

**RESPONSES TO THE**

**2004-2005**

**FRESNO COUNTY GRAND JURY**



**COMPILED BY  
THE FRESNO COUNTY ADMINISTRATIVE OFFICE**

**RESPONSES TO THE  
2004-2005  
FRESNO COUNTY GRAND JURY REPORT**

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COUNTY ADMINISTRATIVE OFFICER**

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**SECTION I**  
**EDUCATION COMMITTEE**

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**FRESNO UNIFIED SCHOOL DISTRICT BOARD OF EDUCATION**

Fresno Unified School District's response to findings and recommendations can be found on Pages 4 - 7.

Fresno County Office of Education's response to recommendations can be found on Page 8.

**FRESNO COUNTY WORKFORCE**

Fresno County Office of Education's response to findings and recommendations can be found on Page 9.

California State University, Fresno's response to findings and recommendations can be found on Pages 10 - 12.



**BOARD OF EDUCATION**

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**SUPERINTENDENT**

Michael E. Hanson  
559/457-3882 • FAX 559/457-3786  
mehanso@fresno.k12.ca.us

August 10, 2005

The Honorable Edward Sarkisian, Jr.  
Presiding Judge, Superior Court  
1100 Van Ness Avenue  
Fresno, CA 93721

Dear Judge Sarkisian:

The following constitutes the response of the Fresno Unified School District to the Findings and Recommendations of the Fresno County Grand Jury.

**FINDINGS**

The District concurs, generally, with Findings 1-11, 13, 14, 16, 17, 18, and 20. The others deserve further discussion.

**Finding # 12. Current Trustees indicate they do not receive adequate training and information concerning FUSD issues.**

Although it will never be possible to achieve perfection in regard to the training and information provided to trustees, there has been considerable progress in this regard in recent months. The Board chose Interim Superintendents Walt Buster and Charles E. McCully in part because of their expressed commitment to work closely and cooperatively with the Board, providing information in a timely and full fashion. The Board's unanimous selection of Michael E. Hanson as permanent superintendent and his subsequent work with the Board and Cabinet to increase training and communication demonstrate a commitment to make marked improvements.

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Grand Jury Response

**Finding # 15. Newly elected Trustees indicate the training on FUSD fiscal matters was only a one-hour session with the District's Chief Financial Officer.**

This may accurately reflect a particular moment in time. However, in recent months the Board has received numerous fiscal presentations at Board meetings and has had ready access to fiscal documents and to experts in fiscal matters. Due to the enormity of the fiscal challenges facing the District during 2004-05, the District did not execute a normal annual budget-planning cycle. However, as the District progresses in establishing stable financial footing, and as it goes forward with a permanent Chief Financial Officer who joined the District on August 1, 2005, an annual budget development cycle will become the norm. This was expressly stated as a responsibility of the Chief Financial Officer in the recruitment materials for the position.

**Finding # 19. Some Trustees:**

- **Do not review Board packets prior to scheduled meetings**
- **Have full-time jobs in addition to serving on the Board**
- **Work 20 hours or more per week on FUSD business**

Trustees are elected by the public. The District cannot compel Board members to read, study, and carefully consider all of the information provided to them. However, the current Board members are quite diligent. Board officers spend a great deal of time coordinating with all of the Board members to be sure that questions are answered, information is provided, and mutual expectations are clear. Current Board members have taken advantage of training opportunities provided by the Broad Foundation and the California School Boards Association.

It is true that some Board members have full-time jobs, and it is true that many Board members spend 20 hours or more per week on FUSD business. Some, in fact, have full-time jobs AND routinely spend more than 20 hours per week on FUSD business. Those who do not have full-time jobs have made a conscious choice to forego that option in favor of the public service involved in serving on the Board. California law limits compensation for Board members to \$1500 per month for Board members in Districts of 60,000 or more students. At the same time, the public expects the highest level of time, intelligence, and diligence on the part of Board members. Members of other elected bodies have responsibilities comparable to that of school board members but are granted much higher compensation.

**Finding # 21. Trustees are eligible for health insurance benefits for themselves and their family and after four full terms or sixteen years of service are entitled to receive lifetime health benefits.**

Although for a period of time it was believed that elected trustees would qualify for lifetime health benefits on the same terms as District employees, the current Board has made it clear that although they receive compensation and health benefit coverage during their time in office as elected trustees, they are not employees of the District.

**CONCLUSIONS**

The District concurs, generally, with Conclusions 1-6. However, further discussion is in order. Some trustees may *begin their term of office* with limited fiscal knowledge, and therefore the District must provide them with multiple opportunities to learn and to gain experience in making fiscal decisions. Although the District might not have done everything possible to achieve this aim in the past, it is now striving to do so. In addition, current trustees are aggressively pursuing any and all training opportunities, including those provided by the California School Boards Association and the Broad Foundation.

It is important to note that the District cannot *compel* good candidates to run, and it cannot *force* the public to elect candidates with the most extensive knowledge of fiscal matters. It cannot *mandate* that trustees attend training opportunities. It is the responsibility of the *voters* to encourage highly qualified citizens to run for office, to work to elect the best candidates, and to hold office-holders to a high standard of performance.

**Conclusion # 7. FUSD has done an inadequate job of developing leadership from within, "Growing its own."**

The District concurs with this conclusion and is working to systematically provide training and opportunities for District employees to grow and learn in different, increasingly responsible, positions. In addition, the District will continue to hire people not already employed by the District wherever there is an outside person whose skills, experiences, and talents, will enhance the work of the District. Superintendent Hanson was selected by the Board in part because of his success in other large school districts in developing leadership from within.

**Conclusion # 8. Trustees, as employees of FUSD, receive compensation and the same health benefits as other district employees.**

Compensation for Board members is limited by Education Code 35120. For a District with Average Daily Attendance of 60,000 or more, compensation may not exceed \$1500 per month. They also receive the same health benefits as active employees.

**RECOMMENDATIONS**

The District concurs with the Grand Jury recommendations with one exception. The District cannot *mandate* that elected trustees participate in orientation and training sessions.

The District thanks the Grand Jury for their hard work and their constructive comments regarding the Fresno Unified School District. We look forward to working with future Grand Juries.

Sincerely,



Michael E. Hanson  
Superintendent

MEH/NR/jrh

c: Board of Education  
Dr. Peter G. Mehas, Superintendent, FCOE



# fresno county office of education

Dr. Peter G. Mehas  
Superintendent

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Jan M. Biggs  
Senior Administrator  
to the Superintendent

August 11, 2005

The Honorable Edward Sarkisian, Presiding Judge  
Fresno County Superior Court  
Members of the Fresno County Grand Jury  
Fresno County Courthouse  
1100 Van Ness Avenue, Room 102  
Fresno, California 93721

Dear Judge Sarkisian and Honorable Members of the Grand Jury:

As I review your Interim Report #5 from the Education Committee, I commend your choice to investigate the history that has led Fresno Unified School District to the brink of being taken over by the State. As your report documents, numerous poor choices, fiscal naiveté and irresponsibility, and an institutional inability to be proactive, have contributed to FUSD's current situation. This history exists despite the best efforts of this office.

As you note in the report, this office for many years has attempted to warn the superintendents and trustees about the precarious road they were choosing, and these efforts were rebuffed and ignored. Unfortunately, the Education Code gives County Superintendents the duty to review districts, but provides them no true power to intervene when a district goes off course until it is too late.

Although I generally concur with your conclusions about the actions and inaction that have led FUSD to this point, I disagree with the recommendation that this office and the administrative staff of FUSD "have better communication, cooperation and mutual respect." This office, and the staff it employs, have always worked with FUSD in a spirit of open communication, cooperation, and respect—regardless of whether FUSD heeded the message communicated. This office has not—and will not in the future—ever treat any district in anything but a respectful manner. FCOE, as your report notes, has not only attempted to warn FUSD of future problems but has repeatedly offered training in governance and fiscal management in a cooperative spirit. Unfortunately, our offers of assistance have not been accepted nor our warnings heeded.

