

**FRESNO COUNTY GRAND JURY**

**FINAL REPORT**



**2002 - 2003**

**FINAL REPORT**

**FRESNO COUNTY GRAND JURY**

**2002–2003**



**PRESIDING JUDGE OF THE FRESNO COUNTY SUPERIOR COURTS**

**Hon. Brad R. Hill  
Presiding Judge**

**FRESNO COUNTY GRAND JURY**

**2002-2003**

## **2002–2003 FRESNO COUNTY GRAND JURY**

### **From Left to Right**

**Robin Baldwin, Karen Miller, Robert Buchanan, Henry Chin, Jesse McDonald, Jr., Donald Slade, Haig Shekerjian, Susan Biglione, O. James Woodward III, David Barber, Mort Rosenstein, M.D., Claude Torrez, Joan Quintana, James Perkins, Stanley Kooyumjian, Jack Thorburn, M.D., Allene Kahl, Merle Hanson (Foreman), Fred Goldring**

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## FRESNO COUNTY GRAND JURY

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1100 VAN NESS AVENUE ROOM 102  
FRESNO, CALIFORNIA 93721

June 30, 2003

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

Dear Judge Hill:

The 2002/2003 Fresno County Grand Jury respectfully submits its report. The report is an accounting of the grand jury's investigations, deliberations, findings, and recommendations.

The primary function of the grand jury, and the most important reason for its existence, is the examination of all aspects of county government, municipalities, and special districts, seeing that monies are handled judiciously and that all accounts are properly audited – in general, assuring honest, efficient government in the best interests of the people. During its one-year term, a grand jury also receives complaints from citizens, which are read to the entire grand jury and referred to the appropriate committee for review and investigation. In the course the year, we gained a great deal of knowledge of and appreciation for the government operations within our county.

On behalf of the Grand Jury, I extend our thanks to Past Presiding Judge Gary Hoff, Present Presiding Judge Brad R. Hill, County Counsel Phillip Cronin, and Assistant District Attorney Robert Ellis for their accessibility and thoughtful guidance throughout the year. To Sherry Spears, Juror Services Manager, a big thank you for her always pleasant and efficient assistance whenever needed. I also extend my thanks to the many county and city officials and their staffs as well as private citizens for their cooperation as we pursued our investigations.

The nineteen members of our Jury were hardworking, talented, and dedicated. The charge given to us by Judge Hoff at our impanelment was carried out in a diligent and thoughtful manner. It was a privilege and pleasure to work with them and I thank them for their dedication, perseverance, and cooperation throughout the year. My special

thanks to Foreman pro-tempore Stanley Kooyumjian, Secretary Allene Kahl, and Sergeant-at-Arms Robin Baldwin for all they did to make our year efficient, productive, and rewarding. Serving on the grand jury has been an educating and rewarding experience for all of us. We are all better citizens as a result of serving.

Respectfully,

Merle A. Hanson, Foreman

## **INTRODUCTION TO THE GRAND JURY**

The Fresno County Grand Jury is a volunteer body of nineteen Fresno County citizens charged and sworn to conduct and respond to citizen's complaints. It is also charged to inquire into matters of civil concern within the boundaries of Fresno County and incorporated cities within these boundaries. Grand Jury duties, powers, responsibilities, qualifications and the selection process are set forth in the California Penal Code section 888.

The Grand Jury reviews and evaluates procedures, methods and systems used by governmental agencies. It determines whether they comply with the state objectives of the agency and if their operation can be made more efficient and effective.

The Grand Jury functions lawfully only as a body; no individual grand juror acting alone has any power or authority. Meetings of the Grand Jury are not open to the public. All matters discussed before the Grand Jury and votes taken are required by law to be kept private and confidential. The end results as a Final Report is released to the Presiding Judge. After his approval the Final Report is released to the public.



## 2002-2003 FRESNO COUNTY GRAND JURY ROSTER

Name	City
Merle Hanson, Foreman*	Fresno
Robin Baldwin*	Fresno
David Barber	Easton
Susan Biglione	Clovis
Robert Buchanan*	Fresno
Henry Chin	Fresno
Fred Goldring	Fresno
Allene Kahl*	Fresno
Stanley Kooyumjian*	Friant
Jesse McDonald, Jr.*	Fresno
Karen Miller*	Clovis
James Perkins	Fresno
Joan Quintana*	Fresno
Mort Rosenstein, M.D.	Fresno
Haig Shekerjian	Fresno
Donald Slade	Fresno
Jack Thorburn, M.D.	Sanger
Claude Torrez	Fresno
O. James Woodward III	Fresno

\*2001/2002 Grand Jury Holdovers



## THE COUNTY OF FRESNO

### **2002 – 2003 FRESNO COUNTY GRAND JURY OFFICERS**

Foreperson	Merle Hanson
Foreperson Pro Tempore	Stanley Kooyumjian
Secretary	Allene Kahl
Sergeant-at-Arms	Robin Baldwin

### **EDITING AND PUBLISHING COMMITTEE**

Chairperson	Merle Hanson
Member	David Barber
Member	Robert Buchanan
Member	Henry Chin
Member	Fred Goldring
Member	Allene Kahl
Member	Stanley Kooyumjian
Member	James Perkins
Member	Joan Quintana
Member	Mort Rosenstein, M.D.

## **CITIES IN FRESNO COUNTY COMMITTEE**

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**Fred Goldring, Chair**

**Henry Chin**

**Stanley Kooyumjian**

**Karen Miller**

**Haig Shekerjian**

**O. James Woodward III**

## **CITIES IN FRESNO COUNTY COMMITTEE**

### **INTRODUCTION**

The Cities in Fresno County Committee of the 2002/2003 Fresno County Grand Jury responded to a number of citizen inquiries and complaints, reviewed prior Grand Jury recommendations, and are reporting on selected subjects.

The 2002/2003 Fresno County Grand Jury investigated the progress made by the City of Parlier in response to the 63 recommendations made by the 2000/2001 Fresno County Grand Jury. No report on this subject will be published because the Grand Jury has been made aware of pending litigation regarding some of these matters.

The following matters regarding the City of Fresno are herewith reported on.

- A. City of Fresno Financial Management.
- B. City of Fresno Urban Growth Management (UGM) Fees.
- C. Water Usage and Conservation in the City of Fresno
- D. City of Fresno Boards and Commissions.
- E. City of Fresno Contract Administration.
- F. City of Fresno Zoning Ordinance.

## **CITY OF FRESNO FINANCIAL MANAGEMENT**

### **Introduction**

As a result of issues raised by prior reports and studies, including the Macias Consulting Group Reports (2001/2002) and the Mayor's Council of Economic Advisors' report entitled "Meeting the Challenge," dated January 1, 2003, the 2002/2003 Fresno County Grand Jury (FCGJ) conducted a review of certain elements of the City's financial management and accounting practices. Past and present consultants and representatives of the City were interviewed; however, no formal audits were conducted.

### **Findings**

- A. The City has one of the highest debt levels compared to other comparable cities in California.
- B. The City has a very complex accounting system in comparison to other cities in California.
- C. The unusually large number (572) of individual reported funds has been reduced by approximately 50 %, as of June 30,2002.
- D. The external auditor was selected for the fiscal year ending June 30, 2002, by a committee composed of the Deputy Mayor, Controller, chairperson of the Fiscal Responsibility Committee, Budget Manager, and the City's principal accountant. Not all members of the committee attended all meetings.
- E. The Fiscal Responsibility Committee, established in September 2001, consisted of three City Council members, Deputy Mayor, and Mayor's Chief of Staff.
- F. The external audit for the City's 2001/2002 fiscal year was not completed until March 31, 2003; in prior years the audit was completed by December 31.
- G. One of the factors leading to the delay of the external audit for the City's 2001/2002 fiscal year was an inadequate description of the scope of work in the original Request for Proposal (RFP).
- H. Important financial data for decision-making purposes does not always reach the City Council.
- I. There have been errors in the administration and accounting for certain public works grants, resulting in negative cash balances for the past three fiscal years.

- J. Past and present capital projects, including the Grizzlies Stadium, have failed to reach the City's original fiscal projections by significant amounts.
- K. Financial officers of different departments and agencies of City government do not always agree on appropriate accounting methods, nor do they always communicate effectively.
- L. A significant number of long standing issues and resulting financial reporting errors were subsequently disclosed in the past fiscal year's Comprehensive Annual Financial Report (CAFR) for the year ended June 30, 2002.
- M. In previous years, restricted cash was reported by both the City and the Redevelopment Agency (RDA); it should have only been reported by one or the other. An adjustment to correct this duplication was made in the year 2002/2003 by reducing the City's restricted cash in the amount of \$2,872,053. This had no impact on the operations of the current year. Restricted cash is cash that is not available for general use and is set aside for a special purpose.
- N. In previous fiscal years, expenditures were recorded on the City's books that should have been eliminated as part of the blending of the RDA with the City. An adjustment was made to this year's CAFR audit in the amount of \$1,955,951 to correct this duplication. This had no impact on operations of the current year.
- O. In previous fiscal years, the RDA's property held for resale was mistakenly recorded in fixed assets. It should have been labeled separately as "Property Held for Resale." These assets, valued at \$20,476,179, have been properly identified this fiscal year.
- P. During the preparation of the current year's CAFR audit, staff and the auditor discovered that one grant was overstated by \$3,530,994, and another was understated by \$563,645. These reporting errors have now been corrected. This has no impact on the available grants for future years.
- Q. From the fiscal year ended June 30, 1998, through the fiscal year ended June 30, 2001, \$924,004 was recorded as restricted cash, but should have been recorded as an expense. An adjustment was made as part of the June 30, 2002 year-end closing procedures to decrease restricted cash of the Sewer Enterprise Fund. There was no impact on the operations of the current year.
- R. Restricted cash related to debt service, was overstated by \$1,819,510, due to an error that was made in the recording of an insurance policy. The face value of the policy was inadvertently confused with the cash value of the policy; this was corrected as part of the June 30, 2002 year end close, and had no impact on the operations of the current year.

- S. There is a significant lack of communication and trust, concerning financial matters, between departments and agencies within the City government.

### **Conclusions**

- A. The City's high debt level may result in the lowering of the City's bond rating and adversely affect future financing requirements; as a result, the City's bond ratings and other similar financial measurements may be adversely affected.
- B. The complexity of the City's accounting system makes it very difficult to determine and trace the appropriate allocation and application of funds.
- C. Important financial data does not always reach the City Council for decision-making purposes.
- D. One of the factors leading to the delay of the external audit for the City's 2001/2002 fiscal year was an inadequate description of the scope of work in the original RFP.
- E. The process used for selecting the external auditor provided an opportunity for potential conflicts of interest and raises the question of independence.
- F. The failure to properly administer and account for certain public works grants has cost the City significant amounts of money.
- G. Some of the past major projects have failed to achieve the projected results due to a lack of financial expertise.
- H. Communication between departments and agencies of city government is inefficient and has contributed to inaccurate and misleading financial statements.

