

**Continuity Report**  
Fresno County Grand Jury Report No. 1  
October 2020

**SUMMARY**

The function of the Civil Grand Jury is to investigate the operations of the various officers, departments, and agencies of the government of its appointed county. If the recommendations of the Civil Grand Jury are not verifiably implemented, or at least seriously considered, this function is undermined and the effort is futile.

Traditionally, a Continuity Committee of the Civil Grand Jury performs a review of the responses received from the preceding Grand Jury reports in order to follow up on implementation of the reports' Recommendations. The 2019-2020 Fresno County Civil Grand Jury reviewed the current Fresno County Grand Jury Procedures Manual for procedural direction. While the Procedures Manual provided responsibility information, it did not offer information on operationalizing the task or a mechanism for tracking. Thus, the 2019-2020 Grand Jury created a process and template for tracking responses to report Findings and Recommendations. Hopefully, the resulting template will assist future Grand Juries in carrying out the responsibilities of Recommendation review.

The 2019-2020 Grand Jury determined that not all requested respondents adhered to California Penal Code Section 933<sup>1</sup> and Section 933.05 (a)<sup>2</sup> and that Grand Jury follow-up on submitted reports and responses has historically been intermittent and inconsistent. While the 2019-2020 Grand Jury limited its detailed review of reports to those submitted by 2016-2017, 2017-2018, and 2018-2019 Grand Juries, all Grand Jury Reports submitted from 2000-2001 to date can be viewed at the following website: [http://www.fresno.courts.ca.gov/jury/grand\\_jury/reports\\_responses.php](http://www.fresno.courts.ca.gov/jury/grand_jury/reports_responses.php).

**BACKGROUND**

California Penal Code Section 933<sup>1</sup> establishes timelines for responses by those listed as respondents in each report. Penal Code Section 933.05<sup>2</sup> establishes response guidelines as follows:

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<sup>1</sup> *California Penal Code §933*, California Legislation Information. [http://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?sectionNum=933&lawCode=PEN](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=933&lawCode=PEN)

<sup>2</sup> *California Penal Code §933.05*, California Legislation Information. [http://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?sectionNum=933.05&lawCode=PEN](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=933.05&lawCode=PEN)

- Findings responses to include one of the following:
  1. Agrees.
  2. Disagrees wholly or partially, with an explanation of the disagreement.
  3. Disagrees wholly, with an explanation of the disagreement.
  
- Recommendation responses to include one of the following:
  1. “Has been implemented” with summary of implementation actions.
  2. “Has not yet been implemented but will be implemented in the future” with a timeframe for implementation.
  3. “Requires further analysis” with an explanation and analysis scope and a timeframe, not to exceed six months from the date the Grand Jury report is published.
  4. “Will not be implemented because it is not warranted or is not reasonable,” with explanation.

Grand Jury reports for years 2016-2017, 2017-2018, and 2018-2019 were reviewed to determine compliance with the above cited Penal Code requirements and to determine if further inquiry is needed by the current Grand Jury and/or the 2020-2021 Grand Jury.

While it was apparent that follow up had not been done for many years due to time constraints, the 2019-2020 Grand Jury limited its review to those years stated above. The 2019-2020 Grand Jury hopes that future Grand Juries establish a Continuity Committee early in their service year to allow adequate time to review responses and implementation status.

## **METHODOLOGY**

The 2019-2020 Grand Jury reviewed all reports and responses received from the 2016-2017, 2017-2018, and 2018-2019 Grand Jury terms for compliance with Penal Code Sections 933 and 933.05. The 2019-2020 Grand Jury also communicated with agencies involved when future implementation was noted in response Recommendations to determine the status of the implementation. Current implementation status is noted in Appendices tables.<sup>3</sup>

- Did the responses follow prescribed guidelines established in Penal Code Section 933.05?
- If the respondent indicated a Recommendation would be implemented, was the Recommendation in fact implemented?
- Is a new inquiry warranted to determine implementation status?
- Which Reports needing inquiry will be suggested to the 2020-2021 Grand Jury for follow up?

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<sup>3</sup> *California Penal Code §929*, California Legislation Information. [http://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?sectionNum=929&lawCode=PEN](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=929&lawCode=PEN)

The 2019-2020 Grand Jury’s analysis is presented in tabular format organized by Grand Jury service year and is included in the Appendices of this report by year. Each report table includes information regarding the current status of each implementation Recommendation based upon information obtained by the 2019-2020 Grand Jury during its investigation.

**DISCUSSION**

The 2019-2020 Grand Jury reviewed the following reports from the prior three Grand Jury terms. The following table presents a snapshot of the results of the 2019-2020 Grand Jury’s review of prior Grand Jury reports and responses.

**Grand Jury Reports Reviewed**

Year	Reports	Findings	Recommendations	Further Inquiry		
				Not Needed	Completed by 2019-2020 Grand Jury	Needed
2016-2017	4	39	26	1	1	2
2017-2018	3	20	14	1	2	0
2018-2019	3	21	13	0	0	3

Detailed information for each report and the responses reviewed by the 2019-2020 Grand Jury is found in tabular form in the Appendices to this report as listed below. In addition to listing each reports’ Findings and Recommendations, agencies requested or required to respond to each are listed as well. Additional information was obtained regarding the present status of “Will Implement” Recommendation responses and reviewed to determine the current status of implementation

**Appendix A - 2016 - 2017 Grand Jury Reports** ([http://www.fresno.courts.ca.gov/\\_pdfs/Grand%20Jury%20Reports/Grand%20Jury%20Final%20Report%202016-2017.pdf](http://www.fresno.courts.ca.gov/_pdfs/Grand%20Jury%20Reports/Grand%20Jury%20Final%20Report%202016-2017.pdf))

- Report #1 – Pleasant Valley State Prison
- Report #2 – Fresno Police Department’s Training on the Use of Force
- Report #3 – Kingsburg Tri-County Health Care District – A Financial Review
- Report #4 – Facilities Services Division (FSD): The Perception of Overcharging

**Appendix B - 2017 - 2018 Grand Jury Reports** ([http://www.fresno.courts.ca.gov/\\_pdfs/Grand%20Jury%20Reports/Grand%20Jury%202017-18%20Consolidated%20Final%20Report.pdf](http://www.fresno.courts.ca.gov/_pdfs/Grand%20Jury%20Reports/Grand%20Jury%202017-18%20Consolidated%20Final%20Report.pdf))

- Report #1 – County Elections Office
- Report #2 – City of Sanger Ordinance No. 1094 – Measure S
- Report #3 – Special Districts Non-Compliance-System Failure Grand

**Appendix C - 2018 - 2019 Grand Jury Reports**

- Report #1 – Elder Abuse and the “Silver Tsunami”  
([http://www.fresno.courts.ca.gov/\\_pdfs/Grand%20Jury%20Reports/Report%201%202018-19.pdf](http://www.fresno.courts.ca.gov/_pdfs/Grand%20Jury%20Reports/Report%201%202018-19.pdf))
- Report #2 – First 5 Fresno County  
([http://www.fresno.courts.ca.gov/\\_pdfs/Grand%20Jury%20Reports/Report%202%202018-19.pdf](http://www.fresno.courts.ca.gov/_pdfs/Grand%20Jury%20Reports/Report%202%202018-19.pdf))
- Report #3 – Fresno Police Department 9-1-1 Communication Center  
([http://www.fresno.courts.ca.gov/\\_pdfs/Grand%20Jury%20Reports/Report%203%202018-19.pdf](http://www.fresno.courts.ca.gov/_pdfs/Grand%20Jury%20Reports/Report%203%202018-19.pdf))

The review was difficult when respondents did not specify which Findings and Recommendations they were addressing in their responses, did not respond with the language required by Penal Code, or did not explain the implementation status of Recommendations. Additionally, not all required or requested respondents provided a response. Respondent compliance is noted in each Findings and Recommendations Review Table found in the Appendices. The Grand Jury did not interpret implied, descriptive responses. Such responses are listed as “Unknown” in Appendices Findings and Recommendations Review Tables. The 2019-2020 Grand Jury recommends that future juries follow up on “Unknown” and “Will Implement” Recommendation responses reviewed by the current jury as noted in each Findings and Recommendations Review Table, Implementation Follow Up column. It was also felt that more time may be needed by some respondents to implement 2018-2019 Grand Jury report “will implement” Recommendations responses. Thus, it is suggested that the 2020-2021 Grand Jury follow up on those as indicated as “Review” in the Implementation column of the 2019-2020 Findings and Recommendations Review table.

The need to establish a continuity review format and process limited the number of past Grand Jury reports and responses the 2019-2020 Grand Jury was able to review. Hopefully, the work of the 2019-2020 Grand Jury provides the foundation to support the work of future Continuity Committee reviews. The annual review and follow up of prior Grand Jury Reports’ Recommendation responses indicating future implementation to determine implementation status should be of high priority to each Grand Jury as they begin their term.

## **FINDINGS**

- F1. Respondents to Grand Jury Report Findings and Recommendations do not consistently follow Penal Code timeline requirements.
- F2. Respondents to Grand Jury Report Findings and Recommendations do not consistently follow Penal Code response format and language requirements, leaving interpretation to the reader.
- F3. The Grand Jury does not receive responses to Grand Jury Reports from the County as they are received.
- F4. Prior Fresno County Grand Juries have been remiss in following up on the status of implementation on Grand Jury Recommendation responses indicating future implementation.

## **RECOMMENDATIONS**

- R1. Grand Jury Report required and invited respondents should be knowledgeable of Penal Code timeline requirements and respond accordingly. (F1)
- R2. Grand Jury Report required and invited respondents should be knowledgeable of Penal Code format and language requirements and respond accordingly. (F2)
- R3. Grand Jury Report responses should be forwarded by the County immediately upon receipt to the sitting Grand Jury in order to support the Grand Jury in tracking responses and following up on indicated implementation. (F3)
- R4. Early in each new term, the Grand Jury should review the Continuity Committee section of the Grand Jury Procedures Manual and determine how the Jury will implement it. (F4)

## **REQUEST FOR RESPONSES**

No responses are required or requested.

## **DISCLAIMER**

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code Section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.