Again, I thank you for your work on this issue of great importance to our community. This office is committed to providing the new board and administration of Fresno Unified with the support it needs to follow a path to success—the health of FUSD determines not only the future of the children in its care, but it plays a significant role in determining the future of our County.

Very truly yours,

Dr. Peter G. Mehas  
Superintendent



Dr. Peter G. Mehas  
Superintendent

# fresno county office of education

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August 23, 2005

The Honorable Edward Sarkisian, Presiding Judge  
Fresno County Superior Court  
1100 Van Ness Avenue  
Fresno, CA 93721

AND

Fresno County Grand Jury  
Fresno County Superior Court, Room 102  
1100 Van Ness Avenue  
Fresno, CA 93721

Dear Judge Sarkisian & Honorable Members of the Grand Jury:

The Fresno County Office of Education enthusiastically concurs with the Grand Jury's findings and recommendations as they pertain to reinstating career technical education programs into the regular K-12 curriculum. We believe that with the return of technical and vocational education in the public education arena that not only will the economy of the region improve dramatically due to an enhanced and more skilled workforce but, a significant reduction in crime will also be experienced.

We also agree that the Regional Occupational Program is poised and equipped to meet the career technical and vocational education needs of public school age children if provided appropriate funding and the latitude to do so.

Yours very truly,

FRESNO COUNTY SUPERINTENDENT OF SCHOOLS

DR. PETER G. MEHAS

sbb

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AUG 26 2005

## **Responses to the 2004 – 2005 Grand Jury Report**

**from**

**California State University, Fresno**

### **Findings of the Grand Jury Report**

**Findings #1 through 18** appear to accurately describe the educational challenges in our region and outline the preparation of K through 12 students in the San Joaquin Valley.

**Finding #19** “California State University, Fresno does not offer a teaching credential for Career Technical Education.”

This statement is accurate. Up until about five years ago, the only teaching credential in career technical education at California State University, Fresno was a Vocational Education Single Subject Credential that prepared future teachers in mechanics and industrial technology. This program was suspended and eventually terminated due to the lack of students expressing interest in this career track. It is very likely that the decline in the number of students enrolling in high school vocational education and Regional Occupational Program (ROP) courses since the 1970s has caused much of the decline in interest at the university level.

Should the prospective pool of students expand in this area, the university would be willing to consider offering the Career Technical Education credential. If interest increases, the faculty and administration at the university will consider whether the tracks or options within that credential should remain in industrial arts or include other technical career possibilities.

**Finding #20** “The lack of adequate Career Technical courses limits the number of qualified applicants for positions in the trades.”

This is likely to be the case for middle and high school students in our region. At the university level, very few career technical courses are offered. When they are offered, they more often attract students planning to enter careers at mid-level or higher. In cases where technical courses are appropriate in our majors, they often provide incentive for our students because they provide hands-on experience in the student’s chosen profession. Thus, technical courses at the university level can assist students in making steady progress toward the bachelor’s degree, just as similar courses can among middle and high school students.

**Findings #21 through 24** seem to be reasonable summaries. Technical coursework seems most suitable for the middle and high school years with some acceleration in the community college years. Also it appears that drop out rates and drug testing are factors in whether some of our citizens are able to secure and retain jobs.

### **Conclusions of the Grand Jury Report**

**Conclusions #1 through #3** seem to follow from the work conducted by the Grand Jury review process.

**Conclusion #4** “There is unanimity in our community that a comprehensive career technical education program be offered in the public schools.”

From our review of the web site, the recent Fresno Unified School District (FUSD) Superintendent’s Advisory Task Force, and the Report prepared by the Regional Occupation Program (ROP) for the Grand Jury, it is difficult to determine that there is unanimity on this topic. As the report details, there are many needs competing for funding in FUSD. As the ROP report indicated, there has been a history of dwindling resources being allocated to ROP projects in our county and elsewhere. Whether those making decisions about funding will agree that technical education programs will be placed as a higher priority than API scores, for example, remains to be seen.

**Conclusions #5 and 7 through 10** appear to be consistent with the information in the Report.

**Conclusion #6** “The requirements of a – g college prep courses prevent schools from meeting the needs of students who do not plan to attend college.”

It seems that this conclusion is only partially accurate. That is, a – g requirements generally appear to make it more challenging for non-four year college bound students to graduate from high school. However, administrators, teachers and students at Duncan Polytechnic have demonstrated that satisfying the a – g requirements and enrolling in career technical coursework is also possible. Perhaps this statement should be considered for revision as it is only partially accurate and because it contradicts Conclusion #9.

It seems that addressing the revision of the K through curriculum to accommodate a – g requirements and technical coursework would be of great benefit to those not planning to complete a four-year college degree. Of course California State Standards for vocational and technical education should be taken into

consideration. One possibility would be to encourage two to four additional high schools in Fresno to create a Duncan-like curriculum and monitor their successes. Hopefully those successes would include higher graduation rates and lower drop out rates.

### **Recommendations of the Grand Jury Report**

**Recommendations #6 through 12** appear to follow logically from the findings and conclusions.

**Recommendation #13** “Offering a teaching credential program for Career Technical Education at California State University, Fresno.”

As stated earlier, about five years ago the Vocational Education Single Subject Credential at Fresno State was terminated due to lack of demand among our students. Declines in ROP and career technical courses since the 1970s among middle and high school programs are likely causes for the decrease in demand experienced at our university and at others across the nation.

Should the prospective pool of students expand and the demand for credentials in this area increase dramatically, the university would certainly consider offering the Career Technical Education credential. Should these circumstances evolve, the faculty and administration at the university will work with local K through 12 schools to determine which tracks or options within the Career Technical Credential should be offered. For example, whether Fresno State’s credential will remain focused on industrial arts or include other technical career possibilities will be addressed.

**SECTION II**  
**FRESNO COUNTY COMMITTEE**

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**FRESNO COUNTY RECORDS MANAGEMENT**

County Clerk's response to findings and recommendations can be found on Page 14.



August 25, 2005

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CLERK. BOARD OF SUPERVISORS

**County of Fresno**  
COUNTY CLERK / REGISTRAR OF VOTERS  
VICTOR E. SALAZAR

Honorable Edward Sarkisian, Jr.  
Presiding Judge of the Superior Court  
Fresno County Superior Court  
1100 Van Ness Avenue  
Fresno, CA 93724-0002

RE: Response to 2004-2005 Grand Jury Report

Dear Judge Sarkisian:

The following is the Fresno County Clerk's response to the 2004-2005 Grand Jury Final Report as it relates to the Fresno County Records Management Program (FCRMP), pages 15 – 21:

FINDINGS: The department agrees with all of the findings (A through R).

RECOMMENDATIONS: The department agrees with all of the Grand Jury's recommendations (1 through 3).

Recommendation No. 1. The department will develop time tables with the assistance and direction of the Fresno County Administrative Office for a three year phase-in period for all departments. However, funding for scanning equipment will require the approval of the Fresno County Board of Supervisors.

Recommendation No. 2. The department will pursue Board approval for mandatory participation in the Records Management Program.

Recommendation No. 3. The department will pursue funding for the establishment of scanning equipment for centralized electronic record keeping.

Yours truly,

Victor E. Salazar  
Fresno County Clerk/Registrar of Voters

cc: Eric Fleming, County Administrative Office  
Brandi Orth, County Administrative Office

2221 Kern Street • Fresno, California 93721  
Clerk Services (559) 488-3428 • Elections (559) 488-3246 • FAX (559) 488-3279  
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**SECTION III**  
**COMMUNITY HEALTH COMMITTEE**

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**MENTAL HEALTH IN THE JUVENILE JUSTICE SYSTEM**

Children & Family Services & Probation Depts'. responses to findings and recommendations can be found on Pages 16 - 20.

**NEEDLE AND SYRINGE EXCHANGE AND PURCHASE PROGRAMS**

Department of Community Health's response to findings and recommendations can be found on Pages 21 - 23.

