



THE COUNTY  
OF FRESNO  
GRAND JURY  
REPORT  
2022-23





# THE COUNTY OF FRESNO

---

# GRAND JURY REPORT

---

# 2022~23

[www.fresnosuperiorcourt.org](http://www.fresnosuperiorcourt.org)

---

PRESIDING JUDGE OF THE FRESNO COUNTY SUPERIOR COURT  
HON. DAVID C. KALEMKARIAN



“... No country can be well governed unless its citizens as a body keep religiously before their minds that they are the guardians of the law and that the law officers are only the machinery for its execution, nothing more.”

“THE GILDED AGE”

*by*

SAMUEL CLEMENS

1873

---

---

---

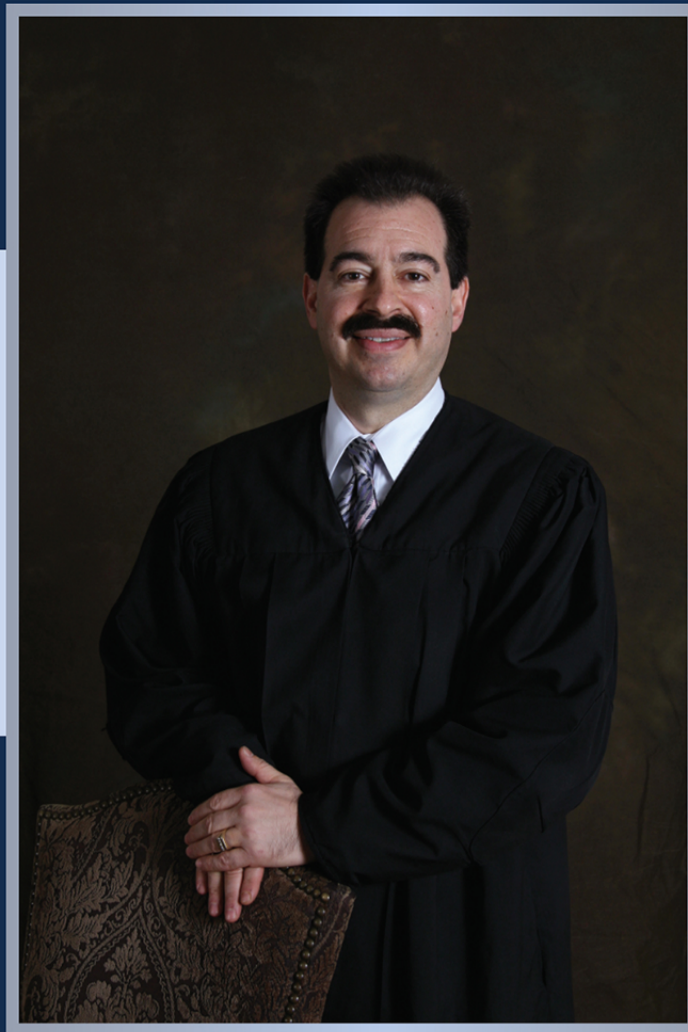


THE FRESNO COUNTY GRAND JURY REPORT

— PRESIDING JUDGE —

2022~23

---



HON.  
DAVID C. KALEMKARIAN



# Superior Court of California County of Fresno

CHAMBERS OF  
DAVID C. KALEMKARIAN  
Presiding Judge

1100 VAN NESS AVENUE  
FRESNO, CALIFORNIA 93724-0002  
(559) 457-2010  
FAX (559) 457-2035

**The members of the 2022-2023 Civil Grand Jury served our county with distinction. The Grand Jury made an important contribution to local government, and the Fresno County Superior Court appreciates and values its service.**

**The 2022-2023 Grand Jury continued in the fine tradition of its predecessors by diligently acting as the public's watchdog through its investigations of and reporting on particular affairs of local government. The Grand Jury issued four reports. The first was an overview of the Veterans Liberty Cemetery, the second addressed if Measure B has benefitted the Fresno County free library, the third involved a review of school safety and security in Fresno County and if Uvalde happened here, how are our schools safe, and the fourth addressed the operational status of Fresno City fire hydrants. Each report was thorough and detailed and contained appropriate recommendations for potential improvements for the agencies identified. The leadership of foreperson, Paul Bernard Smith, and foreperson pro tem, William (Bill) Smith, must be noted and appreciated. They carried out their responsibilities to ensure that the Grand Jury as a whole, and each of the committees, functioned effectively and efficiently. The forepersons, along with all members, are commended for their service.**

**All citizens residing in Fresno County are invited and welcome to apply for the honor of serving as a civil grand juror and to continue this important public service.**

A handwritten signature in black ink, appearing to read "David C. Kalemkarian".

**Hon. David C. Kalemkarian  
Presiding Judge 2022-2023**



TO: Honorable David C. Kalemkarian, Presiding Judge for 2022-23  
Citizens of Fresno County

---

SAFER SCHOOLS • RESPECT FOR VETERANS  
WORKING LIBRARIES *and* OPERATIONAL FIRE HYDRANTS

---

## THE FRESNO GRAND JURY INVESTIGATION AND EVALUATION

### INTRODUCTION:

This consolidation report provides an overview and summary of the activities, findings, and recommendations of the Fresno County Grand Jury for the 2022-23 year. The Grand Jury consists of 19 impartial citizens, from all walks of life, who come together for the benefit of our community. The following report consolidates the Grand Jury's effort in ensuring transparency, accountability, and effectiveness in the Fresno County government and public agencies.

### METHODOLOGY:

The Fresno County Grand Jury used a comprehensive and committee centric approach to fulfill its responsibilities. Members of the Grand Jury formed committees which in turn conducted interviews, reviewed documents, visited facilities, and listened to witness testimonies during their investigation. The committees not only identified areas of concern and proposed recommendations for improvement but also pointed out when agencies were performing at a high level of proficiency.

### BRIEF OVERVIEW OF INVESTIGATIVE REPORTS:

#### 1. VETERANS LIBERTY CEMETERY:

A complaint was received regarding the Fresno County owned Veterans Liberty Cemetery which has been sadly neglected and is a disgrace to the veterans and their families who are buried there. The report documents the serious lack of maintenance and identifies critical areas that need improvement including insufficient equipment and employees to adequately maintain the grounds. Recommendations include necessary immediate capital improvements and recurring annual funding.

#### 2. HAS "MEASURE B" BENEFITED THE FRESNO COUNTY FREE LIBRARY?

##### *Measuring Performance:*

The Fresno County Free Library receives public funding through Measure B and this report focuses primarily on how effectively the money has been used since the inception of the sales tax. It includes a review of new library construction projects on the books, maintenance of existing facilities and looking to the future of what a library means and who it serves. Generally, the report shows that the 35 branch FCFL has demonstrated that they are good stewards of Measure B funding but may want to increase usership (registered users) over time. Recommendations were focused on hiring experienced program management professionals to enhance public awareness and improve each of the programs listed in the Measure B ordinance.

### **3. SCHOOL SAFETY AND SECURITY IN FRESNO COUNTY**

#### *Could Uvalde Happen Here? How Safe Are Our Schools?*

After the active shooter incident in Uvalde, TX, the Grand Jury decided to investigate Fresno County's readiness to deal with this type of incident. A cross section of law enforcement and school officials from large, medium, small, urban and rural communities were interviewed. The investigation found that local law enforcement is well trained and has appropriate policies in place. It also found that some schools are well prepared, but others need to improve due to limited funding or lack of vision. The primary recommendation was for schools and law enforcement agencies to collaborate and review the developed "suggested guidelines" and implement all that are deemed appropriate. The report was released on the one year anniversary of Uvalde.

### **4. OPERATIONAL STATUS OF FRESNO CITY FIRE HYDRANTS**

The Grand Jury received a written complaint regarding an inoperable fire hydrant. It was determined that the Fresno City Fire Department is responsible for conducting city fire hydrant inspections annually. The service, maintenance, and if necessary, replacement of fire hydrants is performed by the DPU-W, a unit of the Department of Public Utilities (DPU). The recommendations mainly concerned streamlining the communications between the FCFD and the DPU to create a more efficient process. The FCFD should also provide input when purchasing new fire hydrants.

---

### **EDUCATION AND TOURS:**

As part of our Grand Jury year, we were able to meet and learn from many of our community leaders including Mayor Jerry Dyer and District Attorney Lisa Smittcamp. We also attended the Fresno-Madera Law Enforcement Chiefs meeting and inspected the Pleasant Valley State Prison and Fresno County Jail. For all the professionals and leaders of Fresno County who took the time to meet with us, the Grand Jury is extremely grateful.