## **APPENDICES**

**Appendix A.** Fresno County Grand Jury 2016-2017, Findings and Recommendations Review

**Appendix B.** Fresno County Grand Jury 2017-2018, Findings and Recommendations Review

**Appendix C.** Fresno County Grand Jury 2018-2019, Findings and Recommendations Review

**Grand Jury 2016-2017**  
**Findings and Recommendations Review**  
**Report #1 – Pleasant Valley State Prison<sup>1</sup>**  
*“Today’s inmate is tomorrow’s neighbor.”*

<b>FINDINGS – Report #1</b>	<b>Responses</b>		
	<b>Requested From</b>	<b>Received Yes/No-received late/ No response <i>as required by Penal Code<sup>2</sup></i></b>	<b>Agree/Disagree/ Partially Disagree/ Unknown (1) <i>as required by Penal Code<sup>3</sup></i></b>
F1. There was no evidence of combined staff meetings between mental health staff and substance use staff for co-occurring disorders treatment program planning, which is in conflict with Male Community Re-entry Program (MCRP) goals and best practice recommendations by Substance Abuse and Mental Health Services (SAMHSA).	Warden & Medical CEO	Yes	Disagree
F2. Several staff, from both mental health and substance use programs, report inmates find substance use services less stigmatizing than mental health services, though they may suffer from both. No programs for diffusing this stigmatizing were found.	Warden & Medical CEO	Same as above	Agree
F3. The substance use disorder treatment program has doubled in number of slots for inmates to receive services, as of January 2017, but no method for assessing program effectiveness has been established. Assessment of program effectiveness would be useful for future treatment programming.	Warden & Medical CEO	Same as above	Disagree

<sup>1</sup> Grand Jury Annual Report 2016-2017, County of Fresno. [http://www.fresno.courts.ca.gov/\\_pdfs/Grand%20Jury%20Reports/Grand%20Jury%20Final%20Report%202016-2017.pdf](http://www.fresno.courts.ca.gov/_pdfs/Grand%20Jury%20Reports/Grand%20Jury%20Final%20Report%202016-2017.pdf)

<sup>2</sup> California Penal Code §933, California Legislation Information. [http://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?sectionNum=933&lawCode=PEN](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=933&lawCode=PEN)

<sup>3</sup> California Penal Code §93305, California Legislation Information. [http://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?sectionNum=933.05&lawCode=PEN](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=933.05&lawCode=PEN)

F4. The inmate who committed suicide went two months without seeing a therapist following the sudden death of his primary therapist. He should have been seen immediately after the sudden loss of this significant person in his life and the treatment plan should have been followed or revised by a new therapist.	Warden & Medical CEO	Same as above	Disagree
F5. There is significant emotional turmoil for inmates and their families during incarceration and release from prison. Programs for decreasing this turmoil and helping inmates and families reunite are lacking, especially for those on probation compared to those on parole.	Warden & Medical CEO	Same as above	Disagree
F6. Recruiting psychologists continues to be a challenge and the process could be improved. Other mental health and substance use positions appear to be filled in a timely manner and are close to being fully staffed (such as psychiatry, social work, substance abuse counselors).	Warden & Medical CEO	Same as above	Agree
F7. The grand jury commends PVSP on its American Correctional Association (ACA) rating of 99.3 and OIG rating of Proficiency. We also heard many staff say PVSP was the best correctional institution where they had worked.	Warden & Medical CEO	Same as above	Agree
F8. The grand jury commends the PVSP Mental Health Team for starting the Treatment Planned Focused Improvement Team, which was beyond what was recommended by the Psychological Autopsy Report recommendations.	Warden & Medical CEO	Same as above	Agree
F9. The grand jury commends PVSP on the development of innovative programs such as the Five Ventures Program and exploring the possibility of the Race Horse Rehabilitation Program.	Warden & Medical CEO	Same as above	Agree
F10. The grand jury commends PVSP on implementation of the Inmate/Family council meeting. Members of this council publicly praised the Warden and his team for supporting the success of this forum.	Warden & Medical CEO	Same as above	Agree

(1) **Agreed** = **One or more** respondent agrees with Finding in full or part. **Disagree** = **All** respondents disagree with Finding in full. **Partially Disagree** = **All** respondents disagree in part with Finding.



RECOMMENDATIONS – Report #1 Pleasant Valley State Prison	Responses		2019-2020 Grand Jury Investigation Implementation Outcome	
	Requested From	Received Yes/No-received late/ No response <i>As required by Penal Code<sup>2</sup></i>	Status	Follow up
R1. The grand jury recommends monthly program planning and treatment planning meetings with staff from both mental health and substance use programs. More programs for inmates with co-occurring Disorders is indicated. Joint programming should also focus on defusing the stigma associated with seeking mental health services.	Warden & Medical CEO	Yes	Will not implement	None
R2. The Community Education Centers (CEC) should provide a method of program evaluation to assess intervention effectiveness. We recommend the Warden request this from California Department of Corrections and Rehabilitation (CDCR) and CEC, in writing, within one month of receiving this report.	Warden & Medical CEO	Same as above	Unknown	Review
R3. Increased training for all staff on triggers for self-injurious behavior, including death of a significant other. This would include staff members with whom an inmate has a relationship or rejection by a significant other. Quarterly reminders for retraining would be useful, as the current training once per year appears ineffective.	Warden & Medical CEO	Same as above	Unknown	
R4. Add more social workers with case management experience to improve successful reentry of inmates to society, especially those to be released to probation. This should be available to all inmates, to be released to parole or to probation.	Warden & Medical CEO	Same as above	Unknown	
R5. Increase communication between Fresno sheriff's department, probation department, and PVSP social workers. The focus needs to be on making inmate's reentry to Fresno County more effective, linking inmates and their families with Fresno County resources, especially for those on probation.	Warden & Medical CEO	Same as above	Unknown	

R6. Explore the possibility of using telecommunications to hire mental health workers in difficult to fill positions, such as psychologists.	Warden & Medical CEO	Same as above	Implemented	None
R7. Explore the possibility of obtaining a grant-funded program to use video conferencing to promote family reunification for all inmates while incarcerated.	Warden & Medical CEO	Same as above	Unknown	Review

**Grand Jury 2016-2017  
Findings and Recommendations Review  
Report #2 – Fresno Police Department’s Training on the Use of Force<sup>1</sup>**

<b>FINDINGS – Report #2</b>	<b>Responses</b>		
	<b>Requested From</b>	<b>Received Yes/No-received late/ No response <i>as required by Penal Code<sup>2</sup></i></b>	<b>Agree/Disagree/ Partially Disagree/ Unknown (1) <i>as required by Penal Code<sup>3</sup></i></b>
F1. The grand jury commends the Fresno Police Department (FPD) for the acquisition of current technology, implementation of innovative communications programs, and the dissemination of timely, updated information to officers responding to calls for service.	1. Chief of Police, City of Fresno 2. Mayor, City of Fresno 3. City Manager, City of Fresno	1. Yes 2. No 3. No	Unknown
F2. The FPD has excelled in the development and staffing of training facilities, policies and procedures, and adherence to Police Officer Standards and Training (POST) standards.	Same as above	Same as above	Unknown
F3. In review of the FPD policies and procedures for officer involved shootings, the grand jury finds that the FPD’s preparation and follow-up for handling incidents is very thorough.	Same as above	Same as above	Unknown
F4. FPD starting salaries appear not to be competitive with nearby cities, which may impact recruitment and retention.	1. Chief of Police, City of Fresno 2. Mayor, City of Fresno 3. City Manager, City of Fresno 4. City Council, City of Fresno	1. Yes 2. No 3. No 4. No	Unknown
F5. Due to the shortage of personnel to provide coverage for officers, time to practice de-escalation skills they have learned appears insufficient.	Same as above	Same as above	Unknown

F6. Opportunities to practice scenario based training at the Regional Training Center(RTC) simulators on use of force situations appear to be too infrequent.	1. Chief of Police, City of Fresno 2. Mayor, City of Fresno 3. City Manager, City of Fresno	1. Yes 2. No 3. No	Unknown
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(1) **Agreed** = **One or more** respondent agrees with Finding in full or part. **Disagree** = **All** respondents disagree with Finding in full. **Partially Disagree** = **All** respondents disagree in part with Finding.

RECOMMENDATIONS –Report #2 Fresno PD Use of Force	Responses		2019-2020 Grand Jury Investigation Implementation Outcome	
	Requested From	Received Yes/No-received late/ No response <i>As required by Penal Code<sup>2</sup></i>	Status	Follow up
R1. Practice sessions for use of de-escalation techniques should be required on a quarterly basis, not just once every two years or after a shooting occurs (FPD Procedure 310).	1. Chief of Police, City of Fresno 2. Mayor, City of Fresno 3. City Manager, City of Fresno	1. Yes 2. No 3. No	Unknown	Review
R2. Salaries and benefits should be reviewed and increased allowing the department to attract more highly trained candidates and fill positions in a more timely manner.	1. Chief of Police, City of Fresno 2. Mayor, City of Fresno 3. City Manager, City of Fresno 4. City Council, City of Fresno	1. Yes 2. No 3. No 4. No	Unknown	

**Grand Jury 2016-2017  
Findings and Recommendations Review  
Report #3 – Kingsburg Tri-County Health Care District – A Financial Review<sup>1</sup>**

<b>FINDINGS – Report #3</b>	<b>Responses</b>		
	<b>Requested From</b>	<b>Received Yes/No-received late/ No response <i>as required by Penal Code<sup>2</sup></i></b>	<b>Agree/Disagree/ Partially Disagree/ Unknown (1) <i>as required by Penal Code<sup>3</sup></i></b>
F1. The District was not responsive to numerous requests for financial information that may substantiate the District’s audited financial statements, indicating they did not have the requested information. This leads the grand jury to question the validity of the Audit Reports.	1. Kingsburg Tri-County Health Care District Board of Directors 2. Oscar Garcia, Fresno County Auditor-Controller/Treasurer-Tax Collector	1. Yes 2. Yes	Agree
F2. The District provided the grand jury with a signed and dated (October 15, 2016) audited financial statement for FYE June 30, 2015. When questioned, the District identified the audit as a “draft” and provided an “updated” audit. The existence of two different signed and dated FYE June 30, 2015 audit reports is not professional practice.	Kingsburg Tri-County Health Care District Board of Directors	Yes	Agree
F3. The District elected to write-off their 2011 and earlier accounts payable liabilities by resolution despite the fact that they had sufficient cash flow to support payment.	Same as above	Yes	Agree
F4. The grand jury was unable to obtain some requested financial documentation regarding the District’s financial condition. Receipt and disbursement of tax revenue could not be delineated from documentation, which was provided by the District.	Same as above	Yes	Unknown
F5. It appears the District Board of Directors relied heavily on outside contractors and may have abdicated their fiduciary responsibilities.	Same as above	Yes	Agree

F6. The District has displayed a lack of sound financial management.	Same as above	Yes	Disagree
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(1) **Agreed** = **One or more** respondent agrees with Finding in full or part. **Disagree** = **All** respondents disagree with Finding in full. **Partially Disagree** = **All** respondents disagree in part with Finding.

