a solid masonry building and 100 feet of a non-masonry building would lead to a cancellation or non-renewal of an insurance policy.⁴¹

Poorer Quality of Life

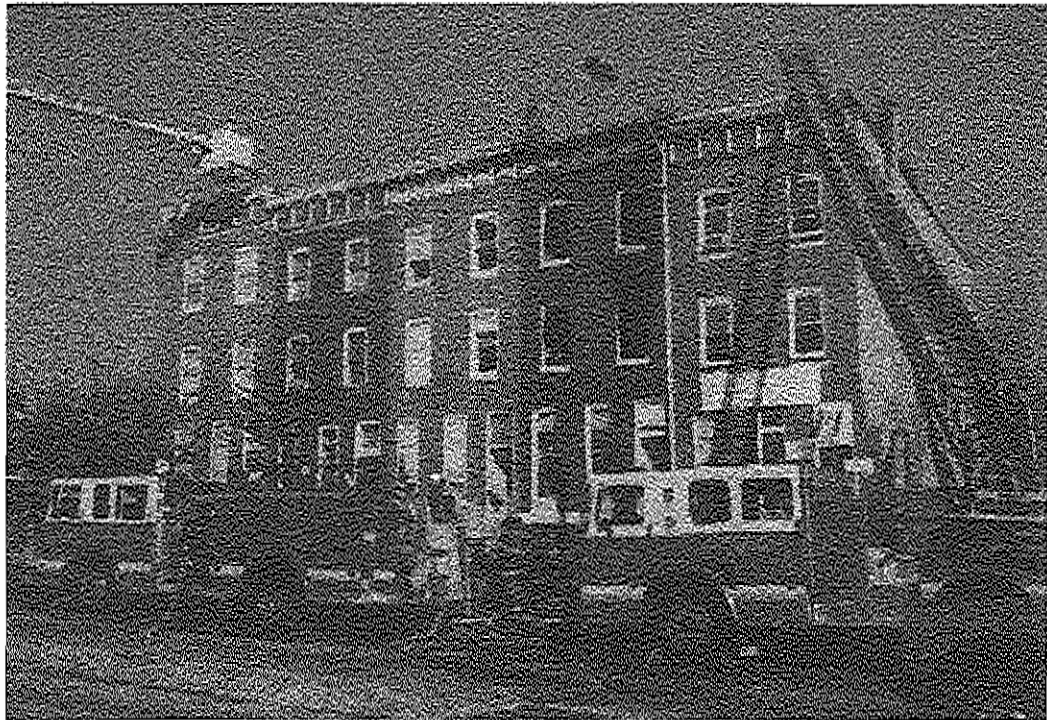
Vacant properties degrade quality of life for remaining residents. Genesee County Treasurer Daniel T. Kildee tells the story of a Flint resident. "I met a woman who bought her house a decade ago, so proud to be a new homeowner. She took good care of her home and her family, and has seen the properties on both sides of her home burn and sit abandoned for many years. Finally under our program (*see From the State House to Your House on page 8*), we took control of the adjacent properties and have scheduled them for demolition and to transfer to her as part of our side-lot program. Sadly, our program was not in place for many years as she watched the neighborhood slowly slip away. This is a woman that saw her single greatest financial investment become valueless - not due to the condition of her home, but due to the neglect of the property that surrounds her. She only had two choices: stay and maintain her home and make her mortgage payments, or abandon the property and ruin her credit and her home. That is a story that has repeated itself in our community a thousand times over, with a far less happy ending."⁴²

With abandoned buildings comes social fragmentation. Individuals who live in communities with an increasing number of vacant buildings begin to feel isolated, weakening the community as a whole. A large number of vacant buildings in a neighborhood symbolizes that no one cares, increasing the likelihood that property values will continue to decline and that further abandonment will set in. In the case of vacant properties, the problem is out in the open, for all to see. The aesthetic impact of abandoned properties, while not easily quantified in dollars, is another cost.

The Spiral of Blight: The Cumulative Impact of Vacant Property

The costs imposed by a single vacant building are not contained. If left alone, that building can trigger a costly spiral of blight. With each arson or lot filling up with garbage comes further incentive for the remaining residents and businesses to flee. To stem these problems it is important for municipalities to address the issue early.