### **Recommendations**

The 2002/2003 Fresno County Grand Jury recommends that the City of Fresno:

1. Develop a long-term plan for the reduction of its level of debt.
2. Establish procedures to insure that appropriate financial analysis always accompany requests for major capital expenditures.
3. Establish a process to insure the selection of an external auditor who is independent from the City's financial management and the departments being audited.

4. Simplify the accounting system, to the extent possible, in order that the City Council, department heads, and the public, better understand the City's financial statements.
5. Establish effective administration and accounting for the grants received by the City.
6. Require effective and direct communications between the Redevelopment Agency and the City Finance Department.
7. Improve communication between departments and agencies of City government.



## **CITY OF FRESNO URBAN GROWTH MANAGEMENT (UGM) FEES**

### **Introduction**

The 2002/2003 Fresno County Grand Jury (FCGJ) was alerted to problems regarding the administration of the Urban Growth Management (UGM), under Section 4.5015 *et seq.*, of the *City of Fresno Municipal Code*. The FCGJ determined “Urban Growth Process” originated on December 5, 1975, and since that time, the Fresno City Council has modified the original ordinance several times by Council resolution. The *City of Fresno Municipal Code* states, “... the process is intended to identify the demands on municipal facilities, improvements, or services created by any proposed residential, commercial, industrial, or any other type of development and to provide the means for satisfying such demands; to identify any deleterious effects on any such development, and protect the city and its residents against such effects by minimizing the cost of municipal facilities, improvements and services, and to maintain a high quality of such.”

The Code also states, “The Urban Growth Management Area is designated on the Zone Map. These areas are generally located in and around the city’s fringe and are either relatively underdeveloped or are predominantly agricultural in use and lack most, if not all municipal facilities, improvements or services necessary to serve residential, commercial, industrial or other type of development.” It was recognized that growth must pay its own way. As a result, it was established that the City would encourage reasonable and justifiable growth, as long as it does not place a severe burden on the City’s infrastructure, and that growth would be supported in advance by fees, known as UGM fees, determined by the City’s Public Works Department. These fees are reviewed by the building industry representatives and approved by the City Council. UGM fees are intended to cover all infrastructure costs necessary to support the intended growth plan. Fees are expected to cover costs of improvements of streets, curbs, gutters, water, sewer lines, lights, firehouses, and parks.

In the course of the FCGJ’s examination, interviews were conducted with the Mayor, the City Manager, past and present city finance directors, the CEO of the Building Industry Association, several of the city’s prominent developers, as well as the department heads of Public Works and Planning and Development Department, and the City Attorney. Interviews were also conducted with former and present employees of city departments as well as members of the City Council.

The FCGJ did not ask the City Attorney to interpret city ordinances or to offer an opinion on UGM matters, due to pending litigation.

## **Findings**

- A. The *City of Fresno Municipal Code* sets forth the criteria for requiring a new firehouse or park in UGM areas.
- B. When a developer is entitled to be reimbursed out of UGM fees in excess of the *pro rata* fee obligation, the developer shall be reimbursed in semiannual payments.
- C. Should the city fail to pay any reimbursements within sixty days of the date payments are due, the city shall add an amount to such payments equal to net interest.
- D. Audits of each UGM account are to be conducted no less than once a year.
- E. In the past, UGM audits have not been conducted for periods of up to six years.
- F. The City's Public Works Department is charged with the responsibility of setting UGM fees and providing an annual accounting to the developers.
- G. The City's Planning Department is charged with collecting UGM fees.
- H. The City's Public Works Department has not updated the UGM fee schedule for several years. The City of Clovis, by comparison, annually updates its UGM fee schedule.
- I. There has been a difference of opinion between the Public Works staff and representatives of the building industry, who have been meeting for two and a half years without resolution of the UGM reimbursement differences.
- J. The Finance Director/City Controller has conducted an audit of 1% of the UGM accounts and has determined that all information necessary for auditing purposes is available. The cost of the sample audit was \$14,000.
- K. The current balance of the UGM account is \$47 million, which consists of 237 separate accounts.

## **Conclusions**

- A. Resolution of the long-standing disagreements between the building industry and the City of Fresno, regarding past years accounting, will be resolved by compromise or adjudication by the courts.
- B. UGM fees have not been reviewed regularly.

- C. The formal annual accounting due each builder or developer has not been provided in a satisfactory and timely manner
- D. Builders have not been satisfied with responsiveness of the Public Works Department.
- E. Code mandated accounting requirements have not always been complied with and the accuracy of the UGM accounts is in question.
- F. Based on the City of Fresno's 2025 General Plan, other methods of infrastructure support should be considered as an alternative to UGM fees.
- G. With the exception of approximately 1,500 acres, most of the UGM designated area has been committed for development; therefore new growth may require revitalization of previously developed land in the inner city.
- H. The responsibility for overseeing UGM accounts may be better placed in another department of the City.
- I. Future inner-city development may require a more flexible form of impact fee structure.

### **Recommendations**

The 2002/2003 Fresno County Grand Jury recommends that:

- 8. Final resolution of the past accounting differences be completed between the City and the building industry.
- 9. The City Manager transfer the management of accounting matters regarding Urban Growth Management to the Finance Director/Controller.
- 10. The responsible city department respond to the building industry's inquiries in a timely manner.
- 11. Annual audits of Urban Growth Management accounts be completed in a timely manner.
- 12. The Public Works Department evaluate and update the Urban Growth Management fee structure annually.
- 13. The City Manager appoint a mediation board to resolve Urban Growth Management differences between developers and the city.

14. Urban Growth Management reimbursements to builders be made twice annually in accordance with the *City of Fresno Municipal Code*.
15. The City investigate new growth support plans and funding, such as Mello-Roos Bonds or more flexible development impact fees.

## **WATER USAGE AND CONSERVATION PRACTICES IN THE CITY OF FRESNO**

### **Introduction**

The possibility that the City of Fresno may lose its annual allocation of water supply from the Central Valley Project (CVP) prompted the 2002/2003 Fresno County Grand Jury to examine water usage and conservation practices in the City.

### **Findings**

- A. Since 1995, the City and the United States Bureau of Reclamation (USBR) have been in negotiations to renew the contract by which the City receives an annual water allocation of 60,000 acre-feet from the CVP. The current contract terminates in 2006.
- B. The 60,000 acre-feet of water represent about 40% of the City's total water usage in 2002.
- C. Currently, most single family residential users are billed on a flat rate basis as the City Charter prohibits the reading of water meters for billing purposes. All other water users are charged on a metered basis.
- D. A comparison study was made by the City's Public Utilities Department on daily water consumption by its customers and that of twelve other cities in the State of California. The study showed that the four highest water users are in partially metered cities, with Fresno being the highest. Its customers used an average of 329 gallons per person per day in 2002.
- E. The 12 cities used in the study included two neighboring cities, Clovis and Visalia, and the ten highest populated cities in the State, excluding San Francisco.
- F. City staff estimates that water metering may reduce the city's annual energy cost by \$2.5 million, resulting from less pumping. The total energy cost for 2002 was \$12.8 million.
- G. To monitor over watering or water wastage, as prescribed in the *City of Fresno Municipal Code*, two members of the City's conservation staff patrol city streets year round. This effort is increased by the addition of two extra help employees during the summer months.
- H. A committee is being formed by the Mayor to educate water users on the importance of water conservation, and to promote, by referendum, a ballot measure to void provisions in the Charter that prohibits water meter reading.

- I. The City estimates that eight additional employees will be needed to perform residential meter reading and related functions.
- J. AB 306 has been introduced in the California State Legislature to require metering of water usage at all residences in the State by 2008.
- K. A small number of water customers in the Fresno metropolitan area are served by independent water districts or private water companies.

### **Conclusions**

- A. It is important for the City to renew its water allocation contract with the USBR.
- B. Personnel costs will increase with the installation and reading of water meters.
- C. The overall cost to provide water service will be reduced by improved conservation practices.
- D. Water metering is an effective tool to promote water conservation practices.
- E. Flat-rate billing for water consumption is not an equitable method of assessing cost.
- F. Currently, the amount of water consumption by residents in the City of Fresno exceeds those in cities where water consumption is metered.
- G. The citizens of Fresno must be educated on the importance of water conservation, and the possible consequences if not practiced.

### **Recommendations**

The 2002/2003 Fresno County Grand Jury recommends that the City of Fresno:

- 16. Maintain efforts to negotiate the renewal of its water contract with United States Bureau of Reclamation.
- 17. Coordinate with private companies and independent districts serving water customers in the Fresno metropolitan area to promote water conservation practices.
- 18. Aggressively enforce the *City of Fresno Municipal Code* on water wastage.
- 19. Develop plans to charge residential water users on a more equitable basis.

## **CITY OF FRESNO BOARDS AND COMMISSIONS**

### **Introduction**

Elected officials and members of the community brought to the attention of the 2002/2003 Fresno County Grand Jury concerns regarding the records of appointments made to the various Boards and Commissions (Boards). The concerns prompted the Grand Jury to investigate specific issues including, but not limited to, the application process and forms.

### **Findings**

- A. Appointments to the Boards are made by the Mayor and the City Council.
- B. The records of appointments to the Boards are not current and are poorly organized.
- C. At present there are forty-four separate Boards that have been established by the City Council and other agencies.
- D. These Boards act in an advisory or policy-making capacity on behalf of the City of Fresno or the entity they serve.
- E. The records of applications and appointments are filed and maintained by the City Clerk's office.
- F. The appointment records do not uniformly include basic information such as:
  - Designated meeting dates, times, and locations
  - Compensation for members, if any
  - Name and telephone number of the city staff representative
  - List of current members including term expiration dates
  - Number of authorized board members for each Board
- G. The functional description of each Board is not included in the records of appointments, but is stated in a separate document entitled "Functions of Boards & Commissions."
- H. The current appointment records are outdated and incomplete.
- I. Applications for Board appointments are available at the City Clerk's office. Completed applications must be filed with the City Clerk's office.

- J. When a position becomes available on a Board, a list of prospective applicants is transmitted from the City Clerk's office to the office of the Mayor, members of the Fresno City Council, or any other appointing authority, for consideration.
- K. Generally, a board member is appointed for a term of two to four years. Some terms run concurrently with the term of the elected official who makes the appointment.
- L. The City is studying reformatting and placing of information regarding Boards on the City of Fresno website.
- M. In the past, some applicants have not followed the designated procedure. They have taken their applications directly to an appointing authority.
- N. Information provided by applicants is not validated or verified by the appointing authority.
- O. Boards represent a productive utilization of volunteer citizens.
- P. Some Boards are provided with an operating budget.

### **Conclusions**

- A. The City of Fresno appointment records are outdated and often factually inconsistent.
- B. The application process is not always followed by those involved.
- C. Applicants do not always follow the prescribed procedure in submitting their applications to the City Clerk's office.
- D. There is no formal validation or verification of information provided by an applicant.
- E. The City of Fresno website does not include specific information regarding Board applications.