### **SPECIAL THANKS:**

- Attorney Rebekah Eropkin with the Fresno County Counsel's Office. Her professionalism, positive attitude and hands-on assistance were all-important to our success.
- Ron Alexander and Elizabeth Vecchio from the County Administrative Office provided guidance throughout the year. And thank you for the "new" chairs for the jury room.
- Presiding Judge David Kalemkarian and Assistant Presiding Judge Houry Sanderson not only reviewed our investigative reports, but provided additional instruction on "The Code of Ethical Conduct" and the importance of collegiality on the Grand Jury.

Finally, I'd like to thank all 19 members of the Grand Jury. The jury worked through difficult issues and produced four vital and timely investigative reports for the benefit of our community. I thank each of them for their dedication, patience, and persistence. I also want to thank two jurors who were invaluable to our success. Pro Tem, Bill Smith, provided steadfast guidance and Tech leader, Russ Chappell, solved all problems with a smile (most of the time).

---

THANK YOU EVERYONE!

*And congratulations to the new foreperson for 2023-24 Grand Jury, Gary Mukai!*

Paul Smith, Foreperson  
2022-23 Fresno County Grand Jury



THE COUNTY  
OF FRESNO  
GRAND JURY  
2022~23



*We thank you  
for your time,  
diligent attention,  
and  
excellent service  
to the citizens  
of the  
County of Fresno!*

## MISSION STATEMENT

---

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

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

---

## GRAND JURY MEMBERS

Gina Arslanian  
George Bagetakos  
Shelia Brookman  
Edward Cazares  
Russell Chappell  
Roger Litman  
Gary Lowe  
Rene Martin  
Teresa Montellano  
Jacquelyn Morton  
Gary Mukai  
Anthony Ratkus  
Robert Rey  
Bruce Roberts  
Paul Smith (*Foreperson*)  
William Smith (*Pro Tem*)  
Cynthia Thomas  
Cara Tompsett  
Mary Torres





# 2022-23 GRAND JURY



FRONT *(Left to Right):*

Jacquelyn Morton • Mary Torres • Gary Mukai • Teresa Montellano  
Cynthia Thomas • Cara Tompsett *and* George Bagetakos

BACK *(Left to Right):*

Russell Chappell • Rene Martin • William Smith  
Paul Smith *(Foreperson)* • Gary Lowe *(Pro Tem)* • Robert Rey *and* Gina Arslanian

NOT PICTURED:

Shelia Brookman • Edward Cazares  
Roger Litman • Anthony Ratkus *and* Bruce Roberts

# TABLE OF CONTENTS

**PAGE**

<b>THE GRAND JURY PROCESS</b> .....	<b>11</b>
Application Information .....	12
Functions of the Grand Jury .....	13-14
Complaint Procedure .....	15-16
<b>FINAL REPORTS AND RESPONSES</b> .....	<b>17</b>
<b>REPORT #1</b> .....	<b>18</b>
<b>VETERANS LIBERTY CEMETERY</b> .....	19-35
RESPONSES TO REPORT #1 .....	36
Responses to Report #1 by the Board of Supervisors.....	37-39
Responses to Report #1 by the Department of Public Works & Planning .....	40-42
<b>REPORT #2</b> .....	<b>43</b>
<b>HAS “MEASURE B” BENEFITED THE FRESNO COUNTY FREE LIBRARY?</b> .....	44-76
RESPONSES TO REPORT #2 .....	77
Responses to Report #2 by the Board of Supervisors.....	78-81
Responses to Report #2 by the Fresno County Public Library .....	82-85
<b>REPORT #3</b> .....	<b>86</b>
<b>SCHOOL SAFETY AND SECURITY IN FRESNO COUNTY</b> .....	87-108
RESPONSES TO REPORT # 3 .....	109
Responses to Report #3 by Fresno County Superintendent of Schools.....	110-114
Responses to Report #3 by the Fresno County Sheriff's Office .....	115-118
<b>REPORT #4</b> .....	<b>119</b>
<b>OPERATIONAL STATUS OF FRESNO CITY FIRE HYDRANTS</b> .....	120-126
RESPONSES TO REPORT # 4 .....	127
Responses from the City of Fresno Public Utilities .....	128-130



THE

# GRAND JURY PROCESS

APPLICATION INFORMATION

FUNCTIONS

COMPLAINT PROCEDURE

---

## APPLICATION INFORMATION

---

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

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

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

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

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

---

*For additional information or to nominate yourself or someone else, contact:*

The Juror Services Manager at the Fresno County Courthouse  
1100 Van Ness Avenue, Room 102  
Fresno, CA 93724-0002

*Or call:*  
559-457-1605

---

## FUNCTIONS

**HISTORY:** In 1635, the Massachusetts Bay Colony impaneled the first grand jury to consider cases of murder, robbery and wife beating. By the end of the colonial period the grand jury had become an indispensable adjunct to the government.

The U.S. Constitution's Fifth Amendment and the California Constitution call for the establishment of grand juries. The California Constitution provided for prosecution by indictment or preliminary hearing.

In 1880, statutes were passed which added duties of the grand jury to investigate county government beyond misconduct of public officials. Only California and Nevada mandate that civil grand juries be impaneled annually to function specifically as a "watchdog" over county government. California mandates formation of grand juries in every county able to examine all aspects of local government adding another level of protection for citizens. Functions: The civil grand jury is a part of the judicial branch of government, an arm of the court. As an arm of the Superior Court, the Fresno County Grand Jury is impaneled every year to conduct civil investigations of county and city government and to hear evidence to decide whether to return an indictment.

### **THE CIVIL GRAND JURY IN ITS' ROLE AS CIVIL "WATCHDOG" FOR THE COUNTY OF FRESNO HAS TWO DISTINCT FUNCTIONS:**

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

Both the criminal and civil grand juries have the powers to subpoena. The criminal grand jury conducts hearings to determine whether there is sufficient evidence to bring indictment charging a person with a public offense. However, the district attorney usually calls for empanelment of a separate jury drawn from the petit (regular trial) jury pool to bring criminal charges. However, in Fresno County a Superior Court Judge is the determiner OF FACTS RELATIVE TO HOLDING AN INDIVIDUAL TO ANSWER CRIMINAL CHARGES.

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

## FUNCTIONS

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

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

**CRIMINAL INVESTIGATIONS:** A criminal jury is separate from a civil grand jury and is called for empanelment by the district attorney. A hearing is held to determine whether the evidence presented by the district attorney is sufficient to warrant an individual having to stand trial.

**NOTE:** This is not the procedure in Fresno County, a Superior Court Judge calls for a criminal jury if a matter continues on in the courts to trial.

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

# — FRESNO COUNTY CIVIL GRAND JURY —

## COMPLAINT FORM

---

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

### THE GRAND JURY:

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

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

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

---

EMAIL FORM TO:  
OR  
MAIL FORM TO:

[info@fresnocountygrandjury.com](mailto:info@fresnocountygrandjury.com)

Fresno County Civil Grand Jury  
P.O. Box 2072  
Fresno, CA 93718

---







# FRESNO COUNTY GRAND JURY

## FINAL REPORTS AND RESPONSES

---

### REPORT #1

#### **VETERANS LIBERTY CEMETERY**

---

### REPORT #2

#### **HAS "MEASURE B" BENEFITED THE FRESNO COUNTY FREE LIBRARY?**

---

### REPORT #3

#### **SCHOOL SAFETY AND SECURITY IN FRESNO COUNTY**

---

### REPORT #4

#### **OPERATIONAL STATUS OF FRESNO CITY FIRE HYDRANTS**



---

# FRESNO COUNTY GRAND JURY

## FINAL REPORTS AND RESPONSES

---

---

### REPORT #1

# **VETERANS LIBERTY CEMETERY**

---

**Veterans Liberty Cemetery**

**WE DON'T KNOW THEM ALL BUT WE OWE THEM ALL**

***“Our debt to the heroic men and valiant women in the service of our country can never be repaid. They have earned our undying gratitude.” Harry S. Truman***

**SUMMARY**

The Veterans Liberty Cemetery (VLC) is home to veterans who served in the Civil War, World War I, World War II, the Spanish American War, the Korean Conflict, the Vietnam War, the Indian War, and the Philippine Insurrection.

The Fresno County Civil Grand Jury received a written complaint that the Veterans Liberty Cemetery is not being adequately maintained. The complainant stated that the failure to maintain the cemetery is an insult to ALL veterans and their families, particularly those buried there. Staff at surrounding cemeteries received complaints about the unkempt condition of VLC.