RECOMMENDATIONS – Report #3 Kingsburg Tri-County Health Care District	Responses		2019-2020 Grand Jury Investigation Implementation Outcome	
	Requested From	Received Yes/No-received late/ No response <i>As required by Penal Code<sup>2</sup></i>	Status	Follow up
R1. The Fresno County Grand Jury recommends that a certified public accountant or public accountant be enlisted by the Fresno County Auditor to conduct annual audits of financial accounts and records of the District beginning with the year the hospital closed.	1. Oscar Garcia, Fresno County Auditor-Controller/ Treasurer-Tax Collector 2. Kingsburg Tri-County Health Care District Board of Directors	1. Yes  2. Yes	Will not implement	None
R2. The Fresno County Grand Jury recommends that Kingsburg Tri-County Healthcare District evaluate the performance of its professional advisors/Contractors and consider selecting new advisors at least every three years.	Kingsburg Tri-County Health Care District Board of Directors	Yes	Will not implement	

**Grand Jury 2016-2017  
Findings and Recommendations Review  
Report #4 – Facilities Services Division (FSD): The Perception of Overcharging<sup>1</sup>**

<b>FINDINGS – Report #4</b>	<b>Responses</b>		
	<b>Requested From</b>	<b>Received Yes/No-received late/ No response <i>as required by Penal Code<sup>2</sup></i></b>	<b>Agree/Disagree/ Partially Disagree/ Unknown (1) <i>as required by Penal Code<sup>3</sup></i></b>
F1. The grand jury did not find evidence of overcharging. There appears to be confusion and a lack of understanding on the part of user departments as to how rates and costs are determined, which could lead to the perception of overcharging.	No response requested	Not applicable	Not applicable
F2. It appears FSD adheres to generally accepted accounting principles including county, state, and federal guidelines, which in turn, insures proper and full cost recovery without making or losing money. Those guidelines allow for FSD practices with flexibility, which result in discretionary implementation of accounting and allocation methodologies.	No response requested	Not applicable	Not applicable
F3. FSD’s invoicing procedures appear to include all direct and indirect costs, including surcharges associated with complete recovery, through the development of its rate structure.	No response requested	Not applicable	Not applicable
F4. The Handbook guidelines allow for recapture of prior year lost revenues. Surcharges necessarily include debt recovery for negative balances from 2009-14. FSD establishes charges to recapture lost revenues, which are included in the invoicing process. FSD’s positive annual balances from 2014-16 are necessary for purposes of recovering prior negative balances and to allow in the new fiscal year, reserves to pay for the prior years’ negative balances.	No response requested	Not applicable	Not applicable

F5. FSD staff are supported by management’s philosophy to address and resolve concerns from user departments.	No response requested	Not applicable	Not applicable
F6. The grand jury commends FSD on the planned implementation of the Financial Accounting Management Information System (FAMIS). The program provides user-friendly access to status of invoices and projects, along with supporting data for all goods and services, which better meet FSD’s goals of transparency and accountability. The grand jury anticipates FAMIS may help prioritize routine and deferred maintenance needs.	Robert Bash, Fresno County Director Department of Internal Services (ISD)/Chief Information Officer (CIO)	Yes	Agree
F7. Rates can only be fully validated in the rate studies when the Auditor reviews the supporting documentation. There appears to be disparity in whether FSD must provide the supporting documentation or whether the Auditor should independently access the supporting documentation. The communication between FSD and the Auditor’s office appears to be improving and may independently address this issue.	1. Robert Bash, Fresno County Director ISD/CIO 2. Jean Rousseau, Fresno County Administrative Officer (CAO) 3. Oscar Garcia, Fresno County Auditor-Controller/ Treasurer-Tax Collector	1. Yes 2. Yes 3. Yes	Agree
F8. Unresolved concerns regarding how supporting documentation must be supplied to the Auditor’s office do not allow for complete rate study. This rate study review is required by county, state, and federal guidelines.	1. Robert Bash, Fresno County Director ISD/CIO 2. Jean Rousseau, Fresno CAO 3. Oscar Garcia, Fresno County Auditor Controller/ Treasurer-Tax Collector 4. Fresno County (BOS)	1. Yes 2. Yes 3. Yes 4. Yes	Partially Disagree
F9. FSD has failed to prepare mid-year reviews. Mid-year reviews are necessary to determine whether material or immaterial rates are present and if changes are necessary to prevent negative or positive annual balances.	1. Robert Bash, Fresno County Director ISD/CIO 2. Jean Rousseau, Fresno CAO 3. Oscar Garcia, Fresno County Auditor-Controller/ Treasurer-Tax Collector	1. Yes 2. Yes 3. Yes	Agree



F10. The rate calculation sheet is insufficient as used to provide explanations to user departments regarding rates and charges and has failed to provide access to the rate building process, which is inherent to transparency and accountability. The grand jury is of the opinion that flowcharts and/or spread-sheets along with supporting documentation will assist user departments' understanding.	Robert Bash, Fresno County Director ISD/CIO	Yes	Agree
F11. FSD has failed to regularly schedule meetings with user departments to aid in understanding of charges and invoicing. FSD's regular meetings with user departments encourages openness and accessibility, which fosters better management of FSD.	Same as above	Same as above	Partially Disagree
F12. FSD continues to train lower-level staff to provide user departments with additional information to provide another layer of training to user departments which may reduce user departments' concerns regarding rates, costs, and invoicing.	Same as above	Same as above	Agree
F13. Failure to publish additional rates and charges on the MSF prohibits effective planning by user departments for anticipated projects.	1. Robert Bash, Fresno County Director ISD/CIO 2. Jean Rousseau, Fresno CAO 3. Oscar Garcia, Fresno County Auditor-Controller/ Treasurer-Tax Collector 4. Fresno County BOS	1. Yes 2. Yes 3. Yes 4. Yes	Disagree
F14. FSD does not receive sufficient and regular allocations of deferred maintenance funds. Lack of deferred maintenance funds fails to protect the lifecycle of county property, which in turn impacts FSD's multi-year budget planning.	1. Robert Bash, Fresno County Director ISD/CIO 2. Jean Rousseau, Fresno CAO 3. Fresno County BOS	1. Yes 2. Yes 3. Yes	Partially disagree
F15. The turnover and absence of facility managers has led to difficulty with cohesiveness of operations, proper delivery of goods and services, and communication with user departments.	Same as above	Same as above	Agree

F16. Circumventing FSD is not a widespread problem. When it does happen, failure to follow policy appears to lead to morale issues with FSD, along with potential liability to persons and property, and from the possible filing of union grievances.	Same as above	Same as above	Agree
F17. Failure by FSD personnel to properly complete the Facility Services Request forms can lead to confusion by giving the impression of duplicated surcharges.	Robert Bash, Fresno County Director ISD/CIO	Yes	Partially disagree

(1) **Agreed** = **One or more** respondent agrees with Finding in full or part. **Disagree** = **All** respondents disagree with Finding in full. **Partially Disagree** = **All** respondents disagree in part with Finding.

RECOMMENDATIONS – Report #4 Facilities Services Division	Responses		2019-2020 Grand Jury Investigation Implementation Outcome	
	Requested From	Received Yes/No-received late/ No response <i>As required by Penal Code<sup>2</sup></i>	Status	Follow up
R1. Implement FAMIS and train all staff and user departments by November 30, 2017.	Robert Bash, Fresno County Director of Dept. of Internal Services (ISD), Chief Information Officer (CIO)	Yes	Implemented <i>(See Exhibit 1 for updated response pages 22-26.)</i>	None
R2. Provide clear policies and directives to FSD and Auditor’s office regarding the rate study process outlining how supporting documentation is made fully accessible to the Auditor’s office for rate studies by November 30, 2017.	1. Robert Bash, Fresno County Director ISD/CIO 2. Jean Rousseau, Fresno CAO 3. Oscar Garcia, Fresno County Auditor-Controller/Treasurer-Tax Collector	1. Yes 2. Yes 3. Yes	Implemented <i>(See Exhibit 1 for updated response pages 22-26.)</i>	None

R3. FSD must refer any unresolved concerns between FSD and the Auditor’s Office to the CAO and/or BOS.	1. Robert Bash, Fresno County Director ISD/CIO 2. Jean Rousseau, Fresno CAO 3. Oscar Garcia, Fresno County Auditor-Controller/Treasurer-Tax Collector 4. Fresno County BOS	1. Yes 2. Yes 3. Yes 4. Yes	Implemented	None
R4. Complete mid-year financial condition reviews in a timely and complete manner to comply with all county, state and federal requirements.	1. Robert Bash, Fresno County Director ISD/CIO 2. Jean Rousseau, Fresno CAO 3. Oscar Garcia, Fresno County Auditor-Controller/Treasurer- Tax Collector	1. Yes 2. Yes 3. Yes	Implemented <i>(See Exhibit 1 for updated response pages 22-26.)</i>	None
R5. Create a standardized form for mid-year financial condition reviews for Internal Service Funds (ISF) by November 30, 2017.	Robert Bash, Fresno County Director ISD/CIO	Yes	Implemented <i>(See Exhibit 1 for updated response pages 22-26.)</i>	
R6. Create and disperse additional flow-charts and/or spreadsheets to user departments to support the rate sheet data and train user departments to better understand rates and charges.	Same as above	Same as above	Implemented <i>(See Exhibit 1 for updated response pages 22-26.)</i>	
R7. User departments need to be encouraged to regularly access supporting documentation.	Same as above	Same as above	Implemented	None
R8. Schedule regular meetings with user departments to discuss costs and concerns regarding invoicing.	Same as above	Same as above	Implemented	None

R9. Continue to train lower-level FSD staff to provide user departments with additional information to provide additional training to user departments, and address concerns regarding rates, costs, and invoicing.	Same as above	Same as above	Implemented	
R10. Adopt and include on the Master Schedule of Fees, Charges & Recovered Costs (MSF) all charges listed on the Facility Service Request (Work Order) Form by November 30, 2017.	1. Robert Bash, Fresno County Director ISD/CIO 2. Jean Rousseau, Fresno CAO 3. Oscar Garcia, Fresno County Auditor-Controller/ Treasurer-Tax Collector 4. Fresno County BOS	1. Yes 2. Yes 3. Yes 4. Yes	Will not implement	
R11. Create and propose to the BOS a five-year plan for deferred maintenance 25 budget allocation by September 30, 2018.	1. Robert Bash, Fresno County Director ISD/CIO 2. Jean Rousseau, Fresno CAO 3. Fresno County BOS	1. Yes 2. Yes 3. Yes	Will implement <i>(See Exhibit 1 for updated response pages 22-26.)</i>	None
R12. Evaluate the need for an assistant position to the Facility Manager to aid in retention of the Facility Manager.	Same as above	Same as above	Implemented <i>(See Exhibit 1 for updated response pages 22-26.)</i>	
R13. Provide additional training for elected officials and appointed dept. heads on existing county policy for use of FSD services. The CAO and/or BOS should supplement existing county policy to address personnel circumventing FSD.	Same as above	Same as above	Implemented <i>(See Exhibit 1 for updated response pages 22-26.)</i>	
R14. Train FSD staff to properly complete the Facility Service Request Form.	Same as above	Same as above	Implemented	None

<p>R15. Revise the Facility Service Request Form to provide clarity and disclose all categories of charges by November 30, 2017. Until the form is revised, all FSD staff should properly complete the existing form including the table section.</p>	<p>Same as above</p>	<p>Same as above</p>	<p>Implemented <i>(See Exhibit 1 for updated response pages 22-26.)</i></p>	<p>None</p>
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**County of Fresno**  
COUNTY ADMINISTRATIVE OFFICE

February 6, 2020

[REDACTED]  
Fresno County Grand Jury

Re: Follow Up to the 2016-17 Fresno County Grand Jury Report No. 4

[REDACTED]  
The Grand Jury's report reflects findings and recommendations regarding the Facility Services Division (FSD). The County Administrative Office thanks the Grand Jury for their diligence and includes the responses to the findings and recommendations below:

**Recommendations:**

R2. Provide clear policies and directives to FSD and Auditor's office regarding the rate study process outlining how supporting documentation is made fully accessible to the Auditor's office for rate studies by November 30, 2017.

R2: Recommendation has not yet been implemented, but will be implemented in with the next rate review process for FY 2018-19 FSD rates.


Update to R2: Recommendation has been implemented. Direction has been given to FSD and the Auditor's office to complete their rate studies in a timely manner and in accordance with the guidelines set forth by the by the Office of the Controller. Working meetings between the CAO and the Departments have resulted in shared documentation between the parties.

R4. Complete mid-year financial condition reviews in a timely and complete manner to comply with all county, state and federal requirements.

R4: Recommendation has not yet been implemented, but will be implemented in the future discussions have already ensued to include the Auditor's Office requirements within the ISD FY 2017-18 second quarter review.