### **Recommendations**

The 2002/2003 Fresno County Grand Jury recommends that:

- 20. The Fresno City Manager authorize the City Clerk to develop procedures to maintain accurate and current information on records of appointments to Boards by the City Council and Mayor.



21. The City Clerk's office develop an appointment document to be placed on the City of Fresno website to include the following:
  - a. A proper name to identify each Board.
  - b. A concise and clear description of the purpose of each Board.
  - c. Designated meeting dates, times, and locations for the Board.
  - d. Annual budget and the remuneration for each Board member, if any.
  - e. The name, telephone number and e-mail address of the city staff representative who is assigned to each Board.
  - f. The length of term and expiration date for each Board member.
  - g. Application form.
22. The City Clerk notify the appointing authority of an appointee's expiration date no less than 90 days prior to the end of the term.
23. The City Clerk publicize Board member vacancies by posting them at City Hall and listing them on the City of Fresno website.
24. The Fresno City Manager verify all information on applications.
25. The Fresno City Manager advise appointing authorities to route all applications to the office of the City Clerk.
26. The Fresno City Manager direct appointing authorities to inform the City Clerk's office of new appointments.

## **CITY OF FRESNO CONTRACT ADMINISTRATION**

### **Introduction**

The 2002/2003 Fresno County Grand Jury reviewed the matter of contract administration.

The City of Fresno (City) has a variety of contracts with other parties for the purpose of purchasing goods and services. City departments are responsible for maintenance and supervision of the contracts in which they are involved. Elected officials and members of the City staff have expressed an interest in placing all contracts under the supervision of a designated contract administrator who will be responsible for the enforcement, compliance, and renewal of all contracts.

### **Findings**

- A. A contract is a legal agreement between two or more parties setting forth terms and conditions.
- B. The number of contracts existing between the City and other parties is not known.
- C. Not all of the original contracts, additions, and amendments between the City and others are filed in the City Clerk's office as required by Section 802c of the *City of Fresno Charter*.
- D. No one employee or department within the City is currently responsible for the administration of all the City contracts involved.
- E. The City Clerk is responsible for making certain that all contracts are signed, dated, and filed, and that additions and amendments to the contracts are signed, dated, and filed with the original document.
- F. Wherever possible, the departments are instructed to use the City's pre-approved standard contract form, as prepared by the office of the City Attorney.
- G. All contracts are reviewed by the City Attorney's Office in order to assure legal compliance.

### **Conclusions**

- A. The City currently does not have a department that monitors and administers all existing contracts.

- B. The City may be losing revenues due to the lack of administration and monitoring of contracts.
- C. The City Clerks office:
- Is required to retain the original copy of all city contracts, additions, amendments, and renewals
  - Is designated the repository for original contracts
  - Insures contracts are signed and dated
  - Currently has no responsibility for administration of contracts
  - Is not staffed or trained to administer contracts
- D. Whenever possible individual departments should use the standard contract form, as developed by the office of the City Attorney.
- E. Original documents are to be sent to the City Clerk's office. This practice has not always been followed.

### **Recommendations**

The 2002/2003 Fresno County Grand Jury recommends that:

27. The City Manager assign the ultimate responsibility for contract administration to a properly staffed, single department that will be responsible for contract enforcement, compliance, and renewal.
28. The department that is ultimately responsible for supervision of contract administration, set up a "reminder" file to advise appropriate departments of contract term date, renewal date, and other significant implementation dates.
29. The City Manager instruct appropriate departments that enter into contracts to utilize the standard city contract form whenever possible.

## **CITY OF FRESNO ZONING ORDINANCES**

### **Introduction**

The 2002/2003 Fresno County Grand Jury received complaints regarding the timeliness and the applicability of the Zoning Ordinance, Sections 12-102 through 12-302 of the *Fresno Municipal Code*. The Code provides that the intent and purpose of the Zoning Ordinance is to encourage, classify, designate, regulate, restrict, and segregate the highest and best location for, and use of buildings, structures, and land for agriculture, residence, commerce, trade, industry, water conservation and other purposes in appropriate places.

### **Findings**

- A. The Zoning Ordinance has not been fully revised since 1960.
- B. In some instances, the same circumstances are addressed differently in different portions of the ordinance.
- C. Portions of the Zoning Ordinance are no longer applicable.
- D. The Zoning Ordinance, in its current format, is not conducive to placement on the City's website.
- E. The current format of the Zoning Ordinance is 6x9 inches and is difficult to read.

### **Conclusions**

- A. The Zoning Ordinance contains outdated material that requires change.
- B. As a result of the City's 2025 General Plan, revisions are required in the Ordinance.
- C. Adequate funds must be available to support the cost of a full revision of the Zoning Ordinance.
- D. A revised and reformatted Municipal Code will permit the public to better comprehend and utilize the Zoning Ordinance.
- E. It is anticipated that, in the future, most of the inquiries regarding the City's ordinances will be made on line using the City's website.

- F. An attorney with knowledge of zoning laws will be needed to fully revise the existing ordinance.

### **Recommendations**

The 2002/2003 Fresno County Grand Jury recommends that the City Manager:

- 30. Budget adequate funds to complete the full revision of the Zoning Ordinance.
- 31. Assign a member of the City Attorney's staff to specifically assist in the revision of the Zoning Ordinance.
- 32. Direct the City Clerk's office to use an 8 1/2 x 11 inch format in the revision of the ordinance.
- 33. Place the newly formatted Zoning Ordinance on the City's website and update it every six months.
- 34. Make available hard copies of the Zoning Ordinance for distribution at a nominal cost.

## **FRESNO COUNTY COMMITTEE**

---

**James Perkins, Chair**

**Robin Baldwin**

**David Barber**

**Susan Biglione**

**Allene Kahl**

**Donald Slade**

## **COUNTY COMMITTEE**

### **INTRODUCTION**

The County Committee of the 2002/2003 Fresno County Grand Jury was charged with the responsibility to review and report on certain departments and activities of county government and special districts operating within the county. For this purpose, the Committee interviewed a number of officials and other witnesses, and visited relevant facilities.

The reviews were initiated from several sources, including citizen and official complaints, news releases, and recommendations from the 2001/2002 Fresno County Grand Jury. In this connection, the Committee examined several matters and county departments not specifically reported upon. The following subjects are covered in this report:

- A. The office and facilities of the Fresno County Coroner-Public Administrator/  
Public Guardian.
- B. Fresno Irrigation District billing, collection, and foreclosure practices.
- C. Fresno County Fire Protection District.
- D. Security of County Buildings.

## **THE FRESNO COUNTY CORONER-PUBLIC ADMINISTRATOR/PUBLIC GUARDIAN**

### **Introduction**

Pursuant to the recommendations of the 2001/2002 Fresno County Grand Jury, the 2002/2003 Fresno County Grand Jury investigated the offices of the County Coroner-Public Administrator/Public Guardian (Coroner-PA/PG). The offices of the County Coroner and PA/PG are combined under resolutions of the County Board of Supervisors. The offices of Coroner and PA/PG are separate elective offices under the *Fresno County Charter*. In the course of the investigation, the Grand Jury visited the facilities and interviewed several persons.

### **Findings**

- A. Many counties in California have eliminated the office of coroner and have substituted a system requiring the appointment of a licensed medical examiner in place of the coroner. In Fresno County, elimination of the office would require an election to amend the *Fresno County Charter*.
- B. The Board of Supervisors has set aside \$300,000 to be used to study the needs, design, and location for new facilities for the Coroner-PA/PG and the morgue. An additional \$1 million has recently been allocated by the Board of Supervisors to partially fund the project.
- C. The Public Administrator has the responsibility to administer decedents' estates in cases where there is no executor appointed or family member of the decedent capable of assuming the duty. Among the duties assumed are inventorying and appraising all of the assets of the decedent's estate, storing and protecting the assets, filing any tax returns due, and distributing the assets to the persons entitled to the same upon closing the probate estate. The Public Administrator is paid a fee from the estate based upon the size of the inventory and the work performed. While fees are set by statute, they are subject to approval of the Probate Court.
- D. The Public Guardian is responsible for both the assets of persons who are wards of the Court and the persons themselves. In this connection, the Public Guardian must not only inventory, store, and protect the ward's assets, but also assure that the ward is personally cared for in the most appropriate manner. Upon the death or restoration to capacity of the ward, the Public Guardian must assure the proper probate and disposition of the ward's assets. The Public Guardian is paid fees as allowed by the Probate Court for the work performed up to the time of the request.



- E. Upon the initial visit of the Grand Jury to the facilities of the Coroner-PA/PG, the rooms used for the storage and safekeeping of the personal effects of decedents and wards were found to be in a disorganized state. On subsequent visits, the rooms were more organized.
- F. The size of the refrigerated room in the morgue is inadequate for the number of bodies being stored.
- G. There is no separate refrigerated room for the storage of decomposed or infectious bodies.
- H. There have been several bodies stored in the refrigerated room in the morgue for up to nine years.
- I. The ventilation system permits odors from the morgue to permeate the office areas.
- J. Drainage for autopsy fluid waste and particulate matter flows into ordinary sink outlets. There are no clean-out traps.
- K. Dictation equipment is not provided in the autopsy suite.
- L. X-ray services are contracted with a private vendor.
- M. There is a severe shortage of space in the facility for the storage of case records, chemicals, and autopsy specimens.
- N. The storage shed located behind the morgue is filled with old files and autopsy specimens, which are in disarray.
- O. The current filing system of the PA/PG for the personal effects of both living and deceased persons is outdated.
- P. There has been an inspection of the Coroner-PA/PG facilities by CAL/OSHA, which resulted in findings of multiple violations and assessment of a fine.
- Q. The fees collected by the PA/PG up to May 31<sup>during</sup> the current fiscal year were approximately \$440,000, based upon inventories of over \$9 million.
- R. All fees collected by the PA/PG are allocated to the County general fund.

## **Conclusions**

- A. It is not necessary for the elective offices of Coroner and Public Administrator/Public Guardian to be joined.

- B. The duties and responsibilities of the Coroner and the Public Administrator/Public Guardian are mutually exclusive.
- C. The duties of Coroner may be performed by a licensed medical examiner, who may also act as a forensic pathologist.
- D. Ventilation in the office areas of the Coroner-PA/PG, which are adjacent to the morgue and autopsy suite, is inadequate.
- E. Prompt attention should be given to disposition of unclaimed bodies in the morgue.
- F. The contents of the storage shed located behind the morgue should be promptly inventoried. All files and autopsy specimens not required by law to be kept should be purged.
- G. Technically updated accounting and inventory systems should be installed.
- H. Technically advanced improvements should be installed in the autopsy suite.
- I. Use of ordinary sink traps and lack of clean-out traps in the autopsy suite may constitute a health hazard.
- J. The storage space for the personal effects of deceased and living persons for which the PA/PG is legally responsible is grossly inadequate.
- K. The violations cited by CAL/OSHA in its recent citation should be promptly corrected.