The grounds of the cemetery are overgrown with grass and weeds. There are several dead trees and many of the headstones are covered with dirt. Some areas of the VLC are dry, and other areas have standing water. In contrast, the adjacent cemeteries are well-kept and maintained. The complainant stated that VLC is routinely “cleaned up” prior to Memorial Day, Veterans Day, Wreaths Across America (which is held in

December) and other planned events. The remainder of the year, the cemetery is a mixture of dry grass, weeds and unmaintained headstones.

## **GLOSSARY**

<b>VLC</b>	Veterans Liberty Cemetery
<b>G.A.R.</b>	Grand Army of the Republic
<b>ARPA</b>	American Rescue Plan Act
<b>DAR</b>	Daughters of the American Revolution
<b>VFW</b>	Veterans of Foreign Wars
<b>AMVET</b>	American Veterans

## **BACKGROUND**

On November 16, 1896, the Council of the Administration of Atlanta Post 92, Grand Army of the Republic (G.A.R.) spent \$8.80 to buy a 150 foot by 100 foot plot from the County of Fresno. This was the foundation of Veterans Liberty Cemetery. Over the years, adjacent property was donated and added to the original plot of land. In 1918 the development of the cemetery was proposed to accommodate all soldiers who died in war. In June of 1920, the G.A.R. gave ownership of the grounds to the County of Fresno.

The cemetery has approximately 4200 burial plots. As of 1978, there were no plots available for purchase. Burials still take place for those who secured their plots prior to that date. Cemetery maintenance is the responsibility of the Fresno County Parks

Department. The cemetery is funded through the general fund of the Fresno County Public Works and Planning Resources budget under the Parks Department.

There were and are no federal or state funds available to maintain the cemetery because the property is owned by the County of Fresno. The County of Fresno staff recently reached out to state and federal agencies to ask if they would be willing to assume responsibility for VLC and they declined.

## **METHODOLOGY**

The Grand Jury interviewed the complainant, numerous County of Fresno employees, and employees from several local Fresno cemeteries. The Grand Jury visited multiple cemeteries to compare the state of their grounds and inquired about their maintenance practices.

## **DISCUSSION**

There are no federal or state funds available to maintain the cemetery because the property is owned by the County of Fresno. The cemetery is maintained by the County of Fresno Parks Department.

On the Grand Jury initial site visit in September 2022, several deficiencies were observed. It was noted that there was a single flagpole at the main entrance of the cemetery with no American flag. After a discussion with County staff, the American flag with solar light was immediately installed.

The wooden street sign indicating VLC had degraded over time to the extent that it was no longer legible. A private entity donated the material and labor to repair the sign.

There was a lack of signage from the adjacent roads making VLC very difficult to locate. Fresno County staff installed signs that provide clear directions to VLC.

One full time groundskeeper is assigned one day per week for VLC maintenance. The maintenance schedule is often impacted by staffing shortages and/or equipment issues. Adult Offender Work Program participants are assigned to assist with maintenance, but the number of participants vary on a weekly basis. One County employee working one day a week cannot adequately maintain VLC, which encompasses five acres and approximately 4200 burial plots. Adjacent cemeteries have daily full time work crews providing maintenance of their grounds. Additionally, the Grand Jury was told that there is a shortage of reliable, updated maintenance equipment for use at VLC.

In 2021, arson destroyed the storage shed that housed equipment necessary to maintain the cemetery. The insurance claim has been recently adjudicated and the rebuilding of the storage shed will soon be underway. Once the storage building is completed, the cemetery maintenance tools can be kept on site in the building.

Currently, the equipment has to be transported from Kearney Park to VLC for use and then returned to Kearney Park.

The restrooms are continually vandalized and are presently boarded up. This restroom building is located in the center of the cemetery and has been recently painted. Other cemeteries in the area do not provide restrooms for the general public.

Adjacent to the restrooms is a cinder block wall that surrounds equipment for the well. This wall has been damaged and may become a hazard if it is not repaired. Interviews conducted by the Grand Jury provided different opinions about how the damage was

done. No insurance claim was filed for the damage and the Grand Jury was unable to ascertain the source of the damage.

Currently, a well supplies the irrigation for the cemetery. The irrigation system isn't sufficient to keep the entire cemetery watered. The system is antiquated. Buried lines are broken, valves are not functioning and sprinkler heads are missing and/or broken. Some areas of the cemetery receive adequate water and other areas receive little to no water. Water usage has been reduced at the cemetery because of drought conditions. The County of Fresno Board of Supervisors recently approved the use of reclaimed water for VLC. This project is estimated to be concluded in late 2023 or early 2024 and should improve the water capabilities of the irrigation system. The project will include a new watering system that will be designed to provide water to the cemetery without damaging the existing grave sites. The well will continue to provide water service to the storage shed once it is rebuilt.

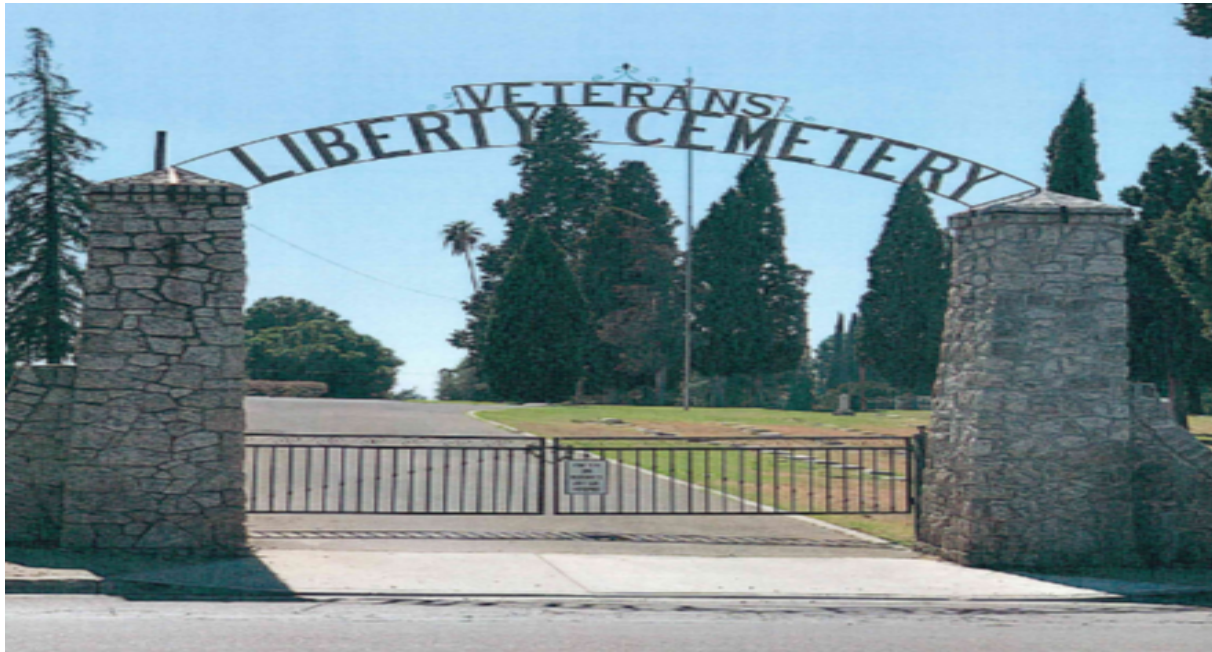
Numerous cemeteries, including veterans cemeteries, are now converting to rocks and/or pebbles in place of grass to reduce maintenance and to conserve water.

Volunteer groups such as the DAR, VFW Post 8900, AmVets and the American Legion Auxiliary Unit 509 may be interested in assisting with some of the needs of VLC. The DAR has been active in planting trees and installing monuments. There is no liaison at the County Parks Department for volunteers to contact.

Grand Jury Interviews with County employees yielded conflicting information. This made it difficult to evaluate some of the ongoing issues at the cemetery.