## Section III Community Health Committee

### MENTAL HEALTH IN THE JUVENILE JUSTICE SYSTEM

#### DEPARTMENT OF CHILDREN AND FAMILY SERVICES CHILDREN'S MENTAL HEALTH

#### Department Comments

The Department reviewed Findings, Conclusions, and Recommendations in the latest annual Fresno County Grand Jury report. Most of the issues have also been identified in several assessments of juvenile justice systems across the nation.

#### Findings

- A. **The Department of Health and Human Services report, *Mental Health: A Report of the Surgeon General, (1999)* states: "The U.S. Surgeon General has determined that one in twenty American youth ages 9 to 17 suffers from a serious mental health problem such as major depression, a disruptive disorder, bipolar disorder, or schizophrenia. Effective therapy exists to treat all of these conditions."**

The County agrees with the finding.

- B. ***The Fresno Bee's (2-18-01)* report on the *Hall of Shame* describes Fresno County Juvenile Hall "as an overcrowded maze of crumbing cells and dingy dorms where 300 or so boys and girls from ages 9 to 17 live in chaotic conditions that leave ample opportunity for the strong to prey on the weak."**

The County agrees that the Fresno Bee did print the above statement.

- C. **Annually, over 4000 adolescents are booked into Juvenile Hall.**

The County agrees with the finding.

- **The Hall's capacity, Juvenile Hall is 265 minors, but the number often exceeds 300.**

The County agrees with the finding. However, Juvenile Hall has an approved Corrections Standards Authority capacity of 285.

- **When filled to capacity, Juvenile Hall assigns the overflow of male adolescents to the pod at the County Jail.**

The County agrees with the finding. The Jail Pod provides additional capacity and relieves overcrowding at Juvenile Hall. Assignments at the Jail Pod are based on a multi-agency screening process.

- **The average stay in Juvenile Hall is 30 days.**

The County partially agrees with the finding. The average stay for a pre-adjudicated (detention) juvenile is approximately 30 days and the average stay for a post-adjudicated (commitment) juvenile is approximately 183 days.

- D. Youth booked into Juvenile Hall are assessed by the Probation Department (Probation) using a questionnaire that does address mental health needs.**

The County agrees with the finding.

- E. Probation Officers can send a minor in crisis to the University Medical Center or Children's Crisis Assessment Intervention and Resolution (CCAIR) unit.**

The County agrees with the finding.

- F. Juvenile Hall has four to five suicide watches per day.**

The County disagrees with the finding. Juvenile Hall averages approximately 2 to 3 suicide watches per day. On occasion, there are 4 or more suicide watches per day at Juvenile Hall.

- G. Regardless of the youth's status, Probation will hold a minor in Juvenile Hall until a placement can be made.**

The County partially agrees with the finding. Regardless of the status of the youth who has been detained pending a placement court order, Probation will hold a minor in Juvenile Hall until a placement is made.

- H. Ninety-two percent of incarceration juveniles have a drug problem.**

The County disagrees with the finding. Ninety-two percent of juveniles at the time of their offense have a drug or alcohol problem.

- **Incarcerated minors on psychotropic drugs are seen by a psychiatrist to evaluate the medication.**

The County partially agrees with the finding. Many minors are released before a referral is made for evaluation by a psychiatrist.

- **Only twenty-four beds are allotted in the substance abuse unit, twelve beds are for boys and twelve are for girls.**

The County agrees with the findings. Substance abuse services are contracted services through the Department of Behavioral Health for Juvenile Hall.

- I. Incarcerated minors receive mental health care only in crisis situations and only minimal one to one therapy.**

The County agrees with the findings.

Additional mental health services are provided to youth admitted to the Substance Abuse Unit. This unit provides dual diagnosis treatment services to a maximum of 24 youth (at any given time) with co-occurring disorders (substance abuse and mental health). Mental Health staff works collaboratively in this endeavor with a County contracted substance abuse provider. Services are provided for 4 to 6 months and include individual and group therapy, family groups, psychosocial education, case management, and linkages to other resources. Youth

are required to complete six months of aftercare services upon completion of this in-custody component.

**J. Juvenile Hall is staffed for mental health treatment.**

- **Monday-Friday; 8 a.m.-6 p.m.**
- **Saturday; 8a.m.-12noon**
- **Sunday, none**
- **Holiday, none**

The County agrees with the finding.

**K. Psychological counseling occurs in close proximity of others with limited privacy.**

The County agrees with the finding.

**L. Dysfunctional families, physical abuse, substance abuse and parents who are incarcerated contribute to the problem of adolescent mental health in Juvenile Hall.**

The County agrees with the finding. Clinical evidence has shown that the above behaviors may contribute to juvenile delinquency.

**M. The new Juvenile Justice campus:**

- **Initially, will have a bed capacity of 330 with annual incremental increases to 480.**
- **Will have 240 beds for juveniles waiting for their day in court.**
- **Will have 240 beds for minors sentenced up to one year.**

The County agrees with the findings. The current budget (FY 2005-06) provides funding for the 330 bed capacity.

**N. The current limited staff at Juvenile Hall takes care of the mental health needs of approximately 320 minors.**

The County agrees with the finding. Non-duplicated services and contacts are approximately 330 a month and duplicated services and contacts are approximately 1,000 a month.

**O. There will be no additional mental health staffing at the new Juvenile Justice campus.**

The County disagrees with this finding. The Department Children and Family Services, Mental Health Board and community leaders are exploring all avenues to address the mental health needs of juvenile justice minors.

**P. The mental health staff at Juvenile Hall is comprised of:**

- **Three Licensed Clinicians**
- **Three Unlicensed Clinicians**

- **One Licensed Clinical Supervisor**
- **One Psychiatrist for 8 hours a week**
- **Two Community Mental Health Specialist with Bachelor Degrees**
- **One Office Assistant**

The County agrees with the finding.

**Q. Juvenile Hall mental health funds are limited:**

- **Not one dollar from Fresno County's General Fund has been dedicated to address adolescent mental health in Juvenile Hall.**
- **Juvenile Hall's mental health staff receives Federal Substance Abuse and Mental Health Services (SAMSHA) grant in the amount of \$293,244.**
- **Mental Health Realignment funds derived from the California State sales tax revenues and vehicle license fees are used for mental health staff.**
- **Proposition 63, passed in 2004, will generate money for mental health by the year 2007.**

The County agrees with the findings however; the County's Health Realignment funds for Health and Mental Health must be matched with County General Fund money in order for the County to receive Realignment.

Human Services are projected to receive approximately \$138 million for 2005-06 and will require a match of just over \$11 million. Of the eleven million dollar match, approximately \$7.6 million is returned to the general fund or a justice department.

Realignment revenues and local matching funds are directed for deposit into three accounts within the Health and Welfare Trust Fund: Social Services Account, Health Account and Mental Health Account.

The County agrees with the finding however, Proposition 63 statute prohibits the use of these funds for detained and committed youth. Proposition 63 restricted uses for juvenile justice population to wraparound and discharge services. In addition, these funds may be received as early as 2006.

**R. Fresno County has not developed an organized system of care for adolescent mental health.**

The County disagrees with the finding. The Juvenile Justice Mental Health Collaborative was established in January 2005, to develop an organized system of care for adolescent mental health. A comprehensive approach to address need is a key component of the proposed Fresno County Federal Children's System of Care Grant.

## **Recommendations**

- 17. Fresno County find additional sources of funding and increase mental health staffing at Juvenile Hall and at the new Juvenile Justice campus to accommodate minors twenty-four hours a day, seven days a week, and all holidays.**

The County partially agrees with the recommendation. The recommendation requires further analysis to determine if mental health staff is needed 24 hours a day 7 days a week vs. training of probation officers who are currently assigned to the Juvenile Justice Campus 24 hours a day, 7 days a week.