Update to R4: Recommendation was implemented with the mid-year budget review presented to the Board of Supervisors in March 2018. During this process overall revenues, expenses and rates were reviewed for reasonableness.

R11. Create and propose to the Board of Supervisors a five-year plan for deferred maintenance budget allocation by September 30, 2018.

  
Fresno County Grand Jury  
February 6, 2020  
Page 2

R11: Recommendation has not yet been implemented, but will be implemented in the future; at such time that reliable data is available post-implementation of FAMIS and associated systems.

Update to R11: Recommendation has not yet been implemented. ISD facilities data is still being updated in the various systems used by ISD. Preliminary discussions with the ISD Director have begun regarding the information gathered to date. Further discussions will occur between now and the FY 2020-21 budget. Inclusion of appropriations for deferred maintenance will depend on the fiscal condition of the County at that time.

R12. Evaluate the need for an assistant position to the Facility Manager to aid in retention of the Facility Manager.

R12: Recommendation will be implemented; as some structural changes have been made, ISD will work with the Department of Human Resources to re-evaluate the FSD structure.

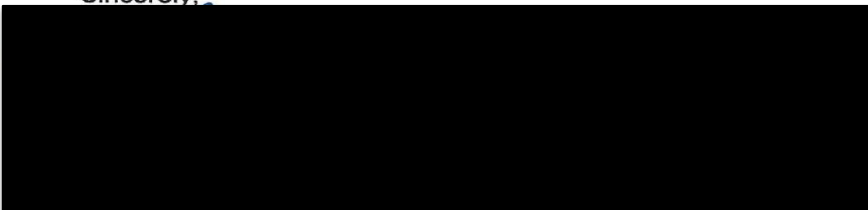
Update to R12: Recommendation has been implemented. In January 2018 a new position titled Facilities Services Supervisor was hired.

R13. Provide additional training for elected officials and appointed department heads on existing county policy for use of FSD services. The CAO and/or Board of Supervisors should supplement the existing county policy to address any personnel circumventing FSD.

R13: Recommendation will be implemented; County Administrative Office Management Directives are in the process of being updated and promulgated.

Update R13: Recommendation has been implemented. The CAO's office has worked closely with ISD to communicate to both elected and appointed department heads on the facilities service process in the County of Fresno. Management Directives relating to Security and Purchasing have been updated with others in the draft process.

Sincerely,





## County of Fresno

INTERNAL SERVICES DEPARTMENT

Facilities • Fleet • Graphics • Purchasing • Security • Technology

February 7, 2020

[REDACTED]  
Fresno County Grand Jury  
2200 Tulare Street, 11<sup>th</sup> Floor  
Fresno, CA 93721

Re: Follow up to the 2016-17 Fresno County Grand Jury Report No. 4

[REDACTED]  
The Grand Jury's report reflects findings and recommendations regarding the Facility Services Division (FSD). The Internal Services Department (ISD) is supplying updates as requested on the recommendations below:

### **Recommendations:**

R1. Implement FAMIS and train all staff and user departments by November 30, 2017.

R1: Recommendation has not yet been implemented, but will be implemented; FAMIS will go live with some functions in August 2017.

*Update R1: Implemented.*

R2. Provide clear policies and directives to FSD and Auditor's office regarding the rate study process outlining how supporting documentation is made fully accessible to the Auditor's office for rate studies by November 30, 2017.

R2: Recommendation has not yet been implemented, but will be implemented in with the next rate review process for FY 2018-19 FSD rates.

*Update R2: Recommendation has been implemented. Direction has been given to FSD and the Auditor's office to complete their rate studies in a timely manner and in accordance with the guidelines set forth by the by the Office of the Controller. Working meetings between the CAO and the Departments have resulted in shared documentation between the parties.*

333 W. Pontiac Way / Clovis, California 93612 / (559) 600-6200 / Fax (559) 600-5927

\* The County of Fresno is an Equal Employment Opportunity Employer \*



February 5, 2020  
Page 2

- R4. Complete mid-year financial condition reviews in a timely and complete manner to comply with all county, state and federal requirements.

R4: Recommendation has not yet been implemented, but will be implemented in the future discussions have already ensued to include the Auditor's Office requirements within the ISD FY 2017-18 second quarter review.

*Update R4: Recommendation was implemented with the mid-year budget review presented to the Board of Supervisors in March 2018. During this process overall revenues, expenses and rates were reviewed for reasonableness.*

- R5. Create a standardized form for mid-year financial condition reviews for ISF by November 30, 2017.

R5: Recommendation has not yet been implemented, but will be implemented in the future; discussions have already ensued to include the Auditor's Office requirements within the ISD FY 2017-18 second quarter review.

*Update R5: See update for R4*

- R6. Create and disperse additional flowcharts and/or spreadsheets to user departments to support the rate sheet data and train user departments to better understand rates and charges.

R6: Recommendation has not yet been implemented, but will be implemented in the future; ISD will hold rate building training and make it available to user departments. ISD will also conduct in depth training sessions with the Auditor's Office staff as a part of the rate review process for FY 2018-19 FSD rates.

*Update R6: ISD has met with ACTTC staff in advance of rate review to more fully describe the underlying methodology of the rate build. Individual outreach has happened with Departments regarding questions they may have on rates and/or how they are built.*

- R11. Create and propose to the Board of Supervisors a five-year plan for deferred maintenance budget allocation by September 30, 2018.

R11: Recommendation has not yet been implemented, but will be implemented in the future; at such time that reliable data is available post-implementation of FAMIS and associated systems.

*Update R11: Recommendation has not yet been implemented. ISD facilities data is still being updated in the various systems used by ISD. Preliminary discussions with the CAO have begun regarding the information gathered to date. Further discussions will occur between now and the FY 2020-21 budget. Inclusion of appropriations for deferred maintenance will depend on the fiscal condition of the County at that time.*

- R12. Evaluate the need for an assistant position to the Facility Manager to aid in retention of the Facility Manager.

R12: Recommendation will be implemented; as some structural changes have been made, ISD will work with the Department of Human Resources to re-evaluate the FSD structure.

February 5, 2020  
Page 3

*Update R12: Recommendation has been implemented. In January 2018 a new position titled Facilities Services Supervisor was hired.*

- R13. Provide additional training for elected officials and appointed department heads on existing county policy for use of FSD services. The CAO and/or Board of Supervisors should supplement the existing county policy to address any personnel circumventing FSD.

R13: Recommendation will be implemented; County Administrative Office Management Directives are in the process of being updated and promulgated.

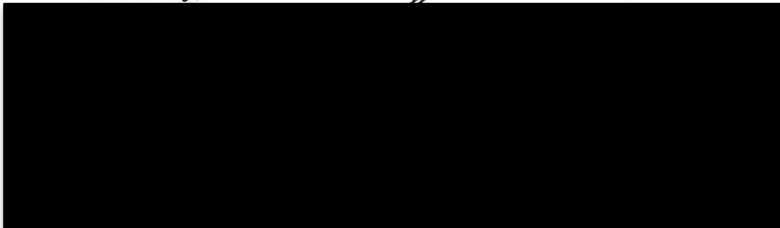
*Update R13: The CAO's office has worked closely with ISD to communicate to both elected and appointed department heads on the facilities service process in the County of Fresno. Management Directives relating to Security and Purchasing have been updated with others in the draft process.*

- R15. Revise the Facility Service Request Form to provide clarity and disclose all categories of charges by November 30, 2017. Until the form is revised, all FSD staff should properly complete the existing form including the table section.

R15: Recommendation has not yet been implemented, but will be implemented in the future, workflow charting continues with the implementation of FAMIS and appropriate forms/formatting will follow.

*Update R15: Minor modifications to the form were made and processes for renovation work have been migrated away from reliance upon the GSA-308 form.*

Sincerely,

A large black rectangular redaction box covers the signature area of the document.

**Grand Jury 2017-2018  
Findings and Recommendations Review<sup>1</sup>  
Report #1 – County Elections Office**

<b>FINDINGS – Report #1</b>	<b>Responses</b>		
	<b>Requested From</b>	<b>Received Yes/No-received late/ No response <i>as required by Penal Code<sup>2</sup></i></b>	<b>Agree/Disagree/ Partially Disagree/ Unknown (1) <i>as required by Penal Code<sup>3</sup></i></b>
F1. Election oversight and ballot security measures are well-planned and comprehensive. There is no evidence that any component of the electoral process is susceptible to a potential security system breach.	Brandi Orth, Fresno County Clerk/ Registrar of Voters	Yes	Agree
F2. The County Clerk/Registrar of Voters Office makes efforts to increase voter registration and offers materials that facilitate the opportunity for Fresno’s multicultural population to make informed voter decisions.	Same as above	Same as above	Agree
F3. The September 2016 state-wide consolidation of voter registration records under the aegis of the California Secretary of State aides in the accuracy, security, and maintenance of voter registration rolls.	Same as above	Same as above	Agree
F4. Continual and deliberate strides are being made for the County Clerk/Registrar of Voters Office to comply with the California Voter’s Choice Act by its target date of 2020.	Same as above	Same as above	Agree

(1) **Agreed** = One or more respondent agrees with Finding in full or part. **Disagree** = All respondents disagree with Finding in full. **Partially Disagree** = All respondents disagree in part with Finding.

<b>RECOMMENDATIONS – Report #1 County Elections Office</b>	<b>Responses</b>		<b>2019-2020 Grand Jury Investigation Implementation Outcome</b>	
	<b>Requested From</b>	<b>Received Yes/No-received late/No response <i>As required by Penal Code<sup>2</sup></i></b>	<b>Status</b>	<b>Follow up</b>
<b>NONE</b>	Not applicable	Not applicable	Not applicable	Not applicable

<sup>1</sup> Grand Jury Annual Report 2017-2018, County of Fresno. [http://www.fresno.courts.ca.gov/\\_pdfs/Grand%20Jury%20Reports/Grand%20Jury%202017-18%20Consolidated%20Final%20Report.pdf](http://www.fresno.courts.ca.gov/_pdfs/Grand%20Jury%20Reports/Grand%20Jury%202017-18%20Consolidated%20Final%20Report.pdf)

<sup>2</sup> *California Penal Code §933*, California Legislation Information. [http://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?sectionNum=933&lawCode=PEN](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=933&lawCode=PEN)

<sup>3</sup> *California Penal Code §93305*, California Legislation Information. [http://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?sectionNum=933.05&lawCode=PEN](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=933.05&lawCode=PEN)

**Grand Jury 2017-2018  
Findings and Recommendations Review  
Report #2 – City of Sanger Ordinance No. 1094 – Measure S<sup>1</sup>**

<b>FINDINGS – Report #2 City of Sanger</b>  Related Recommendations in ( )	<b>Responses</b>		
	<b>Requested From</b>	<b>Received Yes/No-received late/ No response</b> <i>as required by Penal Code<sup>2</sup></i>	<b>Agree/Disagree/ Partially Disagree/ Unknown (1)</b> <i>as required by Penal Code<sup>3</sup></i>
F1. Public safety has benefitted from Measure S revenues.	1. Tim Chapa, City Manager 2. Frank Gonzalez, Mayor & City Council 3. Sue Simpson, Oversight Chair	1. No Response 2. Yes 3. Yes	Agree
F2. Resolution 4122 helped define “Supplement versus Supplant.”(R1)	Same as above	Same as above	Agree
F3. Oversight Committee has been bypassed in review of proposed Measure S spending. (R2,R5,R6)	Same as above	Same as above	Agree
F4. No outside audit of Measure S funds were provided. (R3)	Same as above	Same as above	Agree
F5. Public safety employee pay increases were funded by measure S, whether or not hired under Measure S. (R4)	Same as above	Same as above	Agree
F6. Not all legal opinions regarding use of Measure S funds have been in writing. (R7)	Same as above	Same as above	Agree
F7. Resolution No 4122 was “lost” following adoption in 2009 and found in early 2018. (R8)	1. Tim Chapa, City Manager 2. Frank Gonzalez, Mayor & City Council	1. No Response 2. Yes	Agree

**(1) Agreed = One or more** respondent agrees with Finding in full or part. **Disagree = All** respondents disagree with Finding in full. **Partially Disagree = All** respondents disagree in part with Finding.