### **Recommendations**

The 2002/2003 Fresno County Grand Jury recommends that:

- 35. Construction of a new Coroner's office, morgue, and autopsy suite be given top priority by the Fresno County Board of Supervisors.
- 36. Violations cited by CAL/OSHA be promptly corrected.
- 37. The Offices of Coroner and Public Administrator/Public Guardian be separated.
- 38. The *Fresno County Charter* be amended to eliminate the office of Coroner, and an office of Medical Examiner be created and filled.
- 39. The Coroner-Public Administrator/Public Guardian provide a technically advanced system for control of all inventoried properties.

40. The Coroner-Public Administrator/Public Guardian provide a technically advanced system for control of all files and autopsy specimens.
41. The Coroner-Public Administrator/Public Guardian dispose of all files and autopsy specimens not required by law to be maintained.
42. The Coroner-Public Administrator/Public Guardian dispose of all unclaimed bodies in the morgue without delay.

## FRESNO IRRIGATION DISTRICT

### Introduction

The 2002/2003 Fresno County Grand Jury examined the assessment billing, collection, and foreclosure procedures of the Fresno Irrigation District (FID). In the course of its investigation, the Grand Jury reviewed reports and interviewed and took testimony from District officers and others.

### Findings

- A. The FID was organized under Division 11 of the *California Water Code* and is properly authorized by statute to levy assessments on all land within the district. Annual assessments are a lien on the property assessed on March 1 of the year in which the assessment is levied and are payable in two installments. The first installment is delinquent if not paid by December 20, and the second installment is delinquent if not paid by the following June 20.
- B. The District is required by law to publish a list of delinquencies each year and a notice that the parcel will be sold to the District if not paid within a specified time. Sales to the District are evidenced by certificates of sale.
- C. Under Section 26134 of the *California Water Code*, the District may assign a certificate of sale for an amount not less than the amount of the assessment, penalties, and costs. The term, "assign" is not otherwise defined in the Code.
- D. Property sold for delinquent assessments may be redeemed within five years from the date of the sale, or thereafter before a collector's deed has been delivered. (Section 26225, *California Water Code*.)
- E. After sales to the District, issuance of certificates of sale, and the expiration of five years, a collector's deed may be issued to the District or the assignee of the certificate of sale. However, the District may not sell or dispose of the property except as provided in Section 26290 of the *California Water Code*, which provides for sales at public auction.
- F. With appropriate notices, the law requires that the District sell the property at public auction. The proceeds from such sales are delivered to the delinquent landowner, less the amount of the assessment, interest, penalties, and costs.
- G. FID made a determination that it could avoid public auctions of delinquent properties by assigning certificates of sale of delinquent properties to a third party for the amount of the delinquent assessment, interest, penalties, and costs.

- H. Sales made by the District by assignment were the subject of several lawsuits by owners of dispossessed properties, all of which were settled by either the third party purchaser or the District.
- I. FID has discontinued the practice of assigning certificates of sale for delinquent assessments to third parties.
- J. For its fiscal year ending June 30, 2003, FID has budgeted \$471,012 for its management and administration, plus an amount for employee benefits.
- K. FID maintains its own assessment rolls, prepares and sends its own bills and notices of delinquency, and conducts its own foreclosure sales for purposes of recovery of delinquent assessments.
- L. The Fresno County Auditor-Controller/Treasurer-Tax Collector has legal authority and is able to perform billing and collection services for FID for a reasonable charge.

### **Conclusions**

- A. It is unlikely that by authorizing the assignment of certificates of sale, the Legislature intended to eliminate the rights of landowners to have public auction sales of their delinquent properties conducted; it is likely that the Legislature intended that by such assignments, the assignee would receive no greater rights than those of the District.
- B. Assignment of certificates of sale for delinquent assessments should be discontinued, unless the assignee is required to proceed with foreclosure sale only as provided by law.
- C. FID should cause all of its billing, collection, and delinquency enforcement procedures to be performed by the Fresno County Auditor-Controller/Treasurer-Tax Collector.

### **Recommendations**

The 2002/2003 Fresno County Grand Jury recommends that:

- 43. No assignments of certificates of sale of delinquent properties be made by the Fresno Irrigation District.
- 44. The Fresno County Auditor-Controller/Treasurer-Tax Collector assume billing and collection of all assessments by Fresno Irrigation District and management of any delinquency sales of property.

## FRESNO COUNTY FIRE PROTECTION DISTRICT

### **Introduction**

Responding to the 2001/2002 Fresno County Grand Jury Report and to the closure of the Riverdale Fire Station, the 2002/2003 Fresno County Grand Jury continued to investigate the Fresno County Fire Protection District and its ability to provide fire protection to residents of Fresno County.

### **Findings**

- A. Fresno County Fire Protection District is the largest fire district in Fresno County.
- B. Fresno County Fire Protection District provides fire protection to most residents of the unincorporated areas of Fresno County, and to some incorporated cities.
- C. Fire stations are approximately 12 miles apart. Response time is 8 to 12 minutes
- D. Proposition 172, which was adopted by California voters in 1993, provides funds for public safety services which include, but are not limited to, law enforcement, fire protection, county district attorney's offices, and county correctional facilities.
- E. Although Fresno County has received funds from the State of California under Proposition 172, to date, Fresno County Fire Protection District has not been allocated any of the funds.
- F. Fresno County has not designated developer impact fees for fire protection.
- G. Fresno County Fire Protection District is one of five special districts that provide fire protection for county residents.
- H. The Riverdale Fire Station was closed by the Fresno County Fire Protection District because of the lack of funds.
- I. The Riverdale Public Utilities District owns two fire trucks.
- J. The Riverdale Public Utilities District continues to operate the fire station, but only on a volunteer basis, without state or county funding.

### **Conclusions**

- A. Shrinking property tax revenue has significantly reduced the fire protection district's operating budget.

- B. In 1993, California voters passed Proposition 172 allocating funds for fire protection as well as law enforcement.
- C. Fresno County does not provide any Proposition 172 funds for Fresno County Fire Protection District or other fire districts in the county.
- D. The Fresno County Counsel has rendered the opinion that Fresno County Fire Protection District and other fire districts in the county are not eligible for Proposition 172 funds.
- E. There are no developer impact fees designated for fire protection in the area served by Fresno County Fire Protection District.
- F. There are five fire protection districts in Fresno County, each with its own administration.
- G. In April 2003, the fire station in Riverdale was closed by Fresno County Fire Protection District due to lack of funds.
- H. The area served by the Riverdale Volunteer Fire Department is much smaller than the area previously served by Fresno County Fire Protection District, leaving many residents more than 25 miles from the nearest fire station.

### **Recommendations**

The 2002/2003 Fresno County Grand Jury recommends that:

- 45. The Fresno County Board of Supervisors support the special fire districts in the county.
- 46. The Fresno County Board of Supervisors implement a plan to qualify Fresno County Fire Protection District and other fire districts within the County to receive Proposition 172 funds, as approved by California voters in 1993.
- 47. The Fresno County Board of Supervisors authorize and allocate developer impact fees for fire districts in the County.
- 48. The boards of the fire districts in the county develop a plan to consolidate all districts into one district with one administration.
- 49. The Fresno County Fire Protection District re-establish full time staffing of the Riverdale Fire Station.

## SECURITY OF FRESNO COUNTY BUILDINGS

### Introduction

As a result of the on-going continued threat of terrorist attacks, the 2002/2003 Fresno County Grand Jury evaluated security measures in three major buildings that fall under county supervision. These are the Hall of Records, the Fresno County Court House, and the Plaza Building.

### Findings

- A. The most current Fresno County Management Directive concerned with Work Site Security is dated April 27, 1995. Fresno County's response to the 2001/2002 Grand Jury report was that a new Management Directive would be issued. To date, no such directive has been issued.
- B. The County Administrative Officer (CAO) issued an inter-office memorandum entitled "County Identification Badges" dated November 19, 2001. In this memorandum he requested that county department heads ensure that all employees are properly identified by displaying a County Identification Badge at all times while in county facilities.
- C. General Services Security Division (GSSD) is charged with maintaining a 24-hour security patrol of all county facilities as approved by the CAO.
- D. Security of the Courthouse is the responsibility of the bailiffs (deputy sheriffs) during normal business hours or while the courts are in session. This includes the courtrooms in the Plaza Building.
- E. Security of the Courthouse basement garage is the responsibility of the GSSD.
- F. Security of the Courthouse in the evenings, on the weekends, and on holidays, is the responsibility of the GSSD.
- G. The bailiffs strictly regulate pedestrian access into the Courthouse.
- H. Access into the Hall of Records during business hours is not regulated by any GSSD security officer.
- I. A GSSD security officer is sometimes present at an information desk in the lobby of the Plaza Building.
- J. The Plaza Building and the Hall of Records contain many non-regulated pedestrian entrances.



- K. Restrictive gates at the entrance to the Courthouse basement garage are currently under construction.
- L. Some entrances to the Plaza Building garage contain restrictive gates; those restrictive gates are not being utilized during business hours.
- M. Security cameras in county facilities are virtually non-existent.
- N. County employees are issued identification badges; however, there is no uniform compliance with directives mandating that these badges be worn in the workplace.
- O. The Fresno County Sheriff is capable and willing to perform security reviews of all county facilities.
- P. The United States Marshals Service is capable and willing to perform security reviews of county facilities.

### **Conclusions**

- A. The County's latest Management Directive on Work Site Security of April 27, 1995, is outdated.
- B. Internal security for the Hall of Records and the Plaza Building is almost non-existent.
- C. No restrictive gates are used, during business hours, to prohibit dangerous vehicles from entering any of the entrances to the Plaza parking structure.
- D. Security would be enhanced by the strategic placement of security cameras in all County facilities.

### **Recommendations**

The 2002/2003 Fresno County Grand Jury recommends that:

- 50. A complete and thorough security survey be conducted by either the Fresno County Sheriff or the United States Marshals Service.
- 51. Based upon the findings of the security review, a new management directive on work site security be written and issued by the County of Fresno.
- 52. The County of Fresno place and monitor security cameras in appropriate locations in county garages and buildings.

53. Access gates be placed at all entrances to the Plaza garage where none currently exist.
54. Pedestrian access into the Plaza Building and the Hall of Records be restricted to only one entrance into and one exit door from each building and both buildings be closely monitored by security personnel.
55. A management directive be issued making it mandatory that all County employees wear identification badges in the work place.
56. Fresno County Board of Supervisors increase security for the safety of all employees and the public, and for the protection of the facilities of Fresno County.
57. The 2003/2004 Fresno County Grand Jury continue to monitor the progress of the implementation of security improvements throughout the County of Fresno.

## **EDUCATION, LIBRARY & YOUTH COMMITTEE**

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**David Barber, Chair**

**Robin Baldwin**

**Robert Buchanan**

**Joan Quintana**

**Jack Thorburn, M.D.**

**O. James Woodward III**

## **EDUCATION, LIBRARY, AND YOUTH COMMITTEE**

### **INTRODUCTION**

The Education, Library, and Youth Committee of the 2002/2003 Fresno County Grand Jury addressed four areas of concern. The subjects of the committee investigations were:

- A. Student Transportation
- B. Driver Education in Fresno County High Schools
- C. Parlier Unified School District
- D. West Fresno School District

During the process of gathering information for these reports, the Education, Library, and Youth Committee interviewed citizens, officials, department heads, and employees of the City and County of Fresno. Visits were made to various facilities.