The Department of Children and Family Services, Juvenile Justice Mental Health Collaborative, Interagency Council, Mental Health Board, Juvenile Justice Commission, and the County Administrative Office all agree that appropriate intervention is necessary for our juvenile justice minors who are diagnosis with serious emotional disorders and/or co-occurring disorders. However, further analysis of mental health evidence based practices and/or promising practices that are specifically targeted for the juvenile justice population and utilize probation officers as members of the wraparound team should be explored. Also, analyze use of existing mental health juvenile justice staff to determine if non-traditional hours are more effective to minimize crisis and provide appropriate interventions. (A proposed funding source, Federal Children System of Care proposal, intends to provide funding to implement increase services delivery in Fiscal Year 2006-07 and expand to 24 hours a day, 7 days a week in Fiscal Year 2007-08).

- 18. Fresno County provides mental health and substance abuse evaluation for minors incarcerated in the Juvenile Justice system.**

The Recommendation requires further analysis and collaboration between the Department of Children and Family Services, Probation Department and Department of Behavioral Health (Substance Abuse contractor). The juvenile justice population encompasses three campuses, Juvenile Hall, Elkhorn Detention Center, Teilman and minors on probation in the community. Mental health and Substance Abuse evaluations are completed based on court orders and referrals from probation and/or medical staff. As stated in the County's response to No. 17, the departments are in the process of analyzing evidence based and/or promising practices that will support the mental health and substance abuse evaluations with ongoing discharge follow up, in the community, to reduce recidivism in the juvenile justice population.

- 19. Fresno County takes leadership in supporting the proposal by Kaweah Delta Hospital to open a new psychiatric inpatient program serving all children and teens in the Central Valley.**

The County partially agrees with this recommendation.

Fresno County will provide leadership with six other Central Valley counties to plan, develop and implement an in-patient facility in the Central Valley.

## Section III Needle and Syringe Exchange and Purchase Programs

### DEPARTMENT OF COMMUNITY HEALTH

#### Department Comments

The Grand Jury's introductory statement provides a summary overview of public health concerns in Fresno County regarding the spread of HIV/AIDS and Hepatitis C through sharing and reuse of needles and syringes. The County agrees with the Grand Jury's summary of public health concerns. However, the County requests correction of the statement that the Board of Supervisors unanimously approved a proclamation in support of AB2871. The Board of Supervisors did not, in fact, approve a proclamation in support of AB2871.

#### Findings

The County agrees with findings A, C, and E through L.

- B. Nationwide, according to the Centers for Disease Control and Prevention (CDC), 15% of HIV/AIDS cases and an estimated 60% of Hepatitis C cases are associated with intravenous drug use.**

The County partially disagrees with Finding B. It is correct that the Centers for Disease Control reported an estimated 60% of Hepatitis C cases are associated with intravenous drug use. However, with respect to the number of HIV/AIDS cases, the Department of Community Health noted a report by the Centers for Disease Control that stated 30%, rather than 15%, of HIV/AIDS cases are associated with intravenous drug use.

- D. In Fresno County, according to the Department of Community Health:**
- **25% of AIDS cases from February 1983, to March 31, 2005, involved intravenous drug users (IDUs)**
  - **In preliminary data from a current ongoing study of IDUs, 90% tested positive for Hepatitis C**

The County partially disagrees with Finding D. It is correct that the Department of Community Health reported 25% of AIDS cases from February 1983, to March 31, 2005, involved intravenous drug users. However, with respect to Hepatitis C, the Department of Community Health's preliminary data indicate the percentage of intravenous drug users that tested positive for Hepatitis C is 75% rather than 90%.

#### Conclusions

- A. Fresno County has a large number of intravenous drug users who are at risk for acquiring HIV and, especially, Hepatitis C infections.**

The County agrees with the conclusion. Fresno County residents who inject illicit drugs have a high likelihood of being infected with HIV and Hepatitis C Virus. In fact, a recent study conducted by the Fresno County Department of Community Health identified that 75% of injection drug users were infected with Hepatitis C Virus. Moreover, based on the number of cases of Hepatitis C infections reported to the Department of Community Health by local

health care providers, the Department estimates that Fresno County has a high prevalence of injection drug users.

**B. Needle and syringe exchange and purchase programs are an important public health measure and a cost effective way to reduce the spread of HIV/AIDS and Hepatitis C.**

The County agrees with the conclusion. Harm reduction strategies reduce the spread of HIV and Hepatitis C Virus. Injection drug users can markedly reduce their likelihood of acquiring or transmitting HIV and Hepatitis C Virus by successfully completing drug addiction treatment programs. However, drug treatment is challenging and often unsuccessful despite the best intentions and efforts of clients and program staff. Consequently, the Fresno County Department of Community Health has adopted a comprehensive approach to decreasing the transmission of HIV and hepatitis C virus among individuals who continue to use needles and syringes to inject illicit drugs. This approach is known as harm reduction. Harm reduction is a disease prevention strategy that combines education, counseling, disease testing, health care, drug treatment and access to clean needles. When clean needle access programs such as needle exchange are included in a comprehensive harm reduction strategy, transmission of disease is reduced.

Currently within Fresno County, three agencies that work independently provide a complement of harm reduction services. First, the Fresno County Department of Community Health provides education, counseling, disease testing and referral to drug treatment programs. The Department has received positive evaluations and recognition from the California Department of Health Services for these State and Federally funded programs.

Second, the Fresno County Alcohol and Drug Services Program and its contracted providers offer a full range of education, prevention and treatment services addressing the impact of illicit drugs on individuals and their families.

Third, there is a volunteer organization that provides injection drug users the opportunity to exchange their used needles for clean, uncontaminated needles. Although these three agencies operate independent programs and services, their combined presence in the community represents a comprehensive harm reduction program for injection drug users.

**C. Needle and syringe exchange programs do not encourage the use of illegal drugs and do not enhance criminal activity.**

The County agrees with the conclusion. The Department of Community Health has reviewed the literature surrounding needle exchange and public safety, and agrees that needle and syringe exchange programs do not encourage the use of illegal drugs and do not enhance criminal activity.

**D. California State laws AB 136 and SB 1159 permit localities to legalize needle exchange and purchase programs.**

The County acknowledges the Grand Jury's conclusion that California State laws AB136 and SB1159 permit localities to legalize needle exchange, where local emergencies exist, as well as purchase programs.

**E. A legal needle and syringe exchange program in Fresno County will: 1) be eligible to receive funding from charitable foundations, 2) be able to establish several needle and syringe exchange sites with reasonable hours of operation, 3) reach more intravenous drug users, 4) reduce haphazard elimination of contaminated needles, and 5) reduce incidence of HIV/AIDS and Hepatitis C in Fresno County.**

The County agrees with the conclusion. A legalized needle exchange program would be eligible for increased funding which would subsequently increase clean needle access hours of operation to reach more intravenous drug users and therefore reduce haphazard elimination of contaminated needles and reduce spread of HIV and Hepatitis C Virus.

### **Recommendations**

**21. Establish needle and syringe exchange and purchase programs in accordance with State laws AB136 and SB1159.**

The County disagrees with the recommendation. The County recognizes the public health and health care benefits of a comprehensive harm reduction program to reduce the spread of HIV and Hepatitis C Virus among injection drug users. However, to this date, the County has not declared a local emergency, and therefore has refrained from supporting or participating in needle exchange activities. In response to the Fresno County Grand Jury recommendation to establish needle and syringe exchange and purchase programs in accordance with State laws AB 136 (Health and Safety Code 11364.7) and SB 1159 (Business and Professions Code Sections 4145 and 4147, and Health and Safety Code Sections 11364 and 121285), the County requests that the Department of Community Health, under the leadership of the County Health Officer, investigate whether a critical public health crisis exists.

**22. Establish a relationship with one or more charitable organizations that fund legal needle and syringe exchange programs.**

The County disagrees with the recommendation. The County will refrain from participating in needle exchange activities until such time that the Board of Supervisors has declared an emergency.