<b>RECOMMENDATIONS – Report #2</b> <b>City of Sanger</b>  Related Finding in ( )	Responses		2019-2020 Grand Jury Investigation Implementation Outcome	
	Requested From	Received Yes/No-received late/ No response <i>As required by Penal Code<sup>2</sup></i>	Status	Follow up
R1.Resolution No. 4122 (1/15/09) needs to be further clarified regarding use of Measure S funds. (F2)	1. Tim Chapa, City Manager 2. Frank Gonzalez, Mayor & City Council 3. Sue Simpson, Oversight Chair	1. No response 2. Yes 3. Yes	Implemented <i>(See Exhibit 1 for updated response pages 30-48.)</i>	None
R2.Establish City Council procedure/policy requiring Oversight Committee review prior to vote on use of Measure S funds. (F3)	Same as above	Same as above	Implemented	None
R3. Complete annual audit of Measure S funds. (F4)	Same as above	Same as above	Implemented <i>(See Exhibit 1 for updated response pages 30-48.)</i>	None
R4. Public safety pay increases funded from Measure S should be restricted to Measure S hired personnel. (F5)	Same as above	Same as above	Will not implement	None
R5. City Council liaison should attend all Oversight Committee meetings.(F3)	Same as above	Same as above	Implemented	
R6. Oversight Committee liaison should attend all City Council Meetings. (F3)	Same as above	Same as above	Implemented	
R7. All Measure S legal opinions should be in writing. (F6)	Same as above	Same as above	Implemented	
R8. Complete review of City’s archival system by end of 2018. (F7)	1. Tim Chapa, City Manager 2. Frank Gonzalez, Mayor & City Council	1. No response 2. Yes	Implemented <i>(See Exhibit 1 for updated response pages 30-48.)</i>	None



# City of Sanger, California

1700 7<sup>th</sup> Street  
Sanger, California 93657  
(559) 876-6300 x1500  
FAX (559) 875-8956

February 5, 2020

[REDACTED]  
Fresno County Grand Jury

Re: Fresno County Grand Jury Inquiry  
Implementation Status of Recommendations 1, 3, and 8

[REDACTED]  
The purpose of this memo is to acknowledge your request of January 23, 2020 regarding the status and implementation of several of the Recommendations from the 2017-2018 Grand Jury Report #2, City of Sanger Ordinance No. 1094. Specifically, you requested the status on Recommendations 1, 3 and 8. The status of each are as follows:

**Recommendation 1:** The recently found Resolution No. 4122 (from 01/15/2009) needs to be further clarified to specify whether the percentage or the minimum dollar amount spent for public safety must be provided out of the General Fund, prior to the use of Measure S funds. (F2)

**Response 1:** This recommendation has not yet been implemented but will be implemented in the future. In fact, this recommendation is in the process of being implemented as noted in City's response to Finding 2 above.

For convenience, we reiterate text from City's response to Finding 2 above. The City Attorney has met three times with the CoC for input on a potential ordinance. Three alternative ordinances have been produced as a result of that process. At the last meeting the CoC determined to recommend the alternative which mirrors Resolution No. 4122. The City Attorney will be presenting the alternative ordinances to the City Council in September 2018.

**Implementation Status:** *On February 7, 2019, the City Council adopted Ordinance No. 2019-02 relating to the application and implementation of Measure S limitations on use of tax revenues. A copy of Ordinance No. 2019-02 is included as Exhibit A.*

**Recommendation 3:** A compliance and/or a comprehensive audit of Measure S funds by an outside firm should be completed at the conclusion of each fiscal year. (F4)

**Response 3:** This recommendation has not yet been implemented but will be implemented in the future. A comprehensive or compliance audit for Measure S Audit will be contracted with a CPA firm.

It is noted that the Grand Jury's timeframe is not realistic for this particular recommendation. The completion of the audit will be within the normal audit cycle which requires the closing of the fiscal year prior to conducting audit procedures. Audits customarily take from six to eight months to complete after the close of the fiscal year. Therefore, the audit will be concluded in the spring of the year following the close of the fiscal year.

**Implementation Status:** *On November 7, 2019, the City Council accepted the Measure S Compliance Audit conducted by Harshwal & Company LLP CPAs for the years ended June 30, 2012 through June 30, 2018. A copy of the audit is included as Exhibit B. The City's regular audit for year ended June 30, 2019 is tentatively scheduled for presentation to the City Council at the February 20, 2020 regular City Council meeting. A Request for Proposal for preparation of the Measure S Compliance Audit for the year ended June 30, 2019 will subsequently follow.*

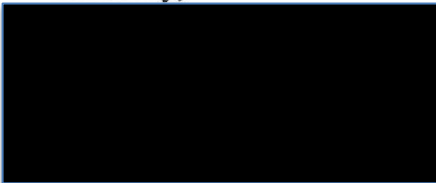
**Recommendation 8:** A complete review of the City of Sanger's archival system should be completed by the end of 2018. (F7)

**Response 8:** This recommendation has not yet been implemented but will be implemented in the future. Any review of the City's systems is appropriate on a regular basis. Staff will be analyzing the cost of a review of the City's archiving system, and will make appropriate recommendations to the City Council at its mid-year budget process. The timing of such review would be subject to available funding and its approval.

**Implementation Status:** *In June 2018, the City contracted with CivicPlus for design of a new City website. The CivicEngage website program includes an Archive Center module to sort and store documents that allows users to easily find specific documents. The new City website went live on January 7, 2019. Documents that are uploaded into the new website are immediately archived. Additionally, other documents can be manually uploaded. City staff is currently undergoing training through CivicPlus on how to properly upload documents, such as approved resolutions and ordinances, and create links for easy search and view.*

Please feel free to contact me directly if you have any further questions.

Sincerely,



## Exhibit A



**ORDINANCE NO. 2019-02**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANGER  
AMENDING SECTION 66-214 OF ARTICLE VI OF CHAPTER 66 OF THE  
SANGER CITY CODE RELATING TO THE APPLICATION AND  
IMPLEMENTATION OF SECTION 66-214 CONCERNING THE USE OF TAX  
PROCEEDS**

**THE CITY COUNCIL OF THE CITY OF SANGER DOES ORDAIN AS FOLLOWS:**

**SECTION 1.** That section 66-214 of Article VI of Chapter 66 of the Sanger City Code is hereby amended to read as follows:

**Sec. 66-214. - Use of tax proceeds and expenditure plan.**

- (a)** All proceeds of the tax levied and imposed hereunder shall be accounted for and paid into a special public safety trust fund or account designated for use by the city only for the police, fire, paramedic, 9-1-1 emergency, and gang/drug prevention services set forth in the program guidelines and public safety expenditure plan for the administration and expenditure of the tax proceeds, attached to Ordinance No. 1094 as exhibit 1.
- (b)** The public safety expenditure plan may be amended from time to time by a majority vote of the city council, so long as the funds are utilized for these public safety services. For the purposes of this part, "public safety services" means:

  - (1)** Obtaining, furnishing, operating, and/or maintaining police protection equipment or apparatus, paying the salaries and benefits of police protection personnel, gang/drug prevention services, and such other police protection service expenses, including capital expenses, as are deemed necessary by the city council for the benefit of the residents of the city;
  - (2)** Obtaining, furnishing, operating, and/or maintaining fire protection equipment or apparatus and ambulances, paying the salaries and benefits of fire protection and paramedic personnel, and such other fire protection service expenses, including capital expenses, as are deemed necessary by the city council for the benefit of the residents of the city.
- (c)** No revenues collected pursuant to the tax levied hereby may be spent on department administrators' salaries, general fund operating expenses in effect at the time this article becomes effective, or projects not a part of the public safety expenditure plan.
- (d)** It is the intent of the people that Transaction and Use Tax revenues (hereafter "special tax revenues") collected under the special tax authorized by this article shall supplement, rather than supplant, expenditures for public safety in effect at the time

this article became effective. This means that the general fund expenditures for public safety shall at a minimum remain constant and the special tax revenues collected hereunder will be used to add to the City's expenditures for public safety and not to replace the City's expenditures for public safety.

The following illustrations help to explain the requirement to supplement with special tax revenues and the prohibition against supplanting the use of general fund revenues with the special tax revenues collected:

- (i) If the City spent X dollars from the general fund for public safety at the time this article became effective, the City must continue to spend a minimum of X dollars for public safety.
  - (ii) If the City receives Y dollars in special tax revenues under this article, the City may only use the Y dollars to add to the X dollars spent for public safety from the general fund.
  - (iii) The City may not replace X dollars used for public safety with Y dollars used for public safety.
- (e) To ensure that the special tax revenues are used only to supplement general fund expenditures and not to supplant general fund expenditures, the City shall use the methodology set forth below:
- (1) The total general fund revenue for the City in Fiscal year 2007-2008 was \$9,905,107.
  - (2) The general fund expenditures for public safety services (as defined in this Section) which were in effect in Fiscal Year 2007-2008 totaled \$6,502,108.00. This included \$4,082,571.00 for Police public safety services and \$2,419,537.00 for Fire public safety services including Ambulance. Those amounts reduced to percentages total 65.65% as follows: 41.22 percent for Police public safety and 24.43 percent for Fire public safety services including Ambulance.
  - (3) Each fiscal year the City must appropriate a minimum of \$4,082,571.00 for Police public safety services from general fund sources and \$2,419,537.00 for Fire and Ambulance public safety services as defined in subsections (a) and (b) of this Section 66-214. This dollar amount shall be known as the baseline dollar amount for each of the public safety departments: Police and Fire.
  - (4) In the Fiscal Year 2018 – 2019 budget and subsequent fiscal year budgets, if the general fund revenue for the City is higher than \$9,906,107, the City must appropriate a minimum 65.65 percent of the general fund to Police public safety

Fire and Ambulance public safety. This percentage shall be known as the baseline percent for public safety.

(5) In the Fiscal Year 2018 – 2019 budget and subsequent fiscal year budgets, revenues collected under the Transactions and Use Tax may be allocated and appropriated only after the baseline dollar amount level of funding or the baseline percent, whichever is higher, is met with general funds revenues.

(f) To ensure that the use of Transactions and Use Tax revenues and the level of funding requirements of this article are met, the City shall secure an annual compliance examination with attestation opinion.