Because of the lack of a response from Parlier Unified School District, to the 2001/2002 Fresno County Grand Jury report, the committee decided to continue the investigation to ensure compliance with Title VI of the Civil Rights Act of 1964. The committee found that the District had been working on the required Master Plan and was given an extension by the Office of Civil Rights.

The committee subsequently found that the Master Plan had been completed and was approved by the Parlier Unified School District Board of Education, and accepted by the Office of Civil Rights.

The committee continued to investigate the West Fresno School District. The committee found that morale was improved among the staff and students, and that the Fresno County Office of Education had taken over the financial operations of the District. In February, the State of California Department of Education took over the total operation of the District, making any further investigation unnecessary.

## SCHOOL TRANSPORTATION IN FRESNO COUNTY

### Introduction

Members of the 2002/2003 Fresno County Grand Jury studied the possible consolidation of school transportation services. Visits to various school sites were conducted and school administrators and transportation officials were interviewed.

### Findings

- A. The *California Education Code* does not require that school districts provide transportation for school children.
- B. Many school districts have made a commitment to provide some level of school transportation.
- C. In the early 1980's, the State Department of Education froze the reimbursement allocated each year to districts for school transportation. This results in the fact that school district funding from the state for transportation has been reduced from 80% of the approved costs in the early 1980's to 45% of today's costs.
- D. School districts face serious budget deficits as a result of a lagging economy and the state's fiscal crisis.
- E. An agreement between governmental agencies, to provide services known as a joint powers authority, is allowed under the California Government Code.
- F. The Southwest Transportation Agency is a public agency formed in 1988 through a Joint Powers Authority between five school districts in southern Fresno County. Today the Agency serves the five member districts, and contracts to provide services with an additional nine districts.
- G. The 2000/2001 home-to-school costs for the Southwest Transportation Agency were \$1.82 per mile while the state average was \$3.86 per mile.

### Conclusions

- A. There is a lack of funding for transportation from the state that puts a burden on local school districts.
- B. There are alternatives available to school districts for school transportation.
- C. The decision to provide transportation for children is at the discretion of each school district.

- D. It is possible for school districts in Fresno County to form a transportation agency.
- E. The Southwest Transportation Agency has proven to be an efficient and cost effective way for school districts in Fresno County to satisfy their transportation needs.

### **Recommendations**

The 2002/2003 Fresno County Grand Jury recommends that:

- 58. School districts in Fresno County take immediate steps toward consolidation of their transportation services wherever practicable.
- 59. Fresno County Office of Education be responsible for monitoring the progress of such consolidation.
- 60. The 2003/2004 Fresno County Grand Jury continue to monitor the progress of the consolidation of school transportation.

## **DRIVER EDUCATION IN FRESNO COUNTY HIGH SCHOOLS**

### **Introduction**

The 2002/2003 Fresno County Grand Jury reviewed all 19 Fresno County School Districts, with high schools, regarding their compliance with state law requiring the offering of a course in driver education. Each district in the County with a high school received a questionnaire. A reply was received from all such districts.

### **Findings**

- A. The *California Education Code* provides that all high schools in the State of California are required to provide driver education during the regular school day.
- B. All 19 districts were surveyed. Some were not in compliance with the existing law at the time of the survey.
- C. There are 17 districts that offer driver education either as an elective course or as a requirement for graduation.
- D. A person under the age of 18 must have passed a driver education course to receive a driver's permit.
- E. Teenage drivers represent approximately 7% of the driving population, but account for about 17 % of the victims of fatal crashes.

### **Conclusions**

- A. Some high schools in Fresno County are not in compliance with existing law regarding driver education.
- B. When compared to the general population teenage drivers account for a significantly higher number of fatal crashes.

### **Recommendation**

The 2002/2003 Fresno County Grand Jury recommends that:

- 61. The Fresno County Office of Education insure that all high schools are in compliance with the existing law requiring that driver education be included in the curriculum during the school day.

## **HEALTH AND SOCIAL SERVICES COMMITTEE**

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**Mort Rosenstein, M.D., Chair**

**Robert Buchanan**

**Jesse McDonald, Jr.**

**Joan Quintana**

**Jack Thorburn, M.D.**

**Claude Torrez**



## **HEALTH AND SOCIAL SERVICES COMMITTEE**

### **INTRODUCTION**

The 2002/2003 Fresno County Grand Jury Health and Social Services Committee was introduced to the vast and inclusive scope of the Human Services System.

During the process of gathering information, the Health and Social Services Committee visited selected facilities and interviewed concerned citizens, elected officials, department heads, and employees of the County of Fresno.

From a multitude of areas of vital importance the committee selected the following subjects to address:

- A. Establishing additional “one stop” Regional Centers.
- B. Status and problems associated with the Foster Care System in Fresno County.
- C. Availability of inpatient facilities and providers for child and adolescent mental health care in Fresno County.

## **“ONE STOP” REGIONAL CENTERS**

### **Introduction**

The 2002/2003 Fresno County Grand Jury followed up on the recommendation of the 2001/2002 Fresno County Grand Jury to monitor the progress of planned “one stop” Regional Centers. On December 4, 2002, the Grand Jury toured the Selma Regional Center. The site manager and support staff conducted a briefing on the history and goals of the Selma Center.

### **Findings**

- A. “One stop” Regional Centers are established in rural areas of Fresno County to localize multiple services of the Human Services System (HSS) in a single location, to streamline and coordinate these services. The services of all the departments of the HSS, as well as many other agencies, such as the Probation Department, Victim/Witness Services, District Attorney Family Support Division, and Economic Opportunities Commission are available.
- B. The Selma Regional Center is an extension of the Fresno County HSS. It has been operational since November 1, 1999. It is staffed by a professional and support staff of 100.
- C. The Coalinga Regional Center opened on September 1, 2002. It is currently staffed with 44 professional and support staff provided by the Fresno County HSS and the Work Force Connection. Its service area includes Coalinga, Huron, and Five Points.
- D. The Reedley “one stop” Center opened on March 3, 2003. Its staff consists of 45 professional and support staff from the Fresno County HSS and the Work Force Connection. Its service area includes Orange Cove, Pinehurst, Miramonte, Parlier, Squaw Valley, and the portion of Dinuba that extends into Fresno County.
- E. Lack of resources prevents the Fresno County HSS from establishing a Mendota Regional Center. However, the Coalinga Center has job specialists that work in Mendota and Kerman in partnership with the Work Force Connection and the State of California Employment Development Department.

### **Conclusions**

- A. The “one-stop” Regional Center concept is realistic and practical.
- B. It is a cost-effective method of delivering a wide array of social services to a large and diverse clientele residing in rural Fresno County.

- C. The Fresno County Human Services System is to be commended for designing and implementing the concept of “one-stop” Regional Center service.

**Recommendation**

The 2002/2003 Fresno County Grand Jury recommends that:

- 62. The Fresno County Human Services System expand the concept of “one stop” Regional Centers to other areas of the County of Fresno.

## FOSTER CARE IN FRESNO COUNTY

### Introduction

The 2002/2003 Fresno County Grand Jury Health and Social Services Committee (HSS) investigated the status of the foster care system, under the Department of Children and Family Services, in Fresno County. Visits were made to the Children's Dependency Court, facilities used by the foster care workers, Craycroft Youth Center, and meetings of the Foster Care Standards and Oversight Committee. The director of the Department of Children and Family Services, the chair of the Foster Care Standards and Oversight Committee, and the director of Children's Mental Health Services were interviewed.

### Findings

- A. The Department of Children and Family Services occupies multiple sites for administration of the foster care services. The following sites are being utilized:
  - 1404 "L" Street
  - 1260 "M" Street
  - Crocker Bank Building
  - Children's Dependency Court
  - Heritage Center
  - Center Mall Court
- B. Communication between mental health staff and social work staff is difficult due to the multiple sites in which they are based.
- C. The existing programs for recruiting, training, and retaining foster parents were found inadequate.
- D. Oversight visits to foster homes are infrequent and usually in response to complaints and problems.
- E. At the present time there is no documented policy regarding placement of foster children.
- F. Craycroft Youth Center functions as a facility for emergency placement, and also provides for extended placement for stays of up to 30 days. This facility attempts to keep siblings together.
- G. There is a good working relationship and much interaction between the Foster Care Standards and Oversight Committee and the Department of Children and Family Services.

## **Conclusions**

- A. The large number of sites used in the administration of foster care services creates difficulties in communication and coordination of services.
- B. The programs currently in place for recruiting, training, and retaining foster parents need to be developed further and improved.
- C. Limited resources and large case loads do not allow for more frequent oversight visits to foster homes.
- D. There is a lack of coordination between mental health workers and social workers.
- E. The efficiency of the Department of Children and Family Services Foster Care System is hindered by the absence of a documented foster child placement policy.
- F. Craycroft Youth Center is a valuable facility for emergency placement and placement of multiple siblings.
- G. The Foster Care Standards and Oversight Committee, which is appointed by the Fresno County Board of Supervisors, has contributed greatly to the improvement of care for foster children in Fresno County.

## **Recommendations**

The 2002/2003 Fresno County Grand Jury recommends that:

- 63. A documented placement policy for foster children be completed and implemented by the Department of Children and Family Services.
- 64. A plan for increased supervisory visits to foster homes be established and implemented by the Department of Children and Family Services.
- 65. The Fresno County Board of Supervisors continue to provide strong backing and active support to the Foster Care Standards and Oversight Committee.
- 66. Future Grand Juries continue to investigate the Department of Children and Family Services Foster Care System.

## **CHILD AND ADOLESCENT MENTAL HEALTH CARE IN FRESNO COUNTY**

### **Introduction**

The 2002/2003 Fresno County Grand Jury investigated the Department of Child and Adolescent Mental Health Care and its services by touring the appropriate facilities and conducting interviews with site personnel.

### **Findings**

- A. There are currently no facilities for inpatient child or adolescent mental health care in Fresno County.
- B. Active participation of the family for support of the severely ill youth who require inpatient care is very important to the success of the therapeutic process.
- C. Care is contracted out of the county for inpatient services with Stanislaus Behavioral Health in Modesto.
- D. Other areas available for inpatient services include Sacramento, San Jose, Los Angeles, and San Diego.
- E. Inpatient care is being discussed with Kaweah Delta Hospital (Cypress Center) in Visalia. This facility is not currently being used due to a lack of child psychiatrists. Discussions are being held to consider use of child psychiatrists from Fresno at Cypress Center.
- F. The demand for child and adolescent psychiatric services is increasing.
- G. The Department of Children and Family Services of Fresno County has now hired three new child psychiatrists and has two more possible additions to the staff.
- H. Discussions are being held to establish a child psychiatry fellowship at the Fresno Campus of the University of California, San Francisco. This will be helpful to attract and retain additional qualified child psychiatrists to this area.
- I. Outpatient children's mental health services are being consolidated at the Heritage Center, formerly Valley Childrens Hospital site.
- J. Tele-psychiatry, which is a technique of video conferencing that allows face to face interviews between consultants and patients, is now available to improve diagnostic consultations without the need to transport patients and families to other cities.