**SECTION IV**  
**FRESNO CITY COMMITTEE**

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**FRESNO COUNTY WATER ISSUES**

Department of Public Works and Planning's response to findings and recommendations can be found on Pages 25 - 27.

**TRAFFIC FLOW/CONGESTION**

City of Fresno's response to findings and recommendations can be found on Pages 28 - 33.

**Section IV  
Fresno City Committee**

**FRESNO COUNTY WATER ISSUES**

**DEPARTMENT OF PUBLIC WORKS AND PLANNING**

**Department Comments**

**Findings A – V**

The County agrees with these findings with the exception of Findings K, M, T and U.

- K. By 2006, the City of Fresno must comply with federal standards for water meter usage. Installation and reading of water meters in all neighborhoods must be completed by 2013.**

The County believes this to be true, but defers to the City of Fresno.

- M. There has been no scientific basis that agriculture requires more water per acre than subdivision.**

The County disagrees with the finding. The County has not done research to agree with this conclusion.

- T. Most County Planning personnel are not knowledgeable in long-term water issues and potential water shortages.**

The County partially disagrees with this finding. While in general, not all County planners are fully knowledgeable in long-term water issues and potential water shortages, the County integrates its land use planning process to include "in-house" water experts. In addition, the County's General Plan contains numerous water related policies that are evaluated with each discretionary land use permit application.

- U. An Environmental Impact Report (EIR) is a valuable tool to preserve and protect water resources.**

The County disagrees with the finding. Pursuant to the provisions of the California Environmental Quality Act (CEQA), the purpose of an Environmental Impact Report (EIR) is to inform decisions makers and the public about a project's significant environmental effects and ways to reduce them, to demonstrate to the public that the environment is being protected, and to ensure political accountability. CEQA does not require full mitigation of all impacts, but rather adequacy, completeness, and a good faith effort at full disclosure.

**Recommendations**

- 22. Bullet 1 – direct the Water Advisory Committee to be more diligent in overseeing the sale and use of water.**

The County disagrees. Recommendation will not be implemented. The Fresno County Water Advisory Committee is the public advisory committee charged with providing water-related

recommendations to the Board of Supervisors at the request of the Board. As such, the committee does not and cannot oversee the sale and use of water. Rights to the use and sale of surface water belong to the water right holder subject to State and Federal law. In Fresno County, surface water rights are generally held by the U.S. Bureau of Reclamation or a water/irrigation district. To address the potential sale of groundwater, the County has adopted an ordinance regulating groundwater transfers. The ordinance is implemented by the County's Department of Public Works and Planning.

**22. Bullet 2 – develop and implement a tiered system of water pricing for the use of potable, tertiary and gray water.**

Concurs. The recommendation has not yet been implemented but will be implemented in the future. Tiered water pricing is currently in place in some special districts managed by the County. It is anticipated that all water purveying districts managed by the County will have tiered pricing within five (5) years. Existing County General Plan policies support recycling of gray water and tertiary treated wastewater.

**22. Bullet 3 – require the installation of double water meters in all future developments.**

Concurs. Recommendation has been implemented. This is a current County practice in those circumstances when dual metering is economically, technically and environmentally feasible.

**22. Bullet 4 – require developers to demonstrate availability of an adequate water supply for all future developments.**

Concurs. Recommendation has been implemented.

**22. Bullet 5 – require performance bonds from developers for the assurance of future water suppliers to their projects.**

The County disagrees. Recommendation will not be implemented. Existing County policies require provision of an adequate sustainable water supply prior to consideration of any discretionary land use decision. Proof of water cannot be deferred.

**22. Bullet 6 – require developers to set aside land to be used for re-charge basins.**

Recommendation requires further analysis. Physical, economic and institutional limitations must be analyzed. It will require a minimum of six months to prepare adequate analysis before consideration by Board of Supervisors.

**23. The Fresno County Planning Commission requires documented evidence of availability of water supply that complies with County policy before approving any new development.**

Concurs. Recommendation has been implemented. Documented evidence of an available water supply is a requirement of all new development. Evidence is included in the Staff Report to the Planning Commission and Board of Supervisors.

**24. Temperance Flat be developed as a reservoir for snowmelt and foothill run-off.**

Recommendation will not be implemented. Development of Temperance Flat Reservoir is beyond the control of Fresno County. However, consistent with County policies that support additional water storage benefiting Fresno County as long as it is technically, economically

and environmentally feasible. The County has adopted a resolution supporting a study to determine the feasibility of a new Temperance Flat Dam.

**25. Tertiary water from all water treatment plants be used.**

Concurs. Recommendation has been implemented. Existing County General Plan policies support tertiary treatment and recycling of wastewater.

**26. Draw down test (pump test) standards be raised to a minimum of 5 gallons per minute, not under pressure, for 48 hours.**

Concurs. Recommendation has been implemented. Standard for individuals requesting a building permit was raised effective July 25, 2005.

**27. An immediate building moratorium be implemented until proven water sources are located, developed and preserved.**

Recommendation will not be implemented. Existing County policies require provision of an adequate sustainable water supply prior to consideration of any discretionary land use decision. In addition, County policies require the development of a plan to achieve water sustainability.

**28. The County Residential Building Code requires an on demand hot water recirculating system be installed in all new residential construction.**

Recommendation requires further analysis. Physical and economic limitations must be analyzed. It will require a minimum of six months to prepare an adequate analysis for consideration by the Board of Supervisors.

**29. The Fresno County Zoning Ordinances pertaining to water use be reviewed.**

Concurs. Recommendation has not yet been implemented, but will be implemented in the future. The County has commissioned a study of water conditions in the eastern foothills. A requirement of the study is the development of recommended changes to County land use practices/standards. The study is scheduled for completion in October 2005.

## **TRAFFIC FLOW/CONGESTION INTRODUCTION**

Fresno is rapidly becoming a large urban city experiencing increasing traffic flow and congestion problems. The 2004/2005 Fresno County Grand Jury (FCGJ) interviewed experts in the field of traffic control and governmental leaders about these problems and possible solutions. The FCGJ strongly believes that it is time our city leaders address this problem before it becomes unmanageable.

## **TRAFFIC FLOW/CONGESTION FINDINGS**

1. There is considerable traffic congestion on the streets of Fresno near freeway intersections and during rush hours.

*The City agrees with Finding 1.*

2. Traffic signals on most high traffic city streets are not synchronized for efficient flow of traffic.

*The City agrees with Finding 2.*

3. Traffic flow problems are the most serious in areas of the city where there are no effective expressways or freeway systems designed to move heavy traffic.

*The City agrees with Finding 3.*

4. Fresno is currently installing a centrally controlled, synchronized traffic system along major arteries.

*The City agrees with Finding 4, and provides the following clarification: Fresno is currently installing infrastructure that will facilitate synchronized traffic systems on select major roadways (Herndon, Blackstone, Cedar, Willow, Kings Canyon) with lateral connections to State controlled signal at freeway interchanges adjacent to these roadways.*

5. The synchronized traffic system is being installed in six phases. The first three phases are funded.

*The City agrees with Finding 5.*

6. The synchronized traffic system is being installed on streets with significant traffic flow.

*The City agrees with Finding 6.*

Traffic Flow/Congestion  
Page 2

7. Fresno has over four hundred traffic signals within the city and maintains another 200 in other Fresno County cities.

*The City agrees with Finding 7.*

8. Only forty of the over four hundred city traffic signals are connected to the Traffic Operation Center (TOC):
- not all traffic signals will be connected to the TOC
  - the TOC is currently not fully operational

*The City offers the following clarification on the second bullet in Finding 8: The TOC is fully operational given the staffing resources available.*

9. The majority of the signaled intersections in Fresno have programming capability:
- sixty-five percent of signals are activated and capable of detecting traffic at the intersection
  - approximately twenty percent of signals are technologically advanced and programmable and are designed to be coordinated with other intersections
  - fifteen percent are incapable of being programmed (fixed time/electromechanical)
  - the cost to upgrade the specific functions of signals is \$250,000 per signal

*The City agrees with Finding 9, and offers the following clarification: The majority of the signaled intersections have modern controllers that can be programmed for signal timing.*

*The cost to upgrade a signal varies depending upon the level of upgrade desired. To modify a "fixed time" controller to a "loop detection" system is approximately \$50,000 per intersection. The cost to modify a signal to the advanced signal controllers with loop detection is approximately \$75,000 per intersection. The cost to modify a signal to connect to the TOC varies and depends on the proximity to the fiber network.*

10. The City Traffic Engineering Section will respond to citizen suggestions on improving traffic flow at "problem" intersections.