**SECTION 2. PUBLICATION**

The City Clerk is authorized to cause this ordinance or a summary of this ordinance to be published in a newspaper of general circulation in the City of Sanger, within fifteen days after its adoption. If a summary of the ordinance is published, the City Clerk shall cause a certified copy of the full text of the proposed ordinance to be posted at City Hall at least five days prior to the meeting at which the ordinance is adopted and again after the meeting at which it is adopted.

**SECTION 3. EFFECTIVE DATE**

This ordinance shall take effect and be in full force and effect from and after thirty (30) days after its final passage.

\*\*\*\*\*

The foregoing ordinance is hereby approved.

  
\_\_\_\_\_  
Frank Gonzalez, Mayor

**ATTEST:**

I, Rebeca Padron, City Clerk of the City of Sanger, California, do hereby certify that the foregoing ordinance was introduced at a regular meeting of the City Council of the City of Sanger held on February 7, 2019, and was passed at a regular meeting of the City Council held on February 21, 2019, by the following vote:

AYES:	COUNCILMEMBERS:	GONZALEZ, MARTINEZ, ONTIVEROS, HURTADO
NOES:	COUNCILMEMBERS:	NONE
ABSTAIN:	COUNCILMEMBERS:	NONE
ABSENT:	COUNCILMEMBERS:	GARZA

  
\_\_\_\_\_  
Rebeca Padron, City Clerk

**APPROVED AS TO LEGAL FORM:**

  
\_\_\_\_\_  
Hilda Cantu Montoya, City Attorney

## Exhibit B

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**CITY OF SANGER  
MEASURE S - POLICE, FIRE  
PARAMEDIC 9-1-1 RESPONSE, GANG/DRUG PREVENTION  
INDEPENDENT ACCOUNTANT'S REPORT  
FOR THE YEARS ENDED JUNE 30, 2012 THROUGH JUNE 30, 2018**

---

***HARSHWAL & COMPANY, LLP***  
*Certified Public Accountants*  
*7677 Oakport Street, Suite 460*  
*Oakland, CA 94621*  
*(510) 452-5051*

**CITY OF SANGER**  
**MEASURE S - POLICE, FIRE, PARAMEDIC 9-1-1 RESPONSE,**  
**GANG/DRUG PREVENTION**  
**TABLE OF CONTENTS**

	<u>Page(s)</u>
INDEPENDENT ACCOUNTANT'S REPORT.....	1 - 3
NOTE 1: CRITERIA	
Ordinance No. 1094 Measure S.....	4
Resolution No. 4122 Supplement versus Supplant.....	4 - 5
Resolution No. 4361 Gang/Drug Prevention Services.....	6



**INDEPENDENT ACCOUNTANT'S REPORT**

City's Citizen's Oversight Committee,  
and Honorable City Council  
City of Sanger, California

We have examined the City of Sanger's (the City) Measure S expenditure compliance with the City's Ordinance No.1094, Resolution No. 4122 and Resolution No. 4361 during the years ended June 30, 2012 through June 30, 2018. The City's management is responsible for Measure S expenditure comply with criteria of the City's Ordinance No. 1094, Resolution No. 4122, and Resolution No. 4361 set forth in Note 1. Our responsibility is to express an opinion based on our examination.

Our examination was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants. Those standards require that we plan and perform the examination to obtain reasonable assurance about whether the City's Measure S expenditure comply with the City's Ordinance No. 1094, Resolution No. 4122, and Resolution No. 4361, in all material respects. An examination involves performing procedures to obtain evidence about the City's Measure S expenditure compliance. The nature, timing, and extent of the procedures selected depend on our judgment, including an assessment of the risks of material noncompliance, whether due to fraud or error. We believe that the evidence we obtained is sufficient and appropriate to provide a reasonable basis for our qualified opinion.

Our examination does not provide a legal determination on the City's Measure S expenditure compliance. Our examination disclosed the following material noncompliance with the Ordinance No. 1094, Resolution No. 4122 and Resolution No. 4361 applicable to City of Sanger during the years ended June 30, 2012 through June 30, 2018:

**I. Ordinance No. 1094 & Resolution No. 4122 - Supplement rather than Supplant:**

A. According to the Resolution No. 4122, the City must ensure the stated minimum dollar amount for public safety departments including police, fire and ambulance be allocated from the General Fund before using Measure S funds to ensure revenues collected shall supplement, rather than supplant, the City's expenditures for public safety. During our examination of budget appropriation for public safety departments for the years ended June 30, 2012, through June 30, 2018, we disclosed the following noncompliance in the departmental base:

- 1) In fiscal year 2018, the appropriated budget for the police department from the General Fund was below the baseline percent by 4.1%, and this variance amounted to \$514,264.
- 2) In fiscal year 2012, the appropriated budget for the fire department from the General Fund was below the baseline dollar amount, and this variance amounted to \$905,720.

In total base, the appropriated budget for all public safety departments including policy, fire and ambulance reached the required minimum baseline or the baseline percent, whichever is higher for the years ended June 30, 2012, through June 30, 2018.





Furthermore, in fiscal year 2013, the ambulance department moved from the Enterprise Fund to the General Fund. During the years ended June 30, 2013, through June 30, 2018 appropriations for the ambulance department were provided solely from the General Fund. No update was made for calculation of the baseline dollar amount conjunction with the movement of ambulance department.

B. According to the Ordinance 1094, Section 66-214, no revenues collected pursuant to the tax levied hereby may be spent on department administrators' salaries, General Fund operating expenses in effect at the time this ordinance becomes effective, or projects not a part of the Public Safety Measure Police and Fire Expenditure Plan. It is the intent of the people that revenues collected hereunder shall supplement, rather than supplant, existing City expenditures for public safety. The following instances were noted that do not meet the requirements of supplement:

- 1) The City's Measure S payroll expenditure for the period under our examination included salaries of three public safety employees hired before Measure S became effective (January 31, 2008).
- 2) The Board of directors of the City approved increases of salaries in fiscal years 2017 and 2018, for all public safety employees whether or not they were hired under Measure S.

**2. Resolution No. 4361 - Broadcast availability of grant funding:**

According to the Resolution No. 4361 Gang/Drug Prevention Services, the City must broadcast the availability of grant funding. During our examination of grant awards for the years ended June 30, 2012, through June 30, 2018, the City was not able to provide some documentation indicating that they broadcast availability of the funds for fiscal years 2012, 2013, 2014 and 2015. As a result, the City was not able to ensure requirement (4) of Resolution No. 4361 were complied with and adequately supported.

**3. Resolution No. 4361 - Performance evaluation presentation**

According to the Resolution No.4361 Gang/Drug Prevention Services, the City required presentations of performance evaluations from grant awardees before a Council/COC joint meeting to ensure grant funds were spent properly for its purposes. During our examination of grant awards for the years ended June 30, 2012, through June 30, 2018, the City was not able to provide a copy of performance evaluation presentations or reports. Due to the fact that there has been employee turnover in key positions and amendments to the grant application and guidelines for this program, grant recipient reporting was not regularly presented. Moreover, when the awardees did complete their reporting requirement, hard copies of the report were handed out to committee members during the presentation, but a majority of the time a copy was not given to the person overseeing the meeting to keep with the hard copy agenda. The City has provided those meeting minutes which includes agendas with notations that progress reports were presented, and the audit team reviewed them; however, it does not give us enough evidence to ensure that the city complied with requirement (6) of Resolution No. 4361.



In our opinion, except for the material noncompliance described in the preceding paragraph, the City's Measure S expenditure complied with criteria of the City's Ordinance No. 1094, Resolution No. 4122 and Resolution No. 4361 set forth in Note 1, in all material respects, for the years ended June 30, 2012 through June 30, 2018.

*Harshwal & Company LLP*

**Oakland, California  
September 26, 2019**

**CITY OF SANGER**  
**MEASURE S - POLICE, FIRE, PARAMEDIC 9-1-1 RESPONSE,**  
**GANG/DRUG PREVENTION**  
**CRITERIA**  
**FOR THE YEARS ENDING JUNE 30, 2012 THROUGH JUNE 30, 2018**

**NOTE 1: CRITERIA**

**A. Ordinance No. 1094 Measure S:**

The Ordinance No. 1094 was adopted by the City of Sanger on January 31, 2008 and extended by City Resolution No.4640 on August 4, 2016 and will continue to be in effect until June 30, 2028. This Ordinance of the voters of the City adds article VI to chapter 66 of the Sanger City Code, enacting a special 3/4 cent transactions and use tax for public safety. Public safety activities are defined in the City's Ordinance as relating to police, fire, paramedic 9-1-1 emergency response and gang/drug prevention services. All proceeds of the tax levied and imposed hereunder shall be accounted for and paid into a special Public Safety Trust Fund or account designated for use by the City of Sanger only for the police, fire, paramedic, 9-1-1 emergency, and gang/drug prevention Services set forth in the Program Guidelines and Public Safety Expenditure Plan. The Public Safety Expenditure Plan may be amended from time to time by a majority vote of the City Council, so long as the funds are utilized for these public safety services. For the purposes of this part, "Public Safety Services" means:

- (1) Obtaining, furnishing, operating, and/or maintaining police protection equipment or apparatus, paying the salaries and benefits of police protection personnel, and such other police protection service expenses, including capital expenses, as are deemed necessary by the City Council for the benefit of the residents of the City.
- (2) Obtaining, furnishing, operating, and/or maintaining fire protection equipment or apparatus, paying the salaries and benefits of fire protection personnel, and such other fire protection service expenses, including capital expenses, as are deemed necessary by the City Council for the benefit of the residents of the City.

No revenues collected pursuant to the tax levied hereby may be spent on department administrators' salaries, General Fund operating expenses in effect at the time this ordinance becomes effective, or projects not a part of the Public Safety Measure Police and Fire Expenditure Plan. It is the intent of the people that revenues collected hereunder shall supplement, rather than supplant, existing City expenditures for public safety.

**B. Resolution No. 4122 Supplement Versus Supplant:**

The Resolution No. 4122 was adopted by the City of Sanger on January 15th, 2009 establishing the percentage and minimum dollar amount that public safety shall be allocated from the General Fund in future years under Measure S. The following table establishes the percentage of General Fund revenue that shall be appropriated for the public safety departments beginning in fiscal year 2008-2009 and shall apply to all successive fiscal years. If General Fund revenue decreases below the percentage, the public safety departments shall be guaranteed a minimum amount equal to the 2007-2008 adjusted base year dollar amount to ensure that revenues collected shall supplement, rather than supplant, existing City expenditures for public safety:

**CITY OF SANGER**  
**MEASURE S - POLICE, FIRE, PARAMEDIC 9-1-1 RESPONSE,**  
**GANG/DRUG PREVENTION**  
**CRITERIA**  
**FOR THE YEARS ENDING JUNE 30, 2012 THROUGH JUNE 30, 2018**

**B. Resolution No. 4122 Supplement Versus Supplant - (Cont'd):**

<u>General Fund:</u>	Adjusted Base per year	%
Police Department	\$ 4,082,571	41%
Fire Department	\$ 2,034,537	21%
Ambulance (General Fund Subsidy)	\$ 385,000	4%
Other General Fund Department	\$ 3,402,999	34%
<u>Enterprise Fund:</u>		
Ambulance	\$ 1,252,790	100%

In fiscal year 2013, the ambulance department moved from the Enterprise Fund to the General Fund. During the years ended June 30, 2013, through June 30, 2018 appropriations for the ambulance department were provided solely from the General Fund.