In *Renewing the Urban Landscape: The Dilemma of Vacant Housing*, the authors describe the issue of vacant and abandoned property as a self-feeding problem. "In blighted neighborhoods that adjoin abandoned ones, existing homeowners face stagnating or declining property values. Unscrupulous real estate agents play on these fears by inducing existing residents to sell cheaply in order to maximize profits at the expense of incoming families. Although this property is still generating revenues for the city, the combination of high resale prices and high tax rates discourage maintenance of such structures. In this way, communities in transition start to look shabby and run-down. Businesses see their profits dwindle and are unlikely to remain in such locales."³ Part of the reason abandonment becomes contagious is that "it makes it harder for people to sell their homes or because it leads banks to lower appraisals or deny loans entirely on blocks with abandoned properties."⁴



Summary

Vacant and abandoned properties are burning a hole in the pockets of local governments, businesses, and individuals. The root of the problem may seem far beyond the control of local governments. The vacancies are often a result of larger forces, such as corporate decisions to transfer jobs overseas, or developers' decisions to invest in sprawling new homes far on the urban fringe. But taking no action simply allows the problem to grow worse.

The places that have done the most to end the financial drain of vacant properties are those that recognize their value. The Pennsylvania Horticultural Society provides an idea of the positive returns cities can expect by investing in a comprehensive program for dealing with vacant and abandoned property. PHS estimates that, over the course of twenty years, the City of Philadelphia would receive \$1.54 in benefits for every \$1.00 in costs (\$158.7 million in benefits, \$106.7 million investment). This figure stands before even considering the additional benefits that may "accrue to families and private businesses if the elimination of vacant land results in an increase in the value of their property, a decrease in insurance rates, or a greater interest by businesses to locate in a more attractive city."⁹

Many cities and counties across the country are looking for strategies that help them capture the value reported by the programs discussed in this report. While some communities have yet to take the first step, others are enacting their own programs to different degrees of success. Sharing experiences and knowledge - what works and what does not - is the role of the National Vacant Properties Campaign, providing a forum to arm communities, civic leaders, and policymakers with information that can embolden them to take action. The Campaign hopes to encourage communities and researchers to seek solutions to these and other outstanding problems relating to the scope and cost of vacant properties:

- ⊙ Many communities don't have a reliable accounting system to track of the number of vacant properties that exist within their borders.
- ⊙ Many of the financial costs incurred by a jurisdiction, including demolition, fire and nuisance abatement, are not routinely tracked.
- ⊙ While anecdotal evidence abounds regarding homeowners losing their insurance because of their proximity to an abandoned house, determining the actual cost is difficult.
- ⊙ Much of the data available about the costs of vacant properties is found from a variety of sources and is difficult to obtain.

Please contact the Campaign to share the experiences in your community.

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 IP Morgan Chase
 Jim Rooney
 CEOs for Cities
 Carey Siles
 Habitat for Humanity New York City
 Diana Silva-Sterling
 City of San Diego
 Susie Sinclair Smith
 Sammie Wee Foundation
 Heidi Small
 City of Savannah, Georgia
 Harbin Smith
 Congress for the New Urbanism
 Jeff Souts
 American Planning Association
 Jennifer Vay
 Brookings Institution, Center for Urban
 and Metropolitan Policy

*Affiliations used for identification purposes only

The National Vacant Properties Campaign is a coalition of individuals, organizations, and businesses that are committed to addressing the problem of vacant properties in our communities. We believe that vacant properties are a major source of blight and that they can be eliminated through a combination of public and private efforts.

The campaign is currently focused on the issue of vacant properties in urban areas. We are working to identify and address the causes of vacant properties and to develop effective strategies for their elimination. We are also working to raise public awareness of the problem and to encourage local governments to take action.

We are currently seeking individuals and organizations who are interested in joining the campaign. If you are interested in learning more about the campaign or in joining, please contact us at the address below.

For more information, please visit our website at www.nvpc.org or contact us at info@nvpc.org.