*The City agrees with Finding 10.*

Traffic Flow/Congestion  
Page 3

11. The City Traffic Operations Center is currently composed of a manager and two 0.80 full-time equivalent staff.

*The City disagrees with Finding 11. The TOC is currently composed of a Supervising Engineering Technician, two 0.80 full time equivalent staff, six temporary Service Aides and approximately three "light duty" Fresno Area Express staff.*

12. The City Traffic Engineering Section has one quarter-time position that works on timing of signals.

*The City offers the following clarification on Finding 12: The City Traffic Engineering Section has a one-quarter civil engineer position that works on timing of signals and TOC management.*

13. The City Traffic Engineering Section spends two-thirds or more of its time responding to new development projects as opposed to traffic infrastructure projects:

- developers may request traffic signals to enhance traffic flow into their businesses and developments
- developers are required to pay for new signals they request be installed
- a new signal that does not meet the requirements of the Traffic Engineering Section must be approved by the City Council

*The City agrees with Finding 13.*

14. Traffic signals in Fresno are currently under two different divisions. The Traffic Engineering Section implements the planning, placement and timing of signals. The Street Maintenance Division installs and maintains signals.

*The City disagrees with Finding 14. The Street Maintenance Division maintains traffic signals that are installed by others.*

15. The City of Fresno is conducting a search to employ a licensed Traffic Engineer to manage the TOC.

*The City agrees with Finding 15.*

## **TRAFFIC FLOW/CONGESTION CONCLUSIONS**

1. Fresno has a traffic congestion problem on highly traveled city streets. Congestion will increase as the city grows.

*The City offers the following clarification on Conclusion 1: Fresno has cyclical traffic congestion problem on highly traveled city streets during peak am and pm hours.*

2. The City Traffic Engineering Section does not have an adequate staff to proactively improve traffic flow.

*The City agrees with Conclusion 2.*

3. The resolution of traffic problems is being addressed only with traffic signal upgrading. Alternate solutions are not being aggressively studied.

*The City disagrees with Conclusion 3. Staff is exploring all viable options to assist in alleviating traffic congestion. This includes continued efforts to synchronize critical corridors, construct dual left turn lanes and dedicated right turn lanes to increase intersection efficiency, and widen key corridors such as Herndon Avenue to six lanes. The City is also increasing bus service along the Kings Canyon/Ventura and Blackstone corridors, with plans to integrate bus preemption strategies along both corridors.*

4. The concerns dealing with traffic flow and congestion are fragmented and lack commitment by the City.

*The City disagrees with this conclusion. The City is committed to addressing and improving traffic flow as documented in the Public Facilities-Transportation/Streets and Highways section of City's 2025 General Plan.*

5. There are no incremental progress/completion dates to implement the full use of the TOC.

*The City disagrees with Conclusion 5. An implementation and planning schedule has been developed. However, given the limited resources (local, State and Federal) the City has not been able to achieve full effectiveness of the TOC enhancements.*

Traffic Flow/Congestion

Page 5

6. Congestion on city streets creates problems including pollution, increased fuel costs, time management and road rage.

*The City agrees with Conclusion 6.*

## **TRAFFIC FLOW/RECOMMENDATIONS**

**The 2004/2005 Fresno County Grand Jury recommends that the City Traffic Engineering Section:**

30. Hire additional personnel to accomplish its responsibilities.

*The City agrees with Recommendation 30, but offers the following clarification: For the past 24 months the City has attempted to hire a registered engineer to manage the TOC. Given the limited fiscal resources, the City has not been able to increase staffing levels at the TOC. The City will continue to explore all options and avenues to expand staffing. This includes possibly turning over the TOC operations to the City's Transportation Department (FAX) in collaboration with Caltrans on a regional effort.*

31. Require developers to mitigate traffic problems caused by their development projects.

*The City agrees with Recommendation 31.*

32. Address current and future traffic flow and congestion problems on streets not included in the current synchronized traffic system program

*The City agrees with Recommendation 32.*

33. Install and upgrade technically advanced signals capable of being coordinated with those at other intersections.

*The City agrees with Recommendation 33.*

Traffic Flow/Congestion  
Page 6

34. Devise and implement a definitive plan for the completion of the TOC.

*The City disagrees with Recommendation 34. The TOC is completed. The Public Works Department has prepared a draft strategic plan for traffic signal synchronization work activities for the next two fiscal years.*

35. Request funding be provided by the Fresno City Council for the remaining phases of the synchronized traffic control system.

*The City disagrees with Recommendation 35. Future phases of traffic synchronization are programmed in the FTIP and the Council adopted Capital Plan. Given the limited City monies, many important competing priorities and constraints on the local, State and Federal funding, it is unknown as to the specific completion date.*

## **SECTION V**

### **BOARDS, COMMISSIONS AND DISTRICTS COMMITTEE**

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#### **MAINTENANCE DISTRICTS**

City of Fresno's response to findings and recommendations can be found on Pages 35 - 39.

## **MAINTENANCE DISTRICTS**

### **INTRODUCTION**

The City of Fresno annually collects over one million dollars from approximately 21,900 homeowners in designated neighborhoods for the maintenance of City owned common landscaping. Citizen complaints, as well as a recent Fresno Bee article, indicate gross mismanagement by the City of this landscape maintenance responsibility. The 2004/2005 Fresno County Grand Jury, after hearing testimony from City leaders, and Public Works and Parks Department officials, believe a review of the issues related to this problem is warranted.

### **FINDINGS**

A. Fresno has two landscaping maintenance districts – Landscaping, Lighting Maintenance District 1 (LLMD#1) and Community Facilities District 2 (CFD#2):

- California State laws empower cities to form these districts
- These districts are located throughout the city, totaling 160.8 acres of common landscaping
- The homeowners in these districts pay a special yearly maintenance fee that is included in the County property tax statement
- Most homes and businesses in the city are not located in the districts

*The City agrees with Finding A, and offers the following clarification on bullet three: The homeowners in these districts pay a yearly special tax that is included in their property tax statement.*

B. Landscaping, Lighting and Maintenance District 1 (LLMD#1):

- Was implemented in 1983 and stopped adding new tracts in 1997
- Consists of 145 tracts, totaling 78.8 acres of common landscaping
- Is an assessment district in which the fee is fixed at 19 cents per square foot of common landscaping
- Has no practical means for increasing the fee as maintenance costs rise

*The City agrees with Finding B.*

C. Community Facilities District 2 (CFD#2):

- Implemented in 1997, consists of 131 tracts, totaling 82.0 acres of common landscaping

Maintenance Districts

Page 2

- A tax district initiated by Proposition 218 that has a current annual fee of 22.4 cents per square foot
- This fee can be adjusted by an annual escalator clause
- The City Council approves annexation of new tracts to this district

*The City agrees with Finding C, and offers the following clarification on bullet two: The annual special tax is predicated on varying charges per square foot of area, and type of area, to be maintained. Charges vary from \$0.22 per square foot for shrubs and trees to \$1.19 for turf.*

D. The City Parks and Recreation Department was responsible for maintaining the landscape districts until August 2, 2004:

- Retained the monies collected from LLMD#1 and CFD#2 in separate accounts
- Did not track money spent for specific housing tracts
- Claimed maintenance was performed “once a month,” but, in reality, it was done “once every ninety days” or longer
- Poor quality of maintenance in LLMD#1 led to numerous homeowner complaints about improper watering and failure to remove and replace dead trees and shrubs
- Twenty-three maintenance workers were to be available every week; vacancies often reduced this number to as few as eighteen
- Tree Fresno, and sometimes jail inmates, provided additional labor until one year ago
- Additionally, maintenance workers were required to maintain all median islands with various buffer zones, bicycle paths, and temporary ponding basins