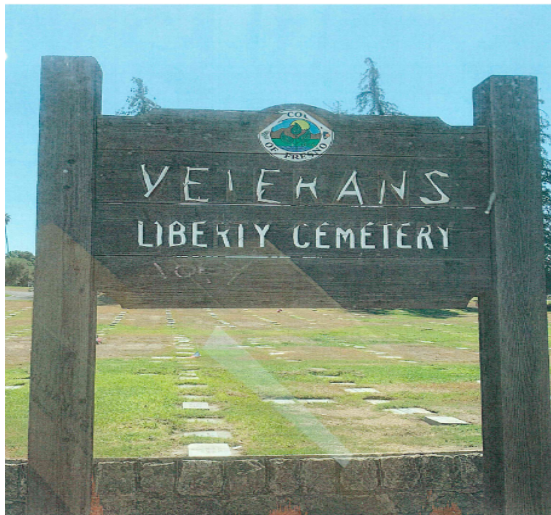
**PHOTO #1**

Veterans Liberty Cemetery Entry Marker



**PHOTO #2**

Veterans Liberty Cemetery Marker  
September 2022



February 2023





**PHOTO #3**

Veterans Liberty Cemetery Flag Display

September 2022



March 2023



**PHOTO #4 (Array)**

Veterans Liberty Cemetery: Grounds Upkeep

September 2022



**PHOTO #5**

Veterans Liberty Cemetery: Restroom

September 2022



February 2023



**PHOTO #6**

Veterans Liberty Cemetery: Cinder Block Wall

February 2023



September 2022



**PHOTO #7 (Array)**

Veterans Liberty Cemetery: Wreaths Across America, December 2022



**Photo #8 (Array)**  
**Calvary Cemetery, Fresno (Rock/Pebble Cemetery Surface)**

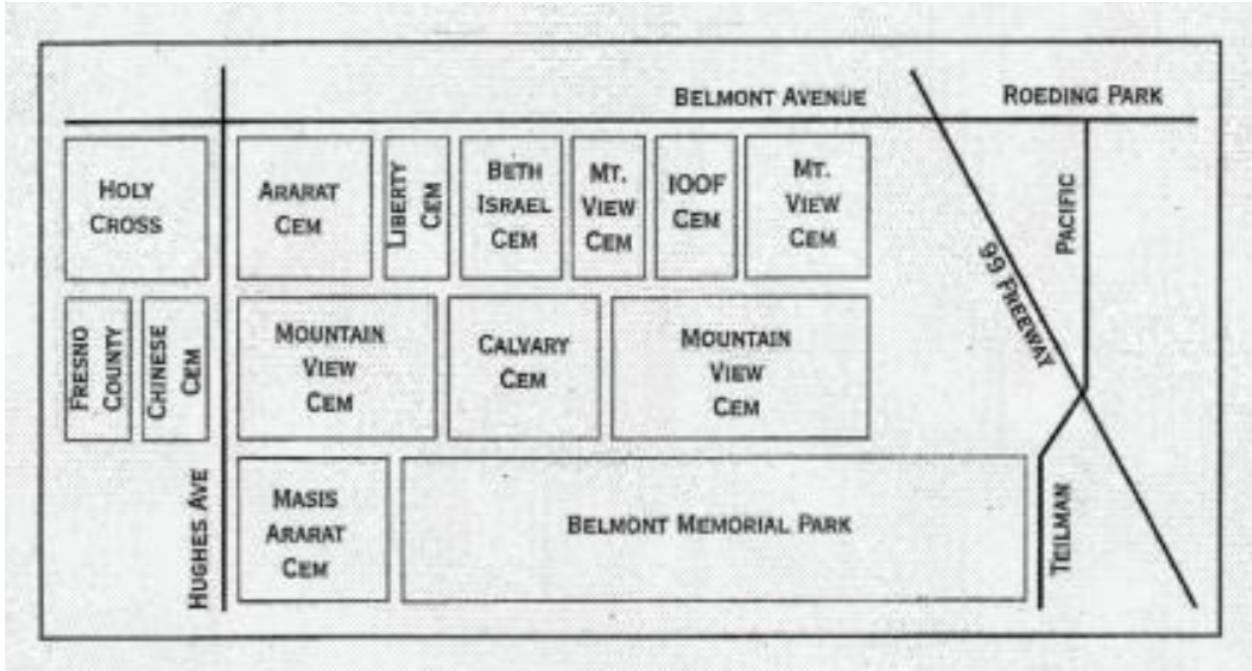


Photo #9 (Array)  
National Cemetery, Bakersfield, CA



**PHOTO #10**

Veterans Liberty Cemetery:  
Cemeteries Located Southeast  
of Belmont Avenue and Hughes Avenue, Fresno, CA



## **FINDINGS:**

- F1. There are insufficient tools, equipment and employees available to maintain the cemetery. This has caused the cemetery to become neglected, which is disrespectful to the veterans who are buried there.
- F2. The irrigation system is not adequate to provide consistent water to the entire cemetery. This should be resolved when the reclaimed water irrigation system is installed in 2023/2024.
- F3. There are no funds allocated specifically for VLC in the Fresno County budget.
- F4. The locked restrooms are repeatedly vandalized. The restrooms have been boarded up and there is no access available.
- F5. The cinder block wall surrounding the water tank is in disrepair. This is unsightly and hazardous.
- F6. The Fresno County Board of Supervisors recently approved the use of ARPA funds for reclaimed water for VLC. After the Grand Jury initiated this investigation, this funding was approved.
- F7. There appears to be no consistent coordination between Fresno County Parks Department and organizations who are interested in donating time and/or funds to VLC.
- F8. Several dead trees along the cemetery walkways were hazardous to people who visit the cemetery; this has been rectified by removal of the trees by the Fresno County tree crews.
- F9. There was a lack of adequate signage directing visitors to VLC. This has been corrected, the signs are now updated, and there are plans to provide more



directional signs from Hwy 99.

## **RECOMMENDATIONS**

- R1. The Fresno County Board of Supervisors should approve one-time funding for the improvements necessary at VLC by December 31, 2023. (F2)
- R2. The Director of Public Works and Planning should obtain bids for outsourcing the maintenance of VLC by December 31, 2023. The Grand Jury feels that outsourcing could be a cost saving measure. (F1)
- R3. The Director of Public Works and Planning should explore the option of replacing cemetery sod with low maintenance pebble/rock by September 30, 2023. The Grand Jury feels that this could be a cost saving measure because it would reduce the need for full time maintenance and reduce the use of water. (F1) (F2) (F3).
- R4. The Director of Public Works and Planning should assign sufficient staff to adequately maintain the cemetery on a consistent basis by December 31, 2023. (F1).
- R5. The Director of Public Works and Planning should have the outdoor restrooms removed due to ongoing vandalism by December 31, 2023. (F4)
- R6. The Fresno County Board of Supervisors should adopt a separate annual budget for the VLC by December 31, 2023. (F1)(F3)
- R7. The Director of Public Works and Planning should have staff purchase the necessary tools and equipment specific to the needs of VLC. These tools should be maintained in working order and stored at the cemetery by December 31, 2023. (F1)

- R8. The Director of Public Works and Planning or the Fresno County Board of Supervisors should have the cinder block wall repaired by July 31, 2023. (F5)
- R9. The Director of Public Works and Planning should appoint a current employee to be a liaison with volunteer groups who are interested in supporting VLC by July 31, 2023. (F7)

**Request for Responses:**

Pursuant to California Penal Code Section 933.05 the 2022-2023 Fresno County Civil Grand Jury requests responses to each of the specific findings and recommendations. Pursuant to California Penal Code Section 933(c), it is required that responses from elected County officers or agency heads are due within 60 days of receipt of this report and 90 days from the governing body of a public agency.

**Required Respondents:**

Fresno County Board of Supervisors (F2, F3, F5, F6) and (R1, R6, R8)

**Invited Respondents:**

Director of Fresno County Public Works and Planning (F1, F4, F5, F7, F8, F9) and (R2, R3, R4, R5, R7, R8, R9)

**Disclaimer**

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



---

## FRESNO COUNTY GRAND JURY

FINAL REPORTS AND RESPONSES

---

---

# RESPONSES TO REPORT #1 **VETERANS LIBERTY CEMETERY**

---

**County of Fresno**  
**Board of Supervisors**  
**RESPONSE TO THE**  
**2022-23**  
**FRESNO COUNTY GRAND JURY**  
**FINAL REPORT #1**



**Veterans Liberty Cemetery: We Don't Know Them All but We Owe Them All  
The Cemetery is not Being Adequately Maintained**

Please find below the Fresno County Board of Supervisors' response to the 2022-23 Grand Jury Final Report No. 1 findings and recommendations. The County thanks the Grand Jury for its investigation and recommendations related to Veterans Liberty Cemetery (VLC).

**FINDINGS**

- F2. The irrigation system is not adequate to provide consistent water to the entire cemetery. This should be resolved when the reclaimed water irrigation system is installed in 2023/2024.**

**Response:**

As stated above, consistent water to the entire cemetery should be achieved when the reclaimed water irrigation system is installed.

- F3. There are no funds allocated specifically for VLC in the Fresno County budget.**

**Response:**

The Department of Public Works and Planning is given a Net County Cost allocation specifically for the Parks Org 7910 every year. VLC is part of the County-maintained park inventory and is included in the maintenance rotation along with the rest of the County of Fresno maintained parks acreage.

- F5. The cinder block wall surrounding the water tank is in disrepair. This is unsightly and hazardous.**

**Response:**

The Department of Public Works and Planning will be asked to provide a proposal with cost estimate for this work.