Attachment F



City of Fresno

2600 Fresno Street
Fresno, CA 93721
www.fresno.gov

Legislation Text

File #: ID#15-183, Version: 1

REPORT TO THE CITY COUNCIL

March 5, 2015

FROM: JENNIFER K. CLARK, Director
Development and Resource Management Department

BY: DEL ESTABROOKE, Code Enforcement Manager
Development and Resource Management Department

SUBJECT

1. BILL NO. B-3 - (Intro. 2/26/2015) (For adoption) - Relating to the Annual Weed Abatement Program

RECOMMENDATION

Staff recommends that City Council:

1. Adopt the attached ordinance approving the procedures for the 2015 Weed Abatement Program, and declare that dry grass, weeds, trash, and debris on vacant lots pose a significant fire hazard in the City of Fresno.

EXECUTIVE SUMMARY

It is the priority of the City of Fresno to protect and preserve neighborhoods through a variety of mechanisms. The Fresno Municipal Code requires that all vacant parcels within the City Limits be cleared and mowed by April 15 of each year. By keeping properties free from dry grass, weeds, trash and debris, the City is protecting surrounding investments from fire hazard and preserving property values.

The City has conducted a proactive weed abatement notification program from 2004 to 2011 with great success. There are approximately 4,000 vacant (undeveloped) parcels within the City Limits. This action provides for proactive notification of property owners to allow for immediate abatement without the need for a fifteen (15) day courtesy notice. Proactive notification of property owners results in a 98.81% compliance rate which reduces the need to issue citations or to conduct additional inspections.

Additionally, this action will allow for proactive abatement in cases of repeat violations, thus reducing fire hazard and blighting conditions which infringe on surrounding neighborhoods and properties.

BACKGROUND

The goal of the Weed Abatement Program is to keep the community free of fire hazards and blight through proactive code enforcement throughout the year and especially during fire season. Dry grass, weeds, trash, and debris on vacant lots constitute a significant fire hazard. Therefore, property owners are notified prior to the start of the season to maintain their property throughout the season. This means that property owners must disc and/or clean their lots before April 15, and ensure that they remain free from fire hazards and debris through the end of September.

Each year the Code Enforcement Division notifies approximately 4,000 property owners of vacant lots to keep their property free from dry grass, weeds, trash, and debris. These potential code violations pose a significant fire hazard during the fire season, which runs from April 15 through September 15 each year. In past years, proactive notification has resulted in only 1.19% violation rate, significantly lower than in years without a proactive program. This reduction results in fewer citations, fewer repeat inspections, and fewer abatement actions by the City.

The proactive Weed Abatement process is resource-efficient. All properties are noticed by mail and by legal ad in the Fresno Bee. Inspections of all properties will begin on April 16th. If a property is found to have a violation with no visible attempts of clean up, a citation shall be issued to the property owner and the violations may be summarily abated. The property owner is then billed for the cost of the abatement plus an administrative fee with an average bill of about \$500 to \$1,000 per incident. Citations range from \$200 to \$800. If the property owner does not pay the bill, the City will collect the debt through three methods: a collection agency, special tax assessment, or a nuisance abatement lien. This public hearing is to provide the owners of vacant lots an opportunity to present their viewpoint concerning the process.

This year's program will follow the same successful format that was used for seven consecutive years from 2004 through 2011, as follows:

Legal Notification: Notices were mailed on February 11, noting a deadline for compliance of April 15. A legal notice was published in the Fresno Bee and a listing of APNs to be inspected was made available to the public on the weed abatement website and a copy available in the City Clerk's Office (See Exhibits A, B, C and D).

Inspections: As before, to establish the City-owned lots as an example for the public, inspections and cleanup of City-owned lots will begin early, on April 6. Inspections of privately owned lots will begin after the deadline, on April 16. A citation shall be issued to the property owner and the violations may be summarily abated by a City contractor without further notification if the owner has not cleaned the property by the deadline. The cost of the abatement plus an administrative fee will be billed to the property owner. This process has been developed in conjunction with the City Attorney's Office.

Cost Recovery Procedures: For 2015, the Division will utilize three different methods of collection, which will be determined on a case-by-case basis. The three methods are: 1) special tax assessment; 2) a collection agency; or 3) an abatement lien.

ENVIRONMENTAL FINDINGS