*The City agrees with Finding D.*

E. The City Council approved transfer of the maintenance districts to Public Works Department on August 2, 2004. Given these new responsibilities, the Public Works Department has:

- Established special accounts for each tract with all costs specifically documented
- Required workers to document work performed and hours worked
- Planned to have a detailed audit of each tract performed and provide a

Maintenance Districts

Page 3

- projection of future costs
- Included the transfer of the Parks and Recreation maintenance crew
- Contracted for four crews from the local Conservation Corps

*The City agrees with Finding E.*

F. According to a report to City Council by the interim directors of Parks and Recreation Department and the Public Works Department on September 11, 2004:

- The lack of an escalator clause in the LLMD#1 has resulted in annual revenues approximately \$100,000 less than the cost of providing services
- A special election complying with Proposition 218, requiring a two-thirds majority of favorable ballots is necessary to increase the annual assessment in LLMD#1
- The ballot should include a provision for an automatic escalator similar to CFD#2
- The cost to conduct the election is estimated at \$60,000, and requires holding special hearings and mailing ballots to 14,900 property owners by certified mail

*The City agrees with Finding F, but clarifies that only a simple majority of a weighted ballot of property owners in district is needed to increase assessment.*

G. According to legal and political opinions, landscape setbacks of the tracts in LLMD#1 are public right-of-ways and the increased maintenance costs could be included as a budget item and paid out of City's General Fund.

*The City agrees with Finding G.*

## **CONCLUSIONS**

A. The City of Fresno has two landscaping and lighting maintenance districts; increasing fees; and a tax district, CFD#2, with the ability to raise taxes to meet rising maintenance costs.

*The City offers the following clarification on Conclusion A: LLMD#1 is a maintenance district, not an assessment district.*

Maintenance Districts

Page 4

B. Rising labor and supply costs, coupled with poor management and cost accounting by Parks and Recreation Department resulted in many years of deteriorating maintenance. The City has defaulted in its responsibility to maintain the districts.

*The City disagrees with Conclusion B. The districts were, and continued to be maintained to a level commensurate with fiscal resources provided by the special tax.*

C. In response to poor maintenance, the City Council approved transfer of the management of LLMD#1 and CFD#2 districts to the Public Works Department on August 2, 2004.

*The City agrees with Conclusion C that poor maintenance was one factor in the transfer of the management of LLMD #1 and CFD #2 .*

D. The Public Works Department has reorganized accounting functions to analyze actual expenses incurred in each housing tract in the districts and correlate this information with revenues received. With this audit, the Public Works Department will be able to provide a detailed cost projection.

*The City agrees with Conclusion D.*

E. CFD#2 costs are subject to increase. The fixed assessment in LLMD#1 will have to be supplemented either by a special election or monies from the General Fund.

*The City disagrees that LLMD#1 will have to be supplemented with monies from the General Fund. The districts will be maintained to a level commensurate with fiscal resources provided by the special tax, and any other resources that the Council approves as part of the annual budget process.*

## **RECOMMENDATIONS**

The 2004/2005 Fresno County Jury recommends that the City of Fresno:

36. Use General Fund monies to bring neglected tracts in the maintenance districts up to required standards, including the replacement of defective

Maintenance Districts

Page 5

watering systems, dead trees and shrubs.

***The City partially disagrees with Recommendation 36. The City will continue to explore all options to increase resources that will replace landscaping plantings and infrastructure. This may include general fund monies as approved by the Council.***

37. Budget General Fund monies to cover future revenue shortfalls in LLMD#1, using cost projections of the Public Works Department as a guide.

***The City partially disagrees with Recommendation 37. The City will continue to explore all options to increase resources for maintenance activities in LLMD#1. This may include general fund monies as approved by the Council.***

38. Review the faulty management and accounting practices employed by the Parks and Recreation Department in dealing with the maintenance districts to provide insight into other maintenance practices needing revision in that department.

***The City partially disagrees with Recommendation 38. An internal audit of the Parks and Recreation Department's management of the maintenance district has been conducted. There are fundamental issues related to the program, and not necessarily faulty management practices by the Department. If the Grand Jury feels that there are other Parks and Recreation Department programs that require review, the City is open to discussing those programs with the Grand Jury.***

39. Evaluate the feasibility of privatizing the maintenance of LLMD#1 and CFD#2 districts.

***The City agrees with Recommendation 39, and will be studying this option.***

**SECTION VI**  
**LAW COMMITTEE**

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**IN-HOME SUPPORTIVE SERVICES PROGRAM**

Behavioral Health and Employment & Temporary Assistance Depts' responses to findings and recommendations can be found on Pages 41 - 45.

The District Attorney's response to findings and recommendations can be found on Pages 49 - 50.

## LAW COMMITTEE

### THE IN-HOME SUPPORTIVE SERVICES PROGRAM

#### Findings

The County agrees with Findings A through E.

- F. There are numerous serious problems with the PCSP program which need addressing.**
- **The number of hours worked by providers; as reported on the time card, cannot be verified by IHSS.**
  - **Social worker approved services performed by the provider cannot be verified.**
  - **Providers and recipients may not fully understand the consequences of fraud.**
  - **IHSS time cards do not address fraud and its consequences.**
  - **There is no county registry of providers or recipients convicted of fraud.**
  - **Providers convicted of fraud are removed from the program, whereas recipients are allowed to remain in the program with no consequences.**
  - **There has been limited training of social workers to detect fraud.**
  - **The commission of fraud is still unchecked in the PCSP within IHSS system.**

The County partially agrees with the finding. The County does not agree with the last bullet in Finding F. In June 2003, the Fresno County Board of Supervisors approved the creation of a Special Investigative Unit (SIU) staffed by the Fresno County District Attorney's Office. This SIU has addressed the issue of fraud in both the PCSP and former Residual Program since 2003.

- G. Since its inception in July 2003, the newly formed fraud unit in the District Attorney's Office has had 401 cases referred to investigation for fraud, with 166 cases completed. Of these, 113 cases were referred for prosecution resulting in 60 convictions for restitution.**
- H. In this same time frame:**
- **There has been an estimated \$713,219 in losses resulting from fraud.**
  - **\$432,205 has been ordered to be paid in restitution.**

The County partially agrees with Findings G and H. The County agrees to the data; however, the County would need clarification on the time period for the statistics. For example: "Since its inception in July 2003 to March 2005."

- I. There are only two investigators assigned to handle IHSS fraud.**

The County agrees with the finding.

- J. Investigators lack adequate surveillance equipment.**

The County partially agrees with the finding. The investigators may lack adequate surveillance equipment, but have adequate surveillance equipment to perform the necessary duties in this fiscal year. Further analysis will be required for the next fiscal year to determine the need for advanced equipment with the available funding.

- K. The first training session for social workers to better detect fraud, held in March of this year, had an immediate result of 85 cases being referred to the fraud unit of the District Attorney's office.**

The County agrees with the finding.

- L. The doctor's referral/evaluation form does not address the specific needs of the recipient.**

The County agrees with the finding.

- M. There are 55 social workers in the PCSP. Of these, 42 are assigned to monitor the 11,839 recipients and 13 social workers are assigned to intake services.**

The County disagrees with the finding. There are 50 social workers in the In-Home Supportive Services Program. Thirteen (13) are Intake workers and the remaining 37 are ongoing workers. Ongoing workers monitor the 11,839 recipients in the IHSS program.

- N. Social workers are only required to visit assigned recipients once a year according to state regulations.**
- O. Social worker's ability to make unannounced visits is limited by a heavy caseload.**

The County agrees with Findings N & O.