- F6. The Fresno County Board of Supervisors recently approved the use of ARPA funds for reclaimed water for VLC. After the Grand Jury initiated this investigation, this funding was approved.**

**Response:**

As stated above, ARPA funding for reclaimed water for VLC has been approved.

## **RECOMMENDATIONS**

- R1. The Fresno County Board of Supervisors should approve one-time funding for the improvements necessary at VLC by December 31, 2023. (F2)**

**Response:**

The County of Fresno allocated one-time funding for VLC in FY 19/20 within Org 2540 and FY 20/21 within Org 8867 (Capital Projects – Parks). The Department of Public Works and Planning was charged with completing the VLC project identified in the one-time funding allocations. In addition, as stated above, the Board of Supervisors also approved ARPA money to be utilized for VLC in FY 22/23. The Department of Public Works and Planning is also responsible for completing the projects identified for the VLC ARPA allocation. The County Administrative Office is currently working with the Department of Public Works and Planning to identify one-time funding needs that will include projects/equipment that will benefit VLC.

- R6. The Fresno County Board of Supervisors should adopt a separate annual budget for the VLC by December 31, 2023. (F1)(F3)**

**Response:**

The County of Fresno allocates a Net County Cost allocation for all County-maintained park acreage including VLC. Doing so as a larger budget allocation cuts overhead and administrative costs. County of Fresno plans to continue these standard accounting practices and assist the Department of Public Works and Planning to identify priority areas, including VLC.

- R8. The Director of Public Works and Planning or the Fresno County Board of Supervisors should have the cinder block wall repaired by July 31, 2023. (F5)**

**Response:**

As mentioned above, the Department of Public Works and Planning will be asked to provide a proposal with cost estimate for this work.

This concludes the Board of Supervisors' comments on the Findings and Recommendations of the Fresno County Grand Jury Report No. 1.



# County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING  
STEVEN E. WHITE, DIRECTOR

May 31, 2023

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

Subject: Fresno County Grand Jury Report No. 1:  
Veterans Liberty Cemetery: We Don't Know Them All but We Owe Them All  
The Cemetery is not Being Adequately Maintained

Judge Kalemkarian:

Please find below the Fresno County Department of Public Works and Planning's response to the 2022-23 Grand Jury Final Report No. 1 findings and recommendations. The County thanks the Grand Jury for its investigation and recommendations related to Veterans Liberty Cemetery.

## FINDINGS

**F1. There are insufficient tools, equipment and employees available to maintain the cemetery. This has caused the cemetery to become neglected, which is disrespectful to the veterans who are buried there.**

**Response:**

**The Parks unit within the Public Works and Planning Department is funded by the County General Fund. In the 2023/24 County Budget, the Department has included the additional resources to increase maintenance frequency.**

**F4. The locked restrooms are repeatedly vandalized. The restrooms have been boarded up and there is no access available.**

**Response:**

**The existing restroom structure has become a draw for vandalism and the unhoused. The Department has included funding in the requested 2023/24 County recommended budget the complete removal of the restrooms.**

**F5. The cinder block wall surrounding the water tank is in disrepair. This is unsightly and hazardous.**

**Response:**

**The Department has submitted a funding request to the County Administrative Office for inclusion in the 2023/24 County Budget.**

## ADMINISTRATION

2220 Tulare Street, Sixth Floor / Fresno, California 93721 / Phone (559) 600-4078 / FAX (559) 600-4548  
The County of Fresno is an Equal Opportunity Employer



**F7. There appears to be no consistent coordination between Fresno County Parks Department and organizations who are interested in donating time and/or funds to VLC.**

**Response:**

The Department has added additional staff resources with active public outreach and coordination between parties interested in donating time to the cemetery.

**F8. Several dead trees along the cemetery walkways were hazardous to people who visit the cemetery; this has been rectified by removal of the trees by the Fresno County tree crews.**

**Response:**

Addressed; the trees were removed.

**F9. There was a lack of adequate signage directing visitors to VLC. This has been corrected, the signs are now updated, and there are plans to provide more directional signs from Hwy 99.**

**Response:**

Addressed; the signage has been updated.

### **RECOMMENDATIONS**

**R2. The Director of Public Works and Planning should obtain bids for outsourcing the maintenance of VLC by December 31, 2023. The Grand Jury feels that outsourcing could be a cost saving measure. (F1)**

**Response:**

The Department has solicited and received multiple bids from landscape contractors for maintenance work at the Cemetery. The Department is currently evaluating these bids.

**R3. The Director of Public Works and Planning should explore the option of replacing cemetery sod with low maintenance pebble/rock by September 30, 2023. The Grand Jury feels that this could be a cost saving measure because it would reduce the need for full time maintenance and reduce the use of water. (F1) (F2) (F3).**

**Response:**

The Department evaluated the use of hardscape and rock material at the Cemetery and has determined replacing the sod will negatively alter the character of the Cemetery.

**R4. The Director of Public Works and Planning should assign sufficient staff to adequately maintain the cemetery on a consistent basis by December 31, 2023. (F1).**

**Response:**

The Department has submitted a staffing request to the County Administrative Office for inclusion in the 2023/24 County Budget.

**R5. The Director of Public Works and Planning should have the outdoor restrooms removed due to ongoing vandalism by December 31, 2023. (F4)**

**Response:**

The Department has submitted a funding request to the County Administrative office for inclusion in the 2023/24 County Budget.

- R7. The Director of Public Works and Planning should have staff purchase the necessary tools and equipment specific to the needs of VLC. These tools should be maintained in working order and stored at the cemetery by December 31, 2023. (F1)

**Response:**

The Department has submitted a funding request to the County Administrative office for inclusion in the 2023/24 County Budget.

- R8. The Director of Public Works and Planning or the Fresno County Board of Supervisors should have the cinder block wall repaired by July 31, 2023. (F5)

**Response:**

The Department has submitted a funding request to the County Administrative Office for inclusion in the 2023/24 County Budget.

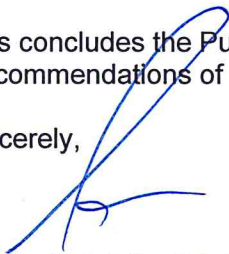
- R9. The Director of Public Works and Planning should appoint a current employee to be a liaison with volunteer groups who are interested in supporting VLC by July 31, 2023. (F7)

**Response:**

The Department has assigned its PIO and the Parks Manager to this task.

This concludes the Public Works and Planning Department comments on the Findings and Recommendations of the Fresno County Grand Jury Report No. 1.

Sincerely,



Steven E. White, PE, LS, Director  
Department of Public Works and Planning



FRESNO COUNTY GRAND JURY

FINAL REPORTS AND RESPONSES

REPORT #2

**HAS “MEASURE B” BENEFITED  
THE FRESNO COUNTY FREE LIBRARY?**

## **2022-2023 Fresno County Civil Grand Jury Report No. 2**

### **Has Measure B Benefitted the Fresno County Free Library? Measuring Performance**

#### **SUMMARY**

The Fresno County Board of Supervisors (BOS) and the citizens of Fresno County decided years ago that the County's public library system was an asset and an investment worth maintaining. Community advocates for the library agreed that supplementing the County's General Fund contribution to the library fund was paramount to protecting the library's 35 branch system from state budget cuts, preventing library closures or excessively reducing library service hours to the public. Strategic planning was set in motion for keeping qualified librarians, improving reading and literacy, providing job search programs utilizing computer technology, providing neighborhood school-library joint programs, and maintaining services for children, seniors, and the blind. A sales tax measure was drafted to augment library funding and act as a buffer against the cyclical ups and downs of the economy.

In 1998, 2006 and 2012 the Board of Supervisors proposed, and the citizens approved and passed the sales tax proposal known as Measure B to supplement funding for the two Fresno County Public Library entities: the Fresno County Free Library (FCFL) and the Coalinga-Huron Library District (CHLD). The 2022-23 Fresno County Civil Grand Jury focused only on the FCFL and did not investigate the CHLD. The Grand Jury, recognizing the long-standing support for Measure B, sought to determine how the stewardship provided by the FCFL for Measure B has been substantiated over the

duration of the funding.

The Grand Jury focused its investigative inquiry of the FCFL on the following topics of interest:

- Current Library Programs and Community Services
- Measure B Funding and Ordinance Compliance
- Citizens Review Panel (CRP) and Friends of the Library (FOL)
- Library Maintenance and Capital Projects.