## **Conclusions**

- A. Stanislaus Behavioral Health, as well as other available inpatient children's mental health services, are too distant to easily facilitate family involvement in treatment.
- B. Kaweah Delta Hospital in Visalia is within 40 miles of Fresno, which is a reasonable distance for inpatient services. This facility could be used if additional staffing were available.
- C. Child psychiatrists are difficult to recruit for the San Joaquin Valley.
- D. A child psychiatry fellowship in conjunction with University of California, San Francisco, would develop a source of additional child psychiatrists for Fresno County.

## **Recommendations**

The 2002/2003 Fresno County Grand Jury recommends that:

- 67. Fresno County provide inpatient child and adolescent mental health facilities in the County of Fresno.
- 68. Fresno County Department of Child and Adolescent Mental Health Care continue to increase the number of child psychiatrists in this area.

## **LAW ENFORCEMENT COMMITTEE**

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**Allene Kahl, Chair**

**Stanley Kooyumjian**

**Jesse McDonald, Jr.**

**Karen Miller**

**Mort Rosenstein, M.D.**

**Donald Slade**



## **LAW ENFORCEMENT COMMITTEE**

### **INTRODUCTION**

The 2002/2003 Fresno County Grand Jury Law Enforcement Committee has investigated and is reporting on the following:

- A. Fresno Police Department Property Rooms.
- B. City of Fresno Police Chief's Advisory Board
- C. Fresno Police Department Canine Unit,
- D. Elkhorn Correctional Facility

During the process of gathering information for these reports, the Law Enforcement Committee interviewed citizens, officials, department heads, and employees of the City and the County of Fresno, and visits were made to various facilities.

The Committee reviewed other areas and determined not to proceed with a report in those areas.

## **FRESNO POLICE DEPARTMENT PROPERTY ROOM**

### **Introduction**

The 2001/2002 Fresno County Grand Jury recommended the continued review of the Fresno Police Department Property Room. Members of the 2002/2003 Fresno County Grand Jury toured the main property room located at 2323 Mariposa Street in Fresno.

### **Findings**

- A. A bar code system for cataloging and tracking evidence has been installed, with computer stations in the main property room, one in the Identification Bureau, and two each at three police substations.
- B. On-site staff training has been implemented for the bar code system. For those officers who have not yet been trained to enter their evidence, two employees of the main property room enter the evidence into the system.
- C. Drugs and money are the only evidence verified by two employees, placed into a sealed envelope, and stored in a vault.
- D. Negotiations are still underway for random drug testing for all property and evidence room employees. Drug testing is carried out on a random basis on personnel in some units of the Fresno Police Department.
- E. Electronic surveillance equipment is installed and operational in the vault and warehouse.

### **Conclusions**

- A. The bar code system for evidence is in place and operational.
- B. There is ongoing on-site training in the use of the bar code system.
- C. There are a limited number of computer terminals to enter evidence into the bar code system.
- D. There is no random drug testing of property and evidence room personnel.
- E. Improvements have been made to the property room.

## **Recommendations**

The 2002/2003 Fresno County Grand Jury recommends that:

69. The Fresno Police Department continue to train personnel in the use of the bar code system.
70. The Fresno Police Department place computer stations at locations where needed.
71. The Fresno Police Department conduct random drug testing of all property room personnel.
72. Future Grand Juries revisit and review the property room.
73. Not used.

**CITY OF FRESNO  
POLICE CHIEF'S ADVISORY BOARD**

**Introduction**

The 2002/2003 Fresno County Grand Jury reviewed the City of Fresno Police Chief's Advisory Board (Board) following the recommendation of the 2001/2002 Fresno County Grand Jury.

**Findings**

- A. The Chief's Advisory Board Mission Statement is: "The Mission of the Chief's Advisory Board is to enhance the level of trust the community has of its Police Department by freely discussing ideas and concerns and educating the community on police matters."
- B. The Board is comprised of 24 unpaid members which include:
- Business representatives
  - Members of faith-based organizations
  - Educators
  - Community activists
  - Fresno City Council member appointees
  - Private citizens
- C. Various organizations were asked to provide a representative to serve on the Board to ensure ethnic representation and diversity.
- D. The term of appointment is for two years.
- E. The Chief is the facilitator of the meetings.
- F. The Board meets monthly with a printed agenda.
- G. Minutes are currently recorded at each meeting.
- H. A document entitled "Expectations of the Chief's Advisory Board" is distributed to new members.
- I. Members of the Board are expected to maintain confidentiality of information discussed or disclosed during meetings.
- J. Meetings are held after work hours in closed session.

- K. A procedure has not been established to convey public concerns or complaints to the Board.
- L. Currently, there is no formal application process to become a board member.

### **Conclusions**

- A. The Board has a mission statement.
- B. The conduct of the Board is defined by the document entitled "Expectations of the Chief's Advisory Board."
- C. There is an expectation of members to embrace confidentiality.
- D. Currently, not all members of the Fresno City Council have appointed members to the Board.
- E. Board member term expiration dates are not indicated on the roster.
- F. A procedure has not been established to convey public concerns or complaints to the Board.

### **Recommendations**

The 2002/2003 Fresno County Grand Jury recommends that:

- 74. The Fresno Police Chief's Advisory Board establish a website to include:
  - Mission statement
  - Board member names and term expiration dates
  - Agenda
  - Meeting minutes, excluding confidential information
  - Process for bringing concerns or complaints to the Board
  - Application for membership to the Board
- 75. The Fresno Police Chief's Advisory Board establish and publicize a procedure for citizens to file concerns or complaints.
- 76. The Fresno Police Chief and City Council promptly replace members upon expiration of their terms or when vacancies arise.

## FRESNO POLICE DEPARTMENT CANINE UNIT

### Introduction

The 2002/2003 Fresno County Grand Jury (FCGJ) investigated the Canine Operations of the Fresno City Police Department (FPD) as a result of concerns of members of the Jury. Members of the FCGJ interviewed Police Department personnel, and observed canine training.

### Findings

- A. The FPD has a canine (K-9) unit consisting of 15 canines and 14 handlers. One canine is on limited duty due to injuries.
- B. Training is held at the K-9 facility weekly.
- C. One canine and handler, recently, has been attached to the Drug Enforcement Agency to be utilized for drug interdiction.
- D. Canine operation staff members and volunteers have developed the training facility at little or no cost to the citizens of Fresno. Much of the materials used were donated, and use of the grounds has been provided by Duncan Polytechnical School, which is affiliated with Fresno Unified School District. This facility also houses the FPD Mounted Patrol.
- E. Cost of purchasing a new canine may exceed \$25,000. Associated costs include, but are not limited to:
  - Purchase cost of canine
  - Cost of training canine
  - Salary, per diem expense (hotel, food), FPD vehicle, and miscellaneous other expenses. Some of the training takes place in San Diego where the vendor resides. Initial training may last for up to two weeks
  - Providing a kennel at the handler's residence
- F. Standing Order 2.3.1 establishes the authority for the *Canine Operations Manual*.
- G. Divisional Order No. 4.1.23, entitled *Canine Operations*, was issued on December 20, 2001.
  1. Section 06.00 of the above order, *General Call Handling*, states:

“When responding to use a canine in a specific situation, the handler shall evaluate whether the use of the canine is feasible

within the capability of the canine, and whether the request is consistent with Department policy. The handler shall determine when the canine is deployed.”

2. Section 07.02 of the above order, *Active Tracking*, states:

“Canine teams may be deployed for “active tracking” (fleeing suspects attempting to avoid detection of the handler). “Active” tracking may be accomplished either “on lead” or “ off lead”. The handler shall consider the area’s geography, nature of the offense, presence of weapons, and the possibility of the interference by or injury to bystanders.”

H. There is no provision in the above orders directing the use of ballistic vests for the canines.

I. The FPD does possess ballistic vests for canines.

J. Funds for ballistic vests were made available through private donations and a fund raising event.

K. Ballistic vests are utilized at the discretion of the handler.

L. Those interviewed stated that ballistic vests, currently possessed by the Canine Operation, are not satisfactory and diminish the effectiveness and stamina of the canine for the following reasons:

- Too heavy
- Too bulky, which restricts mobility
- Out-of-date technology and materials retain heat

M. Canine training with ballistic vests is conducted.

N. New ballistic vests, utilizing lightweight materials and the most current technology, are available. The Department is researching the feasibility and costs with various vendors, to make a determination on purchasing new ballistic vests.

O. The following statistics are attributable to the Canine Operation for the Year ending June 30, 2002:

- |                                   |       |
|-----------------------------------|-------|
| • Placates (peaceful resolutions) | 1,542 |
| • Arrests                         | 444   |
| • Finds                           | 148   |

## **Conclusions**

- A. The Canine Operation is an essential component of the Fresno Police Department.
- B. Divisional Order No. 4.1.23, entitled *Canine Operations*, issued on December 20, 2001, needs to be revised to include guidelines for proper deployment of canines with ballistic vests.
- C. Standing Order 2.3.1 establishes the authority for the *Canine Operations Manual*.
- D. Canine ballistic vests currently possessed are outdated.
- E. New ballistic vests, utilizing lightweight materials and the most current technology, are available.
- F. Deploying canines without ballistic vests may be hazardous and has resulted in serious injury to a canine.
- G. Injury to a canine results in a great deal of emotional strain on the Fresno Police Department.
- H. Canine training with ballistic vests is inadequate.

## **Recommendations**

The 2002/2003 Fresno County Grand Jury recommends that the Fresno City Police Department:

- 77. Amend Divisional Order No. 4.1.23, entitled *Canine Operations*, issued on December 20, 2001, to include clearly defined procedures as to the use of canine with ballistic vests.
- 78. Amend Standing Order 2.3.1, *Canine Operations Manual*, to include clearly defined procedures as to the deployment of canines with ballistic vests.
- 79. Provide funds to purchase the most technologically advanced canine ballistic vests.
- 80. Improve training for canines and their handlers, on the use and deployment of ballistic vests.



## ELKHORN CORRECTIONAL FACILITY

### Introduction

The 2002/2003 Fresno County Grand Jury followed up on the recommendations of the 2000/2001 and the 2001/2002 Grand Juries to monitor the operations of the Elkhorn Correctional Facility (Juvenile Boot Camp). The Grand Jury toured the facility and observed the indoctrination of new juvenile offenders into the cadet program. The director and support staff briefed the Grand Jury on the history of Elkhorn and the goals of their programs.