- P. The cost of providing in-home services is projected to increase 21% annually in Fresno County.**

The County partially agrees with the finding. The IHSS FY 2005-06 Budget of \$33,083,142 is a 16% increase from the FY 2004-05 budget. All of the County's share-of-cost is financed with Social Services Realignment revenue (\$25,001,140). The balance of \$8,082,002 represents the State and Federal share of provider health benefits.

- Q. The statewide cost of IHSS for PCSP's initial year (1993/1994) was \$232 million. The cost for PCSP in 2003/2004 was \$1.4 billion.**

The County agrees with the finding.

- R. The cost in Fresno County for the first six months of the current fiscal year was budgeted for \$52 million and the actual money spent was \$63 million. An increase of 21% over budget.**

The County disagrees with the finding. In FY 2004-05 the total cost of the IHSS program for the first six months was budgeted for \$60,899,784 and the actual spent was \$57,724,905, 5% under budget. FY 2004-05 Adopted Budget of \$25,296,236 reflects a 0% increase in net County cost over the FY 2003-04 Adopted Budget and represents Fresno County's share of the total IHSS program cost of \$121,799,568. The County cost for FY 2004-05 was \$25,296,236 which is funded through Social Services realignment and Countywide revenues. The County share of cost was budgeted at \$12,648,118 for the first six months of FY 2004-2005 and actually expended \$11,919,645, 6% under budget.

- S. Fresno County authorities estimate that fraud is committed by 30% to 35% of the recipients/providers in the program.**

The County disagrees with the finding. Actual numbers of fraud referrals over the past FY 2004-05 compared to the number of IHSS cases in the program during the same period; do not support such an estimate. In FY 2004-05, there were 297 fraud referrals / 11,738 IHSS cases = 3% of the IHSS cases have allegedly committed fraud in the program.

The County agrees with Findings T through DD.

**Recommendations**

- 40. In-Home Supportive Services time cards be revised to indicate each specific service provided.**

Recommendation will not be implemented. Modification of the IHSS time card format is not within the County of Fresno's authority. IHSS time cards are developed and modified by the California Department of Social Services.

- 41. Time cards include an admonishment citing the penalties for committing fraud and perjury.**

Recommendation will not be implemented. See reason under Number 40.

- 42. Fresno County establish an approved list of physicians who would make medical evaluations of recipients.**

Recommendation will not be implemented. Evaluation by a county-specified physician as a condition of eligibility for the IHSS program would require legislative/regulatory change. Such a change would be the responsibility of the California Department of Social Services.

- 43. A standard medical form be created to provide detailed information to be used by the social workers for evaluation of the recipient's needs.**

Concur. Recommendation will be implemented. The Physicians Statement (IHSS Form 37) is currently undergoing changes to more adequately report the needs of recipients. The timeframe for its development is December 2005.

- 44. Only a medical doctor sign and approve the medical assessment form of the recipient.**

Recommendation will not be implemented. IHSS regulation only requires that IHSS recipients provide corroborating medical information to support their request for assistance. Regulation does not specify that such evidence be provided by a medical doctor (MD).

- 45. The District Attorney's Fraud Investigation Unit continue ongoing training for social workers to detect and report fraud.**

Concur. Recommendation will be implemented. Fraud training will continue for social workers in the IHSS program as a requirement of new State Quality Assurance requirements.

- 46. The fraud investigation staff in the District Attorney's office be increased.**

Recommendation will not be implemented in the current fiscal year. Recommendation will require further analysis completed in 6 months for Budget FY 2006-07. The fraud investigation staff is funded through the In-Home Supportive Services budget which receives an allocation letter from the State that reflects Federal, State and County share of the cost of the program. All monies spent contain a county share of costs and any costs that exceed that allocation will be absorbed by the County General Fund. Budgetary issues are under the authority of the Fresno County Board of Supervisors.

**47. In-Home Supportive Services officials investigate the increasing costs of the program in Fresno County.**

Concur. Recommendation will be implemented. Program officials will continue to monitor program costs as required by County budgetary practices.

**48. Require providers to utilize the Public Authority's training programs.**

Recommendation will not be implemented. IHSS regulations do not mandate that providers receive any training as a condition of eligibility to be an IHSS provider. It should be noted that IHSS providers will be highly encouraged to participate in Public Authority training programs.

**49. Fresno County establish and maintain a master registry of all providers and recipients convicted of In-Home Supportive Services fraud.**

Concur. Recommendation will be implemented. Such a registry may be compiled with conviction information provided by the District Attorney's office. IHSS program officials will work with the District Attorney's office to develop such a database by December 2005.

**50. In-Home Supportive Services continue to encourage the State Legislature to improve and tighten controls on the program statewide.**

Concur. Recommendation will be implemented. IHSS officials will continue to participate in activities at a statewide level through the California Welfare Directors Association on a monthly basis and will further advocate for IHSS program integrity. The control and responsibility of the IHSS program lies within the California Department of Social Services (CDSS). For Fresno County to work directly with State Legislators to change state regulations may be premature as the program is undergoing regulation changes through designated workgroups.

**51. County Board of Supervisors provide funding to:**

- **Hire more Personal Care Services Program social workers.**

Recommendation will not be implemented in the current fiscal year. Recommendation will require further analysis completed in 6 months for Budget FY 2006-07.

- **Purchase additional surveillance equipment for the In-Home Supportive Services Fraud Unit of the District Attorney's Office.**

Recommendation will not be implemented in the current fiscal year. Recommendation will require further analysis completed in 6 months for Budget FY 2006-07.

- **Encourage State Legislature to improve and tighten controls of the In-Home Supportive Services program.**

Concur. Recommendation will be implemented. The Department of Employment and Temporary Assistance is actively involved with the State Legislature. The Department Director is the County Welfare Director as designated by the County Administrative Officer for the California Welfare Directors Association (CWDA). The CWDA subcommittees are attended by different levels of staff including the IHSS program manager, Deputy Director, and fiscal staff. The control and responsibility of the IHSS program lies within the California Department of Social Services (CDSS). For Fresno County to work directly with State Legislators to change state regulations may be premature as the program is undergoing regulation changes through designated workgroups.

- 52. Fresno County work with our local State Legislators to change State regulations to allow counties to establish more control over their In-Home Supportive Services program.**

Concur. Recommendation will be implemented. Fresno County will incorporate the need for more control over the IHSS program into its yearly legislative platform. The control and responsibility of the IHSS program lies within the California Department of Social Services (CDSS). For Fresno County to work directly with State Legislators to change state regulations may be premature as the program is undergoing regulation changes through designated workgroups.



## County of Fresno

ELIZABETH A. EGAN  
District Attorney

August 16, 2005

The Honorable Edward Sarkisian  
Presiding Judge, Fresno County Superior Court  
1100 Van Ness Avenue  
Fresno Ca 93721

Dear Judge Sarkisian,

The following are my responses to findings G, H, I, J, K and recommendations 45, 46 of the 2004-05 Fresno County Grand Jury Final Report pertaining to the Fresno County In Home Supportive Services Program and our involvement in the In Home Supportive Services Fraud Investigations Unit.

### Findings

The Fresno County District Attorney's Office agrees with findings G, H, I, K.

The Fresno County District Attorney's Office disagrees with finding J due to the fact that surveillance equipment was recently obtained by the In Home Supportive Services Fraud Investigations Unit.

### Recommendations

Recommendation 45 – The District Attorney's Fraud Unit continue ongoing training for social workers to detect and report fraud.

The District Attorney's Office will implement this recommendation.

Recommendation 46- The fraud investigation staff in the District Attorney's Office be increased.

The District Attorney's Office will be seeking funding to implement this recommendation and add an additional investigator to the In Home Supportive Services Fraud Investigations Unit in order to reduce the backlog of fraud case referrals from the In Home Supportive Services program.

This concludes my comments on the findings and recommendations of the Grand Jury for the year 2004-05.

Sincerely,



Elizabeth A. Egan  
District Attorney  
County of Fresno

EAE: la

cc: Board of Supervisors  
Brandi Orth