The Grand Jury addressed questions and answers to issues such as: How much money has Measure B raised over the years? Who decides how the funds are spent? What has been the role of the Citizens Review Panel? How is Measure B's mandate to "supplement not supplant funding" from the County's General Fund contribution being managed? How does the Fresno County Free Library measure up to similar sized and similarly funded library entities throughout the state? Why has the construction of the new Clovis Library been delayed for so long? It was scheduled to be done by now.

## **BACKGROUND**

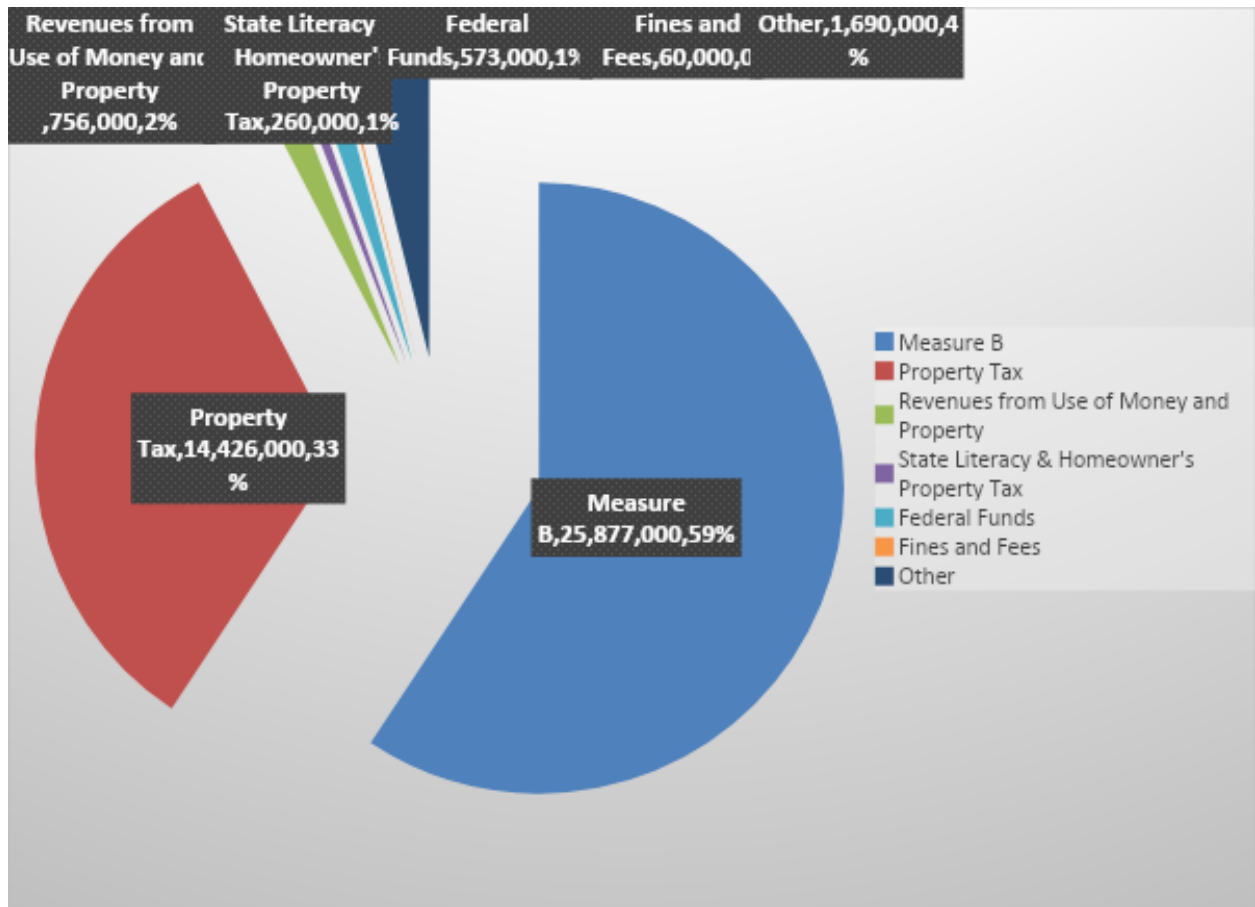
The Fresno County Public Library system is made up of two entities: the Fresno County Free Library and the Coalinga-Huron Library District. The FCFL is a dependent district organized under Education Code section 19100 et seq. and the CHLD is an independent special district organized under Education Code section 18300 et seq. This distinction is important because the Fresno County Free Library is subject to the authority of the

Board of Supervisors, while the Coalinga-Huron Library District is subject to the authority of the Board of Directors for the Coalinga-Huron Unified School District. The Measure B sales tax funding is shared between the two entities on an approximate 97% to 3% split, respectively, based on the current populations of each district at the time.

In 1998 the Fresno County Board of Supervisors proposed, and the voters approved a special library sales tax of 0.125 percent (1/8 of one percent) for 7 years. The measure was passed by 70.3% of the voters, well in excess of the two-thirds supermajority required. This tax became operative on April 1, 1999 and expired on March 31, 2006.

In 2004, the Fresno County Board of Supervisors proposed, and the voters approved a successor tax with the same terms as the existing ordinance, 0.125 percent for 7 years. This time the measure was passed by an even higher approval of over 71% of the voters. The renewal became operative on April 1, 2006 and expired on March 31, 2013.

In 2012 the Board of Supervisors proposed, and the voters approved a successor tax with the same terms as the existing ordinance, but this time it was approved for 16 years (Attachment 1). This measure was passed by an even higher rate of approval of over 73% of the vote. This renewal became operative on April 1, 2013 and is scheduled to expire on March 31, 2029. April 1, 2023 begins the 24<sup>th</sup> year of this special library sales tax commonly known as Measure B. The 2021-22 Measure B sales tax receipts for the FCFL of approximately \$26 million represented approximately 60% of the annual library budget. Since its inception, Measure B has provided an average 58.9% of the library's annual budget. Since 1998 the revenue for Measure B totals over \$353 million.



*2021-2022 Revenue Graphic provided by FCFL*

The initiation of Measure B funding as outlined in the ordinance is that the State Board of Equalization (SBOE) will collect sales tax revenue in the County to provide funding to the Fresno County Free Library and the Coalinga-Huron Library District. The sales tax funds are then sent to the County less any SBOE administrative costs. These Measure B funds are strictly mandated to supplement the existing library funding provided by the County General Fund and shall not be used to supplant such funding.

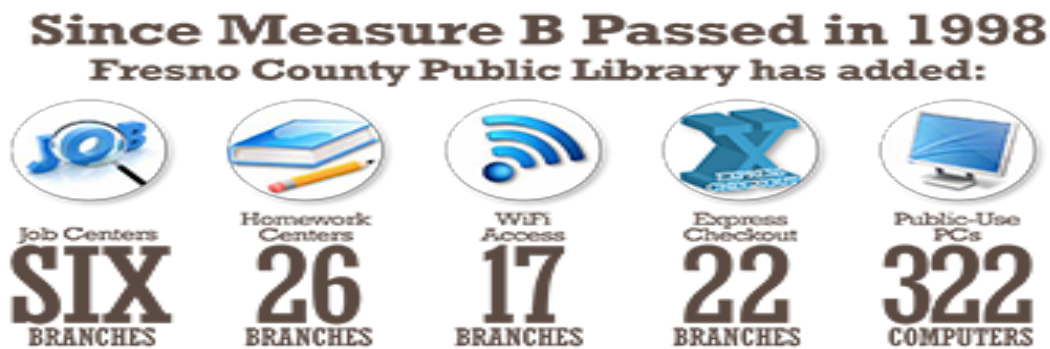
Section 4.20.010(E) of the 2012 Measure B Ordinance (MBO) defines the term “existing funding” as the “...contribution made from the County General Fund during the

1998-1999 fiscal year, adjusted annually based on the annual increase of the Consumer Price Index-Urban, beginning April 1 of 2013 and services provided to the Fresno County Free Library, at no cost, by other County departments as of April 1, 1999.”

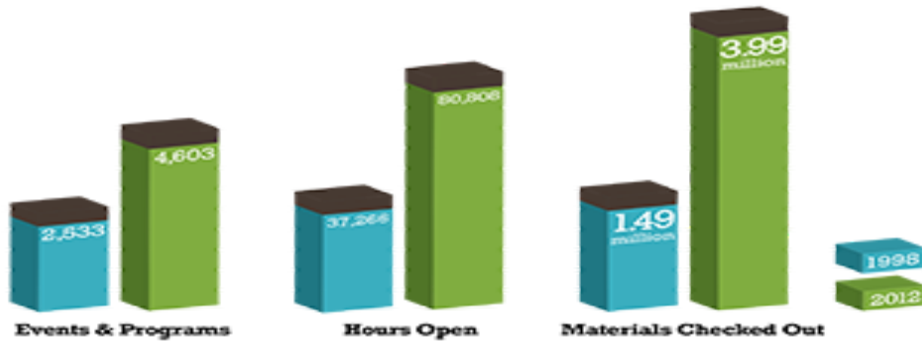
### **Current Library Programs and Community Services**

The Fresno County Free Library (FCFL) of today is unlike the library of the past. Measure B has enabled the evolution of the library from the traditional book lending depository to a state-of-the-art community services center. The FCFL provides books, e-books, music, movies, magazines, newspapers, reference assistance, and wireless Internet access as well as a variety of specialty services throughout the 35 branch locations.