### Findings

- A. Elkhorn is a large minimum-security correctional facility located in rural Fresno County. The maximum capacity of 200 beds is housed in four barracks. This facility houses two categories of juveniles: Regular Boot Camp Cadets and Delta Program Cadets (violent offenders and Boot Camp program failures). However, some juvenile offenders with aggressive backgrounds or with aggressive acts against victims are not entering the Boot Camp side.
- B. The program's basic foundation is the military model of discipline, teamwork, and personal achievement. Support programs include medical and mental health, education, substance abuse, victim awareness, job training, and counseling. All efforts of the program are designed to provide adolescents with an improved chance to become productive citizens.
- C. The Delta program was originally designed to keep these cadets separated from the regular Boot Camp population. Both groups now mingle together in classrooms, cafeteria (due to the lack of classrooms and cafeteria tables), and off-site events.
- D. Elkhorn is operated under the direction of the Fresno County Probation Department.
- E. Females are not housed at Elkhorn Boot Camp. The County of Fresno has an agreement with Madera County to house females in their Boot Camp. The agreement with Madera County allows for 10 females. At this time eight females are being housed in Madera. However, the current budget only provides for 5 commitments.
- F. Following the retirement of the original Director, a permanent Director has been appointed.
- G. Group Counselors, officially called Juvenile Correctional Officers (JCO), constantly interact directly with Elkhorn Cadets.

- H. The State of California requires a minimum of one staff to 15 cadets. The number of staff necessary to maintain the safety and welfare of the minor is determined by the size, design, location of the facility, and the type of offenders committed to the camp.
- I. Fresno County Personnel Department requires permanent JCO's and extra-help JCO's pass the same written, oral, medical, and psychological tests, and the same background investigation. An extra-help JCO must retake the written entry examination to be hired as a permanent JCO.
- J. Last year Elkhorn averaged approximately 10 vacant JCO positions. Extra-help JCO's are used to supplement staff. Permanent staff is required to work many overtime shifts for lack of sufficient extra-help JCO's. Additional staff is also needed to assist with special events, transportation, and farming.
- K. Permanent staff positions were filled by August 2002 and training was completed in October 2002. This is the first time in over one year the camp has had sufficient staff for 185 minors.
- L. Elkhorn is rated for a 200-bed capacity. However, Elkhorn was never authorized sufficient staff to operate at full capacity. When there are more than 180 cadets, extra-help JCO's are added to meet staffing ratios. This eliminates their availability to relieve permanent staff during vacations, illnesses, and training causing permanent staff to work excessive overtime. Excessive overtime causes staff to make mistakes or to work less with cadets during their shifts resulting in a less effective program. Following staff complaints of excessive overtime, barracks were reduced to 45 cadets to cut staffing needs.
- M. Both the on-site Heintz School and off-site Forward Bound Academy at Teilman School provide educational programs for cadets under the Fresno County Office of Education. Since the last graduation in March 2002, over 60 cadets have received their GED or high school diplomas as of October 2002.
- N. At the inception of the educational aftercare program, aftercare planning was initiated when the cadet reached the rank of Cadet III, approximately 4 weeks before leaving to continue at the off-site Forward Bound Academy. This gave the multi-agencies (cadets, parents, probation officers and support agencies) time to gather all evaluations and make aftercare plans prior to the cadet's release. Since 2002 the cadets are processed so rapidly that they are only spending one or two weeks as a Cadet III. Rarely is the aftercare planning done prior to release. Currently, it is hurriedly completed after release, if at all. This has affected the success rate of the cadets. Cadets are released without finishing the program so new cadets can be enrolled.

- O. The Culinary Arts Program was instituted with a projection of 80-100 cadets participating in the program during 2002. The program consisted of two stages: A beginning basic course and the intermediate course. To qualify for the intermediate course cadets must demonstrate good behavior. Currently, due to early releases, many cadets are leaving half way through the class and are not obtaining their certificates for employment as originally designed.
- P. The Elkhorn kitchen now prepares meals daily for both Juvenile Hall and Elkhorn with the help of cadets. Both institutions have worked closely to handle issues that arise from transporting the food to Juvenile Hall. The commander at Elkhorn is responsible for supervising the kitchen staff.
- Q. The basic philosophy established at the inception of Elkhorn has been successful. Since June 2002 this philosophy has changed from an achievement-based program to "doing time" with some programming. The negative impact of this new program has been immediate and dramatic. The long-term effect on minors is unknown at this time.
- R. The majority of cadets (approximately 80%) at Elkhorn come from the City of Fresno.
- S. The City of Fresno funds Elkhorn at the rate of one million dollars per year, which represents approximately 24% of the yearly costs to operate Elkhorn. The funding commitment of the City of Fresno is scheduled to expire in December 2004. The City of Fresno has not committed to continue funding this money at the expiration in December 2004.
- T. A grant from the Workforce Development Agency is providing job development services for Elkhorn Cadets.
- U. The Fresno County Probation Department has volunteer programs; few meet the unique needs of Elkhorn.
- V. Each year the Fresno District Fair asks the cadets to clean up after the fair and provides a catered lunch. The cadets also participate in community parades and perform color guard duties at numerous events.

## **Conclusions**

- A. Fresno County Personnel Department's hiring process for JCO's is a very lengthy process causing delays in filling vacant permanent positions, resulting in excessive overtime shifts. Extra-help JCO's are required to take and pass the written entry test twice to become a permanent JCO, delaying their change in status.

- B. The change in the basic philosophy of the program has been less than effective, resulting in cadets not completing their programs due to early release.
- C. The Culinary Arts program has been impacted by the early release of cadets. Cadets are not able to complete the program and are not receiving all of their certificates of eligibility for employment.
- D. The educational school programs continue to be successful in their levels of achievement.
- E. Volunteers specialized in the area of farming are still needed.

### **Recommendations**

The 2002/2003 Fresno County Grand Jury recommends that:

- 81. Fresno County Personnel Department modify the hiring process to give extra-help Juvenile Correctional Officers credit for a specific number of hours for on the job training, and be able to waive the county interview for a permanent position without taking the same entry written test a second time.
- 82. Fresno County Probation Department allocate additional positions for Juvenile Correctional Officers to meet staffing needs for 200 cadets.
- 83. Fresno County Probation Department allocate additional positions for staff to assist at special events, transportation of cadets, and farming.
- 84. Fresno County Probation Department modify the current philosophy of the program at Elkhorn to assure the criteria for commitments be tightened to reduce the flow of cadets into Elkhorn so a consistent program can be taught and cadets are provided with an improved chance to become a productive citizen.
- 85. Fresno County Probation Department modify the current philosophy of the program at Elkhorn to assure that Delta Cadets be kept separated from the regular Boot Camp Cadets.
- 86. The City of Fresno continue to fund one million dollars each year for Elkhorn.

## **TRANSPORTATION COMMITTEE**

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**Henry Chin, Chair**

**Susan Biglione**

**Fred Goldring**

**James Perkins**

**Haig Shekerjian**

**Claude Torrez**

## **TRANSPORTATION COMMITTEE**

### **INTRODUCTION**

Transportation plays a major role in the quality of life of a community. Many of these communities are currently confronted with challenging transportation issues. Fresno is no exception. In the Fresno Metropolitan area, population is projected to surpass one million by the year 2020. Solutions with the least adverse impact on the environment must be sought to move people safely and transport goods and deliver services expeditiously. With this in mind the Transportation Committee of the 2002/2003 Fresno County Grand Jury examined the County's transportation planning and implementation programs. In the course of the investigation, several issues that surfaced in the study such as Measure "C", Federal funding requirements, State standards, and on-going-labor negotiations were determined to be beyond the investigative purview of the Grand Jury. However, the Committee continued its study focusing on the recommendations made by the previous Grand Jury and concerns expressed by citizens and governmental officials and is reporting on the following issues:

- A. Traffic Enforcement and Related Issues.
- B. Fresno Yosemite International Airport Concourse Expansion Project.
- C. Transit Consolidation.
- D. Joint Jurisdictional Streets between City and County of Fresno.

## TRAFFIC ENFORCEMENT AND RELATED ISSUES

### Introduction

The 2002/2003 Fresno County Grand Jury studied available information on traffic accidents, enforcement, and statistics regarding injuries and deaths.

### Findings

- A. According to the most recent California Highway Patrol statistics available, Fresno County and its incorporated cities experienced 219 traffic related deaths and 8,228 injuries in 2001.
- B. Based on records kept by the Fresno Police Department, the major causes of accidents in order of frequency are:
  - 1. Excessive speed
  - 2. Violation of right-of-way
  - 3. Driving under the influence (DUI)
  - 4. Pedestrian involved
- C. The City of Fresno has a total police force of approximately 1,100 officers to cover an area of about 100 square miles. However, only 22 officers were assigned to traffic enforcement in 2002. Since that time the police department has added 15 traffic officers.
- D. The City of Fresno authorized the installation of cameras, under its "Red Light Camera Enforcement Program," at the following intersections: Herndon and Blackstone, Herndon and First Street, and First Street and McKinley, with operation commencing in April 2002.
- E. Initially, the images captured by the cameras, excluding exempt vehicles (police officers, funeral processions, out-of-state, and exempt licenses) resulted in citations issued to only 21% of the violators. Following camera adjustments, this percentage of citations issued has increased to 35%.
- F. Additional experience with the "Red Light" cameras is needed to obtain statistical information upon which to base future decisions regarding the cameras.
- G. In 2002, the monthly average of traffic infraction filings in the Fresno Division of the Traffic Courts was 4,830; this average increased to 8,750 for the first four months of 2003, and is projected to remain at this level through 2003.

- H. The increase in the filing of traffic infractions created a processing backlog. This problem was further compounded by a court staff reduction caused by the state's fiscal problems.
- I. The backlog continued to rise until the City of Fresno provided the courts with added staff assistance. The backlog currently stands at 6,786, while the manageable level is about 500 to 600.
- J. In 2002, the City and County of Fresno entered into an agreement whereby the County shares a portion of the revenues derived from traffic fines and forfeitures generated from citations issued within the City. Such revenues are stipulated for use in traffic safety enforcement and related education activities. The City has failed to allocate funding under the new agreement for traffic related education activities.
- K. The Fresno City Police Department reported that in 2002 the greatest number of drivers involved in injuries and fatal traffic accidents were in the 19-29 age group.
- L. National statistics reveal that automobile accidents are the leading cause of death for youths in the age group 15-19; this group comprises 7% of the driving population, but is involved in 17% of fatal accidents.
- M. Some high schools in Fresno County do not offer driver education as required by Section 51220(j), of the California Code.

### **Conclusions**

- A. Considering the size of the City of Fresno, the number of traffic enforcement officers is inadequate.
- B. Insufficient resources are allocated for traffic enforcement and education for teen driver awareness.
- C. Additional operating time is required to gather statistics and to properly evaluate "Red Light" cameras as an effective traffic enforcement tool.
- D. Additional staffing is needed to expedite the processing of traffic citations through the traffic courts.
- E. The City of Fresno is not using its share of the traffic fines and forfeitures for traffic education activities as required by the 2002 agreement for sharing of revenues.
- F. The *California Education Code* is not being enforced as some schools are not offering a course in driver education.