**B.1 Subsequent Ordinance No. 2019-02:**

In addition, on February 21st, 2019 the City approved Ordinance No. 2019-02 which illustrated the Resolution No. 4122 in terms of the methodology to ensure that the special tax revenues are used only to supplement general fund expenditures and not to supplant general fund expenditures. The City shall use the methodology set forth below:

1. The total general fund revenue for the City in fiscal year 2007-2008 was \$9,905,107.
2. The general fund expenditures for public safety services which were in effect in fiscal year 2007-2008 totaled \$6,502,108.00. This included \$4,082,571.00 for Police public safety services and \$2,419,537.00 for Fire public safety services including Ambulance. Those amounts reduced to percentages total 65.65% as follows: 41.22 percent for Police public safety and 24.43 percent for Fire public safety services including Ambulance.
3. Each fiscal year the City must appropriate a minimum of \$4,082,571.00 for Police public safety services from general fund sources and \$2,419,537.00 for Fire and Ambulance public safety services as defined in subsections (a) and (b) of this Section 66-214. This dollar amount shall be known as the baseline dollar amount for each of the public safety departments: Police and Fire.
4. In fiscal year 2018 - 2019 budget and subsequent fiscal year budgets, if the general fund revenue for the City is higher than \$9,906,107, the City must appropriate a minimum 65.65 percent of the general fund to Police public safety Fire and Ambulance public safety. This percentage shall be known as the baseline percent for public safety.
5. In fiscal year 2018-2019 budget and subsequent fiscal year budgets, revenues collected under the Transactions and Use Tax may be allocated and appropriated only after the baseline dollar amount level of funding or the baseline percent, whichever is higher, is met with general funds revenues.

**CITY OF SANGER**  
**MEASURE S - POLICE, FIRE, PARAMEDIC 9-1-1 RESPONSE,**  
**GANG/DRUG PREVENTION**  
**CRITERIA**  
**FOR THE YEARS ENDING JUNE 30, 2012 THROUGH JUNE 30, 2018**

**C. Resolution No. 4361 Gang/Drug Prevention Services:**

The Resolution No. 4361 was adopted by the City of Sanger on July 19th, 2012 to establish Gang/Drug Prevention Services policies which stated that the City Council of the City of Sanger, State of California:

1. Invest in gang/drug prevention.
2. Partition dollars between public safety and community non-profits.
3. Adopt criteria for grant funding, allowing both churches and schools to now apply, including that not more than 15% of the grant award be used for administration of a project or event. In the case of church applications, proselytizing during a project or event is prohibited.
4. Broadcast availability of grant funding.
5. Direct that basic requirements of funding applications be evaluated by the City Manager combined with a review by an internal review committee for feasibility and fiscal sustainability.
6. Require performance evaluation presentations be made before a Council/COC joint meeting.
7. Authorize that a draft budget be presented to the COC in which a majority of funds be allocated to community non-profits with the remainder going toward city sponsored programs.



## City of Sanger, California Administrative Services

1700 7th Street  
Sanger, California 93657  
(559) 876-6300  
FAX (559) 875-8770

### **1. Ordinance No.1094 & Resolution No. 4122 - Supplement rather than Supplant:**

#### **Management Responses (1):**

- A. Management concurs that the appropriate budget for all public safety departments (including police, fire and ambulance) reached the required minimum baseline percent for the years ended June 30, 2012 through June 30, 2018. The all public safety department methodology for determining supplement versus supplant is as per the methodology identified in Note B.1.

Management disagrees with the interpretation that A (1), fiscal year 2018 and A (2) fiscal year 2012 were below baseline. By component, each was below baseline, however as a whole, the public safety appropriated budget met the baseline. As per the methodology identified in Note B.1, the application of Resolution No. 4122 is applied as a whole for public safety.

Management concurs that Resolution No. 4122 required an update in FY 2013 subsequent to moving the Ambulance Division from the Enterprise Fund to the General Fund. The Sanger City Council has since approved an updated resolution on September 20, 2018 that addressed the Ambulance Division in the General Fund as well as creating a baseline for Public Safety as a whole for the FY 2020 Budget as per Note B.1.

B. Management disagrees that the requirements for supplement were not met due to the following concerns:

- 1) Management disagrees that the salaries of the three employees hired before the Measure S effective date contradicts Ordinance No. 1094 and Resolution No.

4122. As per Resolution No. 4122 the determining factor of supplement vs. supplant is the percentage of general fund revenue and minimum dollar amount that public safety would be allocated. In fact, Resolution 4122 was prepared in order, "...to ensure that revenues collected shall supplement, rather than supplant, existing City expenditures for public safety...", through its defined methodology. This methodology utilizes public safety budget as a whole, not by specific expenditure category.

Additionally, the positions for Public Safety as a whole were increased by seven positions due to the passage of Measure S. Therefore, Public Safety was supplemented by seven positions regardless of the hiring date of the three positions budgeted to Measure S.

- 2) Management disagrees that the salary increases in fiscal years 2017 and 2018 contradicts Ordinance No. 1094 and Resolution No. 4122. As noted above, per Resolution No. 4122 the determining factor of supplement vs. supplant is the percentage of general fund revenue and minimum dollar amount that public safety would be allocated. Based on the specifications of Resolution No. 4122 to define supplement vs. supplant, the salary increases were not in violation of the percentages established for supplement vs. supplant as the appropriate budget for all public safety departments met the minimum baseline percentage for those fiscal years in question.

Additionally, the City Attorney provided an opinion at the time that the salary increases were an appropriate use for Measure S funding per below:

*“That’s clearly in the ordinance. And the ordinance does provide that one sentence at the very last part of Section 66-214, it does have that it is the intent of the people that revenues shall supplement rather than supplant existing expenditures for public safety. So, taking that language, I have looked at it very carefully as well and my view is that basically there was an amount spent on public safety on March 1, 2008 when Measure S became effective. That was the baseline amount and that baseline amount from non-Measure S funds cannot substitute the Measure S base amount. Other than that, Measure S funds can be used as long as they are used for those purposes that are defined in public safety services under the code, under the ordinance, under the measure and they’re both defined identically for both fire and police. There are two sections separately but they’re identical.”*

**2. Resolution No.4361 - Broadcast availability of grant funding**

**Management Response (2):**

Management agrees that documentation of the broadcast availability of funds is not available. It should be noted, however, that past agendas and minutes document that non-profit organizations applied for the funding, and therefore did receive notification. Invoices and other forms of documentation to broadcast were not available.

**3. Resolution No.4361 - Performance evaluation presentation**

**Management Response (3):**

Management agrees that documentation of evaluations is not available. It should be noted, however, that past agendas and minutes document that presentations were made, though copies of the presentation are not available.



**Grand Jury 2017-2018  
Findings and Recommendations Review  
Report # 3 – Special Districts Non-Compliance-System Failure<sup>1</sup>**

<b>FINDINGS – Report #3 Special Districts</b>	<b>Responses</b>		
	<b>Requested From</b>	<b>Received Yes/No-received late/ No response <i>as required by Penal Code<sup>2</sup></i></b>	<b>Agree/Disagree/ Partially Disagree/ Unknown (1) <i>as required by Penal Code<sup>3</sup></i></b>
F1. The Fresno County Grand Jury has determined that there are 28 or more special districts that are noncompliant.	Fresno County Auditor-Controller	Yes	Partially disagree
F2. Audits, when received by the Fresno County Auditor-Controller/Treasurer-Tax Collector’s Office (Fresno County Auditor-Controller), are not reviewed for financial accuracy nor content, but only checked off as submitted.	Fresno County Auditor-Controller	Same as above	Agree
F3. It appears that the Fresno County Auditor-Controller is currently understaffed. In recent years, the Fresno County Auditor-Controller has experienced an annual turnover of approx. 40%.	Fresno County Auditor-Controller	Same as above	Partially disagree
F4. The Fresno County Auditor-Controller believes it has the responsibility but not the authority for securing special district audits. Calif. Gov’t. Code, §26909 effective January 1, 2018, requires county auditor’s office to either perform or contract with a certified public accountant or public account-ant to perform an audit of special districts and charge the respective districts for the cost of the audit.	Fresno County Auditor-Controller	Same as above	Partially disagree
F5. Through the municipal service review process, the Fresno County Local Agency Formation Commission (LAFCO) is aiding and educating the special districts in the proper methodology in the operation of the special district, subject to available resources.	LAFCO, Exec. Dir.	Yes	Agree
F6. Per the Fresno County Auditor-Controller, current and accurate financial information was unavailable on the noncompliant special districts.	1. Fresno County Auditor-Controller 2. LAFCO, Exec. Dir. (ED)	1. Yes 2. Yes	Agree

F7. In August 2017, the California Little Hoover Commission produced Report #239: “Special Districts: Improving Oversight & Transparency, offering recommendations for improving oversight and transparency of California special districts.	1. Fresno County Auditor-Controller 2. LAFCO, ED	Same as above	Agree
F8. The Fresno County Auditor-Controller places special districts audits as a low priority.	Fresno County Auditor-Controller	Yes	Disagree
F9. Per the Fresno County Audit Committee’s Bylaws, it appears the committee, although advisory in nature, can oversee and monitor the Fresno County Auditor-Controller with regards to special district financial audit requirements, but has failed to do so.	1. Fresno County Auditor-Controller 2. Fresno County Audit Committee, Chair	1. Yes 2. Yes	Disagree

(1) **Agreed** = **One or more** respondent agrees with Finding in full or part. **Disagree** = **All** respondents disagree with Finding in full. **Partially Disagree** = **All** respondents disagree in part with Finding.

<b>RECOMMENDATIONS – Report #3 Special Districts</b>  Related Finding in ( )	Responses	2019-2020 Grand Jury Investigation Implementation Outcome		
	Requested From	Received Yes/No-received late/ No response <i>As required by Penal Code<sup>2</sup></i>	Status	Follow up
R1. The Fresno County Auditor-Controller should review all special districts for audit compliance and work with noncompliant districts to bring them into compliance; prioritize them based on current cash balances, largest to smallest. (F1) (F9)	Fresno County Auditor-Controller	Yes	Will implement	Referred to 2019-2020 Grand Jury. See report #2.
R2. The Fresno County Auditor-Controller should review special district financial audits annually for accuracy as they are submitted/received by the office. (F2)(F9)	Fresno County Auditor-Controller	Same as above	Will not implement	None
R3. Those special districts that are found non-compliant with their state-mandated financial audit requirements but have no cash on hand or are no longer functional, should be referred by the (LAFCO) (or by the entity itself) to the State to be dissolved by the State. (F1)	Not assigned to any one for response.	Not Applicable	Not Applicable	Not Applicable

R4. Per Calif. Gov't Code, section 26909 the Fresno County Auditor-Controller should perform financial audits on special districts or contract with an accountant to complete missing audits. (F4)	Fresno County Auditor-Controller	Yes	Will implement	Referred to 2019-2020 Grand Jury. See report #2.
R5. The (LAFCO) should continue to utilize and expand the municipal service review process to aid and educate all special districts. (F5)	LAFCO, ED	Same as above	Unknown	
R6. (LAFCO) and the Fresno County Auditor-Controller should encourage and support the recommendations of the California Little Hoover Commission "Special Districts: Improving Oversight & Transparency", Report #239, August 2017. (F7)	1.Fresno County Auditor-Controller 2. LAFCO, ED	1.Yes 2.Yes	Unknown	