As of June, 2020 the library collection included: 672,000 total printed materials, 261,000 children’s books, 57,000 young adult books, 60,000 e-books, 99,000 physical videos, 700 downloadable videos, 77,000 physical audio materials, and 25,000 downloadable audio materials.







(Information from FCFL material, but has not been updated since 2012)

The library offers a variety of Library Programs including opportunities for children, teens, adults, the disabled and the disadvantaged. Introduction and advanced adult literacy programs are available to all. Basic and advanced online tutorials for commonly used applications are available and the list of services to all members of our community is extensive.

### **Measure B Funding and Ordinance Compliance**

The Measure B Ordinance for each of the three tax measures for 1998, 2006, and 2012 are nearly identical in scope. The Voter Information Guide materials for 2012 including the Measure B Ordinance has been included herein as Attachment 1 for reference. Attachment 1 includes the ballot question, the Full Text of the Measure, the Operational Service Delivery Plan 2013-2029, the County Counsel's Impartial Analysis, the Auditor-Controller/Treasurer-Tax Collector's Fiscal Impact Statement, and the arguments for/against and in rebuttal. All of these materials appeared in the 2012 Voter Information Guide, which must be mailed to each voter in the County in advance of each election.

The 2012 Measure B ballot question assures the voter that the expenditures of Measure B funds will be audited. Although the Full Text of the 2012 Measure B Ordinance does not address how Measure B funds are to be audited, all County entities, including all County sales tax measures are audited by an outside agency on an annual basis prior to the County's Annual Comprehensive Financial Report (ACFR).

The 2012 Measure B Expenditure Plan, found in Section 4 of the Full Text of the Measure B Ordinance, identifies 10 areas for which Measure B funds must be used exclusively:

1. Preserving existing libraries
2. Keeping qualified librarians
3. Strengthening education at local schools
4. Replacing worn and out-of-date books and materials
5. Expanding programs for children, teens and adults
6. Continuing locally funded literacy services
7. Improving technologies
8. Maintaining local public libraries
9. Constructing new libraries or remodeling and expanding existing libraries
10. Paying for the State Board of Equalization (SBOE) expenses and the County's election expenses for future tax measures.

### **Citizens Review Panel and Friends of the Library**

Responsibility for managing, measuring, and reporting the success for each of the

above-listed expenditure items has been delegated to the FCFL Administrative Staff. Responsibility for oversight of the Measure B expenditures has been delegated to the Citizens Review Panel. The FCFL Administrative Staff reports to the Citizens Review Panel (CRP) quarterly. The CRP is made up of two representatives for each of the Board of Supervisors districts and one member-at-large for a total of 11 committee members. The report from the FCFL Administrative Staff generally includes current financials, which is primary to their oversight function.

The Friends of the Library (FOL) is made up of volunteers from each of the branch library locations. It is at its heart an advocacy group for public awareness and fundraising. There is an overall umbrella FOL Board of Directors made up of five officers and 14 directors with one paid executive assistant. Each of the FOL local volunteer groups takes an active role in book donations and book sales as well as organizing public events throughout the year.

### **Library Maintenance and Capital Projects**

Maintaining and modernizing existing library facilities and constructing new libraries is an authorized use of Measure B funds listed on the 2012 Measure B Expenditure Plan. The FCFL has hired a dedicated project manager to oversee Library Maintenance and Capital Projects. A needs assessment for each FCFL facility in the County was performed in July of 2019 by an independent consultant. The recommendations from this assessment have been included in the FCFL's current 10 year proposed budget and expenditure spreadsheet. This spreadsheet is a rough estimate of the anticipated

maintenance expenditures for 11 categories: roof, siding, fire alarm, camera, HVAC (Heating, Ventilation, and Air Conditioning), parking lot, safety, interior lighting, exterior lighting, doors and windows, and flooring. The spreadsheet includes line items for the new construction of the branch library capital improvement projects but does not include budgets or anticipated timelines for these expenditures. The FCFL currently has three new library buildings in the Design-Build process: Reedley, Clovis, and Highway City. The modernization of the Fig Garden Library has been completed and was officially reopened April 18, 2023. The Clovis Library project has been delayed for some time due to an ongoing soils contamination investigation on the adjacent Landmark Square projects. At this time the project appears to be starting up again. Please see also the Clovis Library Delay in the Discussion section of this report.

## **METHODOLOGY**

The 2022-2023 Fresno County Civil Grand Jury:

- Requested and received copies of the 1998 and 2012 sample ballot, which included the Measure B ballot question, and the official Measure B Voter Information Guide materials from the office of the Fresno County Clerk/Registrar of Voters.
- Reviewed meeting minutes and recordings of the Fresno County Board of Supervisors' Meetings regarding FCFL agenda items.
- Interviewed FCFL management staff, Board of Supervisors, Public Works

Department staff, County Auditor's staff, and City of Clovis officials.

- Interviewed volunteers from the Friends of the Library and County-appointed Citizens Review Panel members.
- Reviewed Data from the California Department of the State Library System.
- Reviewed information regarding the San Joaquin Valley Library System (SJVLS).

## **DISCUSSION**

### **Citizens Review Panel**

The County Board of Supervisors (BOS) established the Citizens Review Panel (CRP) by Resolution 98-438 adopted on July 28, 1998 and Resolution 99-061 adopted on February 2, 1999 to be the advisory body to the BOS. Each of the County's five members of the Board of Supervisors selects two representatives to serve on the CRP and one representative is selected at large for a total of 11 members. As of this writing there are currently four vacancies on the CRP. The members of the CRP appear to be actively engaged in their responsibilities on behalf of the Fresno County Board of Supervisors as a whole and are not acting as a special interest for a particular Supervisor or district.

The 2012 Measure B ballot question refers to the listed expenditures as being subject to citizens' oversight. The FCCGJ understands this to mean that a citizens' oversight panel should evaluate proposed expenditures by the library before they are executed; however, the CRP has historically reviewed such expenditures subsequent to the library's financial report. The Resolutions 98-438 and 99-061 do not give directions as to when expenditures are to be reviewed. There have been very few instances when the CRP has questioned expenditures after review. The CRP is responsible for submitting an annual report to the BOS.

### **Operational Service Delivery Plan**

The expectations for the additional supplemental funding are briefly outlined in the Operational Service Delivery Plan (OSDP) section of the 2012 Measure B Ordinance.

The OSDP outline includes the following eight topics:

1-Branch Hours of Service

2-Service to Children, Teens, and Seniors

3-Literacy Services

4-Library Book and Materials Collections

5-Library Facilities Maintenance and Operations

6-New and Remodeled Libraries

7- New and Replacement Equipment

8-Technology.

The Grand Jury recommends that the OSDP should be used as an outline for the development of a more comprehensive, detailed Master Plan Program to accurately measure ongoing goals, actions and outcomes. Each branch library entity should be included in the development of this Master Plan Program and be responsible for meeting and reporting such data to be reflected ultimately at the California State Library's Public Libraries Statistics database level. (Please see "State Statistics as a Benchmark Comparison" below).

### **Long Term Facilities Plan (LTFP)**

The 2012 Measure B Ordinance (MBO) specifically refers to a LTFP adopted by the Board of Supervisors in 2003. The LTFP (referred to in items 5 and 6, above, of the OSDP) is a subcomponent of the overall Operational Service Delivery Plan. The current 10 Year Maintenance Spreadsheet provided by the library is a roughly estimated Deferred Maintenance Plan. A professional "needs assessment" and plan was developed prior to 2019 but has not been updated. A detailed LTFP should be developed and maintained annually. A Long-Term Facilities Plan will include an updated "needs assessment" for each of the branches as well as a detailed cost budget analysis for new library facilities.