## **Recommendations**

The 2002/2003 Fresno County Grand Jury recommends that:

87. The Fresno City Police Department allocate more police officers to traffic safety enforcement and related education activities.
88. The Fresno City Police Department continue to compile statistics which will provide additional information to determine the effectiveness of "Red Light" cameras.
89. The Fresno City Police Department, in compliance with the 2002 revenue sharing agreement on traffic fines and forfeitures between the City and County of Fresno, use a portion of its revenues for traffic education activities.
90. The County and City of Fresno assist the traffic court in an effort to expedite the processing of traffic citations.
91. All Fresno County school districts comply with the *California Education Code* by requiring that high schools in the districts offer a driver education course as part of their curriculum.

## **FRESNO YOSEMITE INTERNATIONAL AIRPORT CONCOURSE EXPANSION PROJECT**

### **Introduction**

The 2002/2003 Fresno County Grand Jury studied the problems associated with contracting for and construction of the Fresno Yosemite International Airport Concourse Expansion Project.

By resolution dated in 1992, the City Council (the Council) of the City of Fresno, (the City) authorized the execution of a Federal Aviation Administration (FAA) Grant Offer for preparation of a master plan for Fresno Airport terminal. In 1995, the Grant Offer was accepted and funds were appropriated for preliminary design to include second level boarding gates with jetways and design and construction of façade of the existing building. Among the grounds for the undertaking were the need for additional space, attraction of major air carriers, and upgrade of facilities and concession area. Advertisement for design services for the terminal was authorized, and Daniel, Mann, Johnson, Mendenhall, Holmes and Narver, Architects (DMJM) was selected. In November 1996, the City entered an agreement with DMJM to design the project for \$2.2 million. The plans and specifications were thereafter prepared, and on April 14, 1998, the City entered an agreement with Parsons Brinckerhoff Construction Services, (Parsons) to provide value engineering and constructability reviews of the project for \$74,947. The contracts with both DMJM and Parsons were subsequently amended to provide architectural design and bidding phase service and preliminary construction management.

Notice inviting bids was published in December 1999. On February 23, 2000, the bids were opened. Soltec of San Diego was determined to be the low bidder by the Purchasing Department of the City. Mauldin-Dorfmeier Construction Company (Mauldin), the second lowest bidder, appealed the bid selection on the basis that Soltec was late. On May 11, 2000, the hearing officer on the appeal of the bid decided that the bid should go to Soltec on the basis that its bid was within the meaning of the bid guidelines. On May 23, 2000, the Council rejected the hearing officer's decision and on June 6, 2000, the contract was awarded to Mauldin for expansion of the Airport concourse for \$26,689,000. Soltec filed a lawsuit against the City. The contract for Preliminary Construction Management of the project with Parsons was amended to provide for full management of construction for \$1,482,138. The contract was to expire on February 11, 2002. Construction was scheduled for completion for February 15, 2002. Numerous delays in the construction process were encountered, and while the project has been accepted as substantially completed, no Notice of Completion had been recorded as of May 1, 2003.

Funding for the initial Airport Expansion was \$35,520,997, which was increased by \$7,275,125 for furnishings, parking area, and adjacent structures, for a total of \$42,796,122. The entire cost was and is covered by FAA Grants and a bond issue in

the amount of \$43,000,000, including costs. As of April 2003, the entire project was within the budget. However, there are some existing claims, which, if allowed, would exceed the reserve on the work of improvement.

Following a decision in the Superior Court upholding the Council's decision to award the contract for construction to Mauldin, the Fifth District Court of Appeals determined that Soltec was the low bidder on the project and should have been awarded the contract. The matter was referred back to the Superior Court to determine damages to be awarded to Soltec. The matter is pending.

One sub-contractor on the project has filed action in the Superior Court against Mauldin, DMJM, and the City alleging breach of contract, enforcement of a stop notice, and negligence. Enforcement of the stop notice is the only claim against the City in the lawsuit.

### **Findings**

- A. According to a study by the City of Fresno, the Fresno Yosemite International Airport concourse and surrounding infrastructure were in need of expansion and improvement.
- B. DMJM is an established and experienced architectural firm.
- C. Parsons is an established and experienced engineering firm.
- D. The City determined that its Public Works Department had neither sufficient expertise nor staffing to supervise the overall airport project.
- E. The Council failed to follow the advice of the hearing officer with regard to acceptance of the low bid for the project.
- F. The City purchased a new time clock in the Purchasing Department, which records seconds.
- G. During the course of construction, design and steel fabrication problems were encountered which required retrofit design and steel remediation.
- H. Parsons was fully responsible for the professional management of the project.
- I. During construction, some items in the original contract with Mauldin were removed under change orders (electronic board, security system and installation of boilers) and contracts entered with other contractors.
- J. The construction contract provides for liquidated damages for delay of \$3,500 per day.

- K. The City has been responsible for analyzing and negotiating numerous claims for money and time presented by Mauldin.

### **Conclusions**

- A. There were initial design problems on the project.
- B. In spite of the recommendation of staff and the advice of legal counsel and the hearing officer that Soltec's low bid was within the City's guidelines, the Council awarded the contract to Mauldin, a local contractor.
- C. Parsons was hired because of its experience and expertise in large construction projects.
- D. Problems with design, scheduling, manning, and fabrication substantially delayed the project.
- E. The City has been damaged by the delays, by the additional staffing required, and other costs associated with the project.
- F. The contract between the City and Mauldin provides for liquidated damages of \$3,500 per day for delays in completion.

### **Recommendations**

The 2002/2003 Fresno County Grand Jury recommends that:

- 92. The City adopt a new bidding procedure for selection of low bidders on projects requiring competitive bidding.
- 93. The City involve the Public Works Department much more intimately in connection with major construction projects within the City, including hiring specialists for such projects, instead of contracting with consultants for overall management.
- 94. The City carefully monitor possible conflicts of interest of parties involved in City projects.
- 95. The City aggressively pursue its claims for liquidated and other damages.

## TRANSIT CONSOLIDATION

### Introduction

The 2002/2003 Fresno County Grand Jury considered the proposals made by several sources to examine ways to consolidate the various transit systems in Fresno County, including school busses. In this connection, the Grand Jury met with the Director of the Council of Fresno County Governments (COG), the Transit General Manager of Fresno Area Express (FAX), and the Manager of Fresno County Rural Transit Agency (FCRTA), who expressed their views and concerns regarding consolidation.

### Findings

- A. Three main separate systems provide public transportation services within Fresno County, which are FAX, FCRT, and Clovis Stagelines. In addition, school districts within the County provide school bus service.
- B. The public transit systems are operated by independent boards of directors which purchase busses, fix fares, and establish policies within each district. Accordingly, each district operates with different equipment, fares, and general policy.
- C. School busses and drivers are subject to different regulations than other types of transit; however, school children may be and are bussed in public transit busses.
- D. Bus fares pay approximately 20% of public transportation costs; the balance is paid by government subsidies. It is in the public interest to maintain public transportation systems, as they provide a means for low-density housing residents to travel within the community at reasonable cost with the smallest amount of pollution.
- E. At certain times of the day, FAX busses run either empty or with only a few passengers.
- F. The Economic Opportunities Commission provides transportation for some social service programs.
- G. Applications receiving favorable consideration for grants from state and federal governments usually show far-reaching program proposals and useful concepts providing maximum coverage and benefit.
- H. COG and related transportation entities have had preliminary meetings in which they explored the means and benefits of consolidation of the transit systems. At the meetings, the concept of consolidation was favorably received. The parties examined the system adopted in Merced County, where a Joint Powers Authority

(JPA) was adopted, and Kern County, where a countywide district was chosen. Both counties have benefited from consolidation. However, consolidation into one district provides more centralized management and decision making ability.

- I. It is likely that an election would be required to establish a countywide transit district.
- J. While some workers are union members, others are not; this will cause some problems with consolidation. However, it is generally believed that the problem can be overcome with special qualifications for different types of equipment and uniformity in wage scales.

### **Conclusions**

- A. Consolidation of the transit systems, including school busses, in Fresno County would be of benefit to the general public, in that it would result in substantial cost savings in uniformity of service, single management, and reduced pollution.
- B. A substantial benefit of consolidation would be the ability to focus grant applications on a much broader scale.
- C. Consolidation would result in better planning for expense and fare management as well as scheduling to increase ridership.
- D. Concentration on promotion of transit services within the community will be enhanced by centralized management.
- E. While a JPA arrangement could be initiated to provide substantially the same services, formation of a transit district from the beginning would best serve the needs of the public.

### **Recommendations**

The 2002/2003 Fresno County Grand Jury recommends that:

- 96. The Council of Fresno County Governments and affiliated agencies continue their discussions directed toward consolidation of the transit services in the county, and that those discussions specifically include school busses.
- 97. A transit district, rather than a Joint Powers Authority, be formed in the interests of efficiency in management, cost effectiveness, and to better serve the environmental needs of the valley in the future.
- 98. The transit district include areas outside the County, such as portions of Madera County.

99. The Board of Directors of the Council of Fresno County Governments appoint a transportation expert to organize and promote a new countywide transit district.

## **JOINT JURISDICTIONAL STREETS BETWEEN COUNTY AND CITY OF FRESNO**

### **Introduction**

Lack of maintenance and timely responses to complaints regarding joint jurisdictional streets (half and half streets) within the City and County of Fresno have evoked concerns by residents.

### **Findings**

- A. In April 1965, an Agreement (the Agreement) was entered between the City and County of Fresno defining the maintenance responsibility of each jurisdiction on joint jurisdictional streets.
- B. Subsequently, a letter of understanding dated May 1965, defining “maintenance” as used in the Agreement, was approved and signed by the Public Works Directors of each jurisdiction.
- C. The Agreement continued in force until August 2000 when it was terminated unilaterally by the City. Since that time there has been no formal maintenance agreement, thus resulting in duplication of maintenance efforts on both sides of the street.
- D. Under the Agreement, the City was responsible to maintain 28 miles and the County 29 miles for a total of 57 miles. As a result of urban development there are now 70 miles, which require joint maintenance.
- E. Currently, the Public Works Departments of the City and County have been performing maintenance work independently on their respective halves of the streets.
- F. Current City/County projects on joint jurisdictional streets, not otherwise defined as maintenance under the terms of the Agreement, have been negotiated separately.
- G. Since the Agreement was terminated, there has been a loss of efficiency in response to residents’ requests and complaints for service.

### **Conclusions**

- A. A formal agreement between the City and County will make the maintenance of joint jurisdictional streets cost effective.



- B. An agreement would assist in more timely responses to residents' requests and complaints.

### **Recommendations**

The 2002/2003 Fresno County Grand Jury recommends that:

- 100. The City and County of Fresno enter an agreement that addresses the maintenance of joint jurisdictional streets to replace the terminated Agreement.
- 101. When a development would otherwise create a joint jurisdictional street, the City of Fresno consider annexation of the entire street.
- 102. Joint projects, not otherwise defined as maintenance, should continue to be performed under separately negotiated agreements between the City and County of Fresno.