**Grand Jury 2018-2019  
Findings and Recommendations Review  
Report # 1 – Elder Abuse and the “Silver Tsunami”<sup>1</sup>**

<b>FINDINGS – Report #1</b>	<b>Responses</b>		
	<b>Requested From</b>	<b>Received Yes/No-received late/ No response <i>as required by Penal Code<sup>2</sup></i></b>	<b>Agree/Disagree/ Partially Disagree/ Unknown (1) <i>as required by Penal Code<sup>3</sup></i></b>
F1. All interviewed individuals are dedicated and committed in their service of abused and vulnerable elders.	1. Delfino Niera, Fresno County, Director of Social Services (DSS) 2. Lisa Smittcamp, Fresno County District Attorney (DA)	1. Yes 2. Yes	Agree
F2. Awareness of the significant increase of the elder population was acknowledged by those interviewed. However, no formal plan exists among Fresno County Agencies on how to address it.	Same as above	Same as above	Agree
F3. While some Fresno County Agencies have an excellent flow of information between staff members, communication and working relationships within and between individuals in agencies and organizations are not consistent. Agencies agreed consistent communication is critical for effective and timely resolution of abuse cases.	Delfino Niera, Fresno County Director DSS	Yes	Agree
F4. Centralized services available for elders at the Fresno Senior Resource Center have declined over time. It is expected to eventually close with no replacement planned.	Same as above	Same as above	Agree

<sup>1</sup> Grand Jury Annual Report 2018-2019, County of Fresno. [http://www.fresno.courts.ca.gov/\\_pdfs/Grand%20Jury%20Reports/Report%201%2018-19.pdf](http://www.fresno.courts.ca.gov/_pdfs/Grand%20Jury%20Reports/Report%201%2018-19.pdf)

<sup>2</sup> California Penal Code §933, California Legislation Information. [http://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?sectionNum=933&lawCode=PEN](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=933&lawCode=PEN)

<sup>3</sup> California Penal Code §93305, California Legislation Information. [http://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?sectionNum=933.05&lawCode=PEN](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=933.05&lawCode=PEN)

F5. Fresno County Adult Protective Services does not have sufficient resources to practice proactive intervention directed towards those elders considered to be most vulnerable to abuse.	Same as above	Same as above	Agree
F6. The collection of data from Fresno County Agencies is fragment-ed, with gaps and duplication, and lacking consistent definitions. Making it difficult to gather historical data for trend comparisons and planning.	Same as above	Same as above	Agree
F7. There is insufficient funding to adequately address elder abuse and prevention for Fresno County Agencies.	Lisa Smittcamp, Fresno County District Attorney	Yes	Unknown
F8. Elder abuse is not always reported due to a multitude of complex issues and reasons. There is no way to determine how extensive elder abuse is.	Delfino Niera, Fresno County Director DSS	Yes	Agree
F9. Public awareness, education and outreach to all county communities is limited by staff time and resources and takes a lower priority when resources are stretched to handle essential services.	Delfino Niera, Fresno County Director DSS	Same as above	Agree

(1) **Agreed** = **One or more** respondent agrees with Finding in full or part. **Disagree** = **All** respondents disagree with Finding in full. **Partially Disagree** = **All** respondents disagree in part with Finding.

<b>RECOMMENDATIONS – Report #1</b> <b>Elder Abuse</b> Related Finding in ( )	Responses		2019-2020 Grand Jury Investigation Implementation Outcome	
	Requested From	Received Yes/No-received late/ No response <i>As required by Penal Code<sup>2</sup></i>	Status	Follow up
R1. The Fresno County District Attorney consult with staff assigned to elder abuse to proactively prepare a plan for the impending caseload increase. (F2)	Lisa Smittcamp, Fresno County DA	Yes	Will implement	Review
R2. Fresno County Adult Protective Services develop a method and timeline to effectively collect and use data so staff can be proactive in mitigating abuse. (F5)	Delfino Niera, Fresno County Director DSS	Yes	Will not implement	None

R3. The Fresno County District Attorney explore and pursue new sources of funding and grants designated for staffing elder abuse.(F7)	Lisa Smittcamp, Fresno County DA	Yes	Unknown	Review
R4. Fresno County Adult Protective Services take the lead to develop a formalized community approach to public awareness, prevention and education of elder abuse. (F3-4, F6-9)	Delfino Niera, Fresno County Director DSS	Yes	Will not implement	None

**Grand Jury 2018-2019  
Findings and Recommendations Review  
Report #2 – First 5 Fresno County<sup>4</sup>**

<b>FINDINGS – Report #2</b>	<b>Responses</b>		
	<b>Requested From</b>	<b>Received Yes/No-received late/ No response <i>as required by Penal Code<sup>2</sup></i></b>	<b>Agree/Disagree/ Partially Disagree/ Unknown (1) <i>as required by Penal Cod<sup>3</sup></i></b>
F1. Not all available commission positions are filled.	1. Chair, Fresno County BOS 2. Emilia Reyes, Exec. Dir. (ED) First 5 Fresno	1. Yes 2. Yes	Agree
F2. Not all current commissioners meet the qualification criteria to be a commissioner as required by the Act.	Same as above	Same as above	Disagree
F3. The conflict of interest Fresno County Ordinance Code § 2.38.010.D. enacted in 2014 is in conflict with the Act. It has excluded from the Commission people from the community that the Act states as qualified.	Chair, Fresno County BOS	Yes	Disagree
F4. First 5 Fresno used their tobacco funds and NMTC to purchase property and the building of a facility in downtown Fresno to be used for day care, education, and medical care of children age 5 and under and is to be commended for being good stewards of their funds.	Chair, Fresno County BOS	Same as above	No response

(1) **Agreed = One or more** respondent agrees with Finding in full or part. **Disagree = All** respondents disagree with Finding in full. **Partially Disagree = All** respondents disagree in part with Finding.

<sup>4</sup> Grand Jury Annual Report 2018-2019, County of Fresno. [http://www.fresno.courts.ca.gov/\\_pdfs/Grand%20Jury%20Reports/Report%20%2018-19.pdf](http://www.fresno.courts.ca.gov/_pdfs/Grand%20Jury%20Reports/Report%20%2018-19.pdf)

<b>RECOMMENDATIONS – Report #2</b> <b>First 5 Fresno County</b> Related Finding in ( )	Responses		2019-2020 Grand Jury Investigation Implementation Outcome	
	Requested From	Received Yes/No-received late/ No response <i>As required by Penal Code<sup>2</sup></i>	Status	Follow up
R1. Fresno County BOS fill all available commission positions by December 31, 2019.(F1)	Chair, Fresno County BOS	Yes	Will implement	Review
R2. Fresno County BOS should review the qualifications of all current Commissioners as codified by California Children and Families Act of 1998 by December 31, 2019. (F2)	1. Chair, Fresno County BOS 2. Emilia Reyes, ED First 5 Fresno	1. Yes 2. Yes	Will implement	None
R3. Fresno County BOS should modify Fresno County Ordin. Code §2.38.010.D., the conflict of interest ordinance, to conform to the Act and County of Fresno Admin. Policy No 1 by December 31, 2019. (F3)	Chair, Fresno County BOS	Yes	Will not implement	



**Grand Jury 2018-2019  
Findings and Recommendations Review  
Report #3 – Fresno Police Department 9-1-1 Communication Center<sup>5</sup>**

<b>FINDINGS – Report #3</b>	<b>Responses</b>		
	<b>Requested From</b>	<b>Received Yes/No-received late/ No response <i>as required by Penal Code<sup>2</sup></i></b>	<b>Agree/Disagree/ Partially Disagree/ Unknown (1) <i>as required by Penal Code<sup>3</sup></i></b>
F1. The FPD 9-1-1 CommCen (Communication Center) Dispatchers are doing an outstanding job.	Jerry Dyer, Police Chief, City of Fresno	<i>One response document received signed by:</i> 1. Yes (Lee Brand, Mayor) 2. Yes (Andy Hall, Acting Police Chief) 3. Yes (Wilma Quan, City Mgr.)	Unknown
F2. The FPD 9-1-1 CommCen is understaffed as a result of the 2007-2009 recession.	1. Lee Brand, Mayor, City of Fresno 2. Jerry Dyer, Police Chief, City of Fresno	Same as above	Unknown
F3. The understaffing and high volume of calls has created mandatory overtime.	Same as above	Same as above	Unknown
F4. The recruitment/hiring process for dispatchers is extensive, costly, and time consuming.	Jerry Dyer, Police Chief, City of Fresno	Same as above	Unknown
F5. The dispatcher training is arduous and stressful which results in some dispatch hires not completing the training process.	Same as above	Same as above	Unknown

<sup>5</sup> Grand Jury Annual Report 2018-2019, County of Fresno. [http://www.fresno.courts.ca.gov/\\_pdfs/Grand%20Jury%20Reports/Report%203%2018-19.pdf](http://www.fresno.courts.ca.gov/_pdfs/Grand%20Jury%20Reports/Report%203%2018-19.pdf)

F6. The FPD 9-1-1 CommCen is limited on space with no room for expansion.	1. Lee Brand, Mayor, City of Fresno 2. Jerry Dyer, Police Chief, City of Fresno	Same as above	Unknown
F7. The FPD 9-1-1 CommCen is at risk of losing more than \$2.6 million of Cal Office of Emergency Services (OES) funding if they don't meet the call answer time requirement.	Jerry Dyer, Police Chief, City of Fresno	Same as above	Unknown
F8. The FPD has no contingency plan to fund equipment upgrades if Cal OES funds are lost.	Same as above	No response	Unknown

(1) **Agreed** = **One or more** respondent agrees with Finding in full or part. **Disagree** = **All** respondents disagree with Finding in full. **Partially Disagree** = **All** respondents disagree in part with Finding.

RECOMMENDATIONS – Report #3 9-1-1 Related Finding in ( )	Responses		2019-2020 Grand Jury Investigation Implementation Outcome	
	Requested From	Received Yes/No-received late/ No response <i>As required by Penal Code<sup>2</sup></i>	Status	Follow up
R1. Recommend funding be approved for dispatch staffing to be returned to pre-recession (2007-2009) levels. (F2, F3, F4)	1. Lee Brand, Mayor, City of Fresno 2. Jerry Dyer, Police Chief, City of Fresno	<i>One response document received signed by:</i> 1. Yes (Lee Brand, Mayor) 2. Yes (Andy Hall, Acting Police Chief) 3. Wilma Quan, City Mgr.	Implemented	None
R2. Streamline the dispatcher recruitment, hiring, and training process.(F5)	Jerry Dyer, Police Chief, City of Fresno	Same as above	Implemented	

R3. Develop Public Service Announcements to educate the public about the purpose of the 3-1-1 program and the non-emergency phone number (559-621-7000).(F3)	1. Lee Brand, Mayor, City of Fresno 2. Jerry Dyer, Police Chief, City of Fresno	Same as above	Will implement	Review
R4. Relocate the dispatch center to a larger facility to accommodate Cal OES staffing recommendations and future growth.(F6)	Same as above	Same as above	Unknown	
R5. Develop a contingency plan in the event Cal OES funding is withheld. (F7,F8)	Same as above	Same as above	Unknown	
R6. Research & secure other funding sources for the 9-1-1 dispatch center (i.e. grants and foundations). (F7,F8)	Same as above	Same as above	Will implement	