### **State Statistics as a Benchmark Comparison**

The Fresno County Civil Grand Jury has briefly reviewed the California Department of the State Library System Statistics database, which can be found at

[www.library.ca.gov/stats/](http://www.library.ca.gov/stats/). These annual spreadsheets include line-item data collection for each of the 185 library entities in California. The data is spread out over 135 columns of information. The Grand Jury produced a snapshot-look (Attachment 2) at the spreadsheet for fiscal year 2020-21 for the seven library entities that make up our San Joaquin Valley Library System and seven libraries of similar size and funding as the FCFL. The Data for each similar library entity was copied entirely from the State Library Statistics database, then included only selected columns of interest. The seven library entities reviewed were for: Contra Costa County, Orange County, Riverside County, the City of Sacramento, San Bernardino County, San Diego County and the City of San Jose. The average population served for these libraries is 1.1 million. The FCFL serves a population of 1,002,529 and has a “total operating income” of \$39 million. Contra Costa County Library serves a population of 1,043,724 with a “total operating income” of \$39 million. The main columns of interest for comparison are: Service Area Population, Registered Users, Number of Branches, Total Square Feet, Operating Income, Full Time Staff (Full Time Equivalent), Hours Open, Library Visits, Number of Programs, Program Attendance, and Website Visits. The Grand Jury found that the FCFL ranked significantly below similar library entities in the majority of these categories.

One explanation the Grand Jury considered is that the FCFL is not getting the word out to the public sufficiently to maximize the number of registered users. When FCFL is compared with the most similar library system, the Contra Costa County library, the column with the most glaring disparity was in registered users, thus supporting our recommendation (see Public Awareness, below) to solicit assistance from professional media services.



Some of the most important categories to the Grand Jury in the California Public Library's Statistics database spreadsheet are related to programs for children, young adults and seniors, and materials. These categories appear at the tail end of the 2020-21 spreadsheet and seem to be a struggle for most library systems to provide accurate statistical information for comparison. These categories need to be addressed in a detailed Operational Service Delivery Plan mentioned above. The FCFL should develop an ongoing metric for monitoring and enhancing the numbers for each deficient category and the Board of Supervisors should charge the Citizens Review Panel with monitoring and reporting the progress to the Board of Supervisors.

### **Public Awareness Planning**

One of the challenges for the FCFL is getting the word out to the public of all the wonderful services and programs that are available through the library. The California Public Libraries Statistics database spreadsheet for fiscal year 2020-21 indicates that the FCFL offers 880 programs to the public annually. The current methods of disseminating public information regarding FCFL services by flyers, library displays, social media posts, newspapers, radio and television public service announcements, and information booths at public events appears to be falling short of the statistical average for similar library entities (Attachment 2). Despite the use of very talented graphic artists and enthusiastic promotion within the FCFL Community Engagement Department, public awareness of the vast array of services provided by the FCFL is limited and generally the public is only aware of the library as a place to check out books and a resource for magazines and newsprint, and maybe a place to access a computer

for public use. The Grand Jury finds that some information and graphics about what Measure B has added to the FCFL has not been updated for several years. The FCFL should budget funds for and engage the services of professional public relations and media consultants.

### **To Supplement Not Supplant Funds: Maintenance of Effort (MOE)**

The 2012 Measure B Ordinance (MBO) expresses the importance of maintaining the other existing sources of funding besides the Measure B funding. The MBO makes specific reference that the Measure B funding is to supplement library funding and should not supplant existing funding. As mentioned earlier in this report the 2021-2022 sales tax contribution to the library funding represents about 60% of the overall budget for the FCFL. The next largest contribution is from property taxes which represents about 35% of the budget. Other sources making up about 6% of the balance remaining include:

- Maintenance of Effort (MOE) General Fund Match
- Historic Landmark Reimbursements
- San Joaquin Valley Library System (SJVLS) library cooperative reimbursements
- Friends of the Library specific donations for programs
- Grants and Other Miscellaneous funding.

The MBO states the existing funding from the County of Fresno shall be defined as the contributions made from the County General Fund during the 1998-1999 fiscal year,

adjusted annually based on the annual increase of the Consumer Price Index.

The Grand Jury sought to find reporting data substantiating the County General Fund required minimum contribution. The metric for managing this contribution was provided and defined as a "Maintenance of Effort" (MOE) calculation. The FCFL administration maintains a MOE worksheet updated annually beginning with the 1998-99 General Fund contribution given as \$101,560 and increased annually by the appropriate CPI index increase. The Grand Jury found the initial amount to be insufficient as a benchmark for the calculation and sought verification that sufficient funding was being committed by the County to meet the intent of the MBO to "supplement not supplant" existing funding sources. We were provided with a report by the Auditor-Controller/Tax Collector's Office that identifies the library portion of the property tax revenues with a secured "distribution factor" that has been calculated over the Measure B history to be more than the Measure B Ordinance mandated expectations. The Grand Jury finds that the intent to "supplement not supplant" the General Fund contribution has been met. The matched funding by the County, including the property tax funding, has exceeded the MBO "supplementing not supplanting" expectations each and every year since its 1998 inception.

### **New Clovis Library Delay**

The Clovis Branch of the Fresno County Free Library system is the most utilized library facility in Central California. The library outgrew its 8,600 square-footprint years ago. The City of Clovis, in 2015, purchased a 5.6-acre parcel near downtown Clovis for the designated purpose of relocating the library, building a new Senior Center and a new Transit Center. The project is known as Landmark Square.

The City of Clovis and the County of Fresno then began negotiations for swapping the current existing library property for the new proposed site at Landmark Square. The current library is just across the street from Clark Intermediate School on 5th Street and the new library parcel at Landmark Square is only about a quarter mile away as the crow flies on 3rd Street.

Fresno County's Design Development schedule, dated January 7, 2020, outlined a 23-month design and construction timeline estimated to be completed by June of 2022. The new library project came to a halt in March of 2021 due the discovery of substantial soil contamination on the parcel of the new proposed Senior Center building. The long awaited "no further action" report from the Department of Toxic Substance Control (DTSC) regarding the new library parcel was finally received some 22 months later on January 16, 2023, thus clearing the way to restart the Design Development and Construction process for the new Clovis library.

The Board of Supervisors (BOS), the City of Clovis, and the FCFL administration has remained steadfast to their commitment for the public safety assurances necessary to proceed. Several alternate sites were considered but the Landmark Square location will most certainly be the library site worth waiting for.

## **CONCLUSION**

The Fresno County Civil Grand Jury would like to acknowledge our appreciation for the efforts and candid responses we received from the various County, city, and department administrative personnel as well as all those various organizational volunteers. The FCFL is a well-staffed and dedicated organization. Our random, unannounced visits to

the many branches in the County demonstrated a high degree of professional pride. Each of the branches were exceptionally clean, well organized and welcoming to the public.

Our Findings and Recommendations primarily fall into five suggested areas:

- Citizens Review Panel oversight responsibilities to the Board of Supervisors
- Updating and expanding the Operational Service Delivery Plan
- Library Long Term Facilities Planning
- Community Engagement and Public Awareness campaign
- Measure B Funding Compliance.

Each of these suggested areas for consideration should be included in an all inclusive Master Plan Program similar to a public school district's facilities long term program. Such programs are often facilitated by professional Program Management firms experienced in bringing together all stakeholders responsible for maximizing their collective stewardship of public funds. The Grand Jury suggests that similar program services be considered.

## **FINDINGS**

**F1** The Board of Supervisors has not sufficiently outlined its expectations of the Citizens Review Panel by providing them with a detailed outline of their oversight responsibilities.

**F2** There are four vacancies on the CRP, which creates difficulty in achieving a quorum at the CRP meetings.

**F3** The Fresno County Free Library (FCFL) does not have a current, detailed Operational Service Delivery Plan (OSDP) document that expands the OSDP outlined in the 2012 Measure B Ordinance (MBO).

**F4** The FCFL does not have a current, detailed and prioritized Long Term Facilities Plan referenced in the 2012 Measure B Ordinance (MBO).

**F5** The FCFL number of registered users falls short of the average for comparably sized and budgeted library systems in the state as reported on the fiscal year 2020-2021 spreadsheet located on the State Library’s California Public Libraries Statistics database website.

**F6** The 2012 Measure B Ordinance funding mandate to “supplement and not supplant” the existing funds received from the County exceeds the mandated minimum of the 2012 MBO.

## **RECOMMENDATIONS**

**R1.** The Board of Supervisors should develop a list of expectations for the Citizens Review Panel of the metrics to be used in evaluating Measure B expenditures. Implementation by December 31, 2023. (F1)

**R2** The Board of Supervisors should select and maintain a full complement of representatives to the Citizens Review Panel for their districts to ensure proper oversight of Measure B utilization. Completed by September 30, 2023.(F2)

**R3** The FCFL Librarian in conjunction with associated stakeholders should schedule planning sessions and develop an Operational Service Delivery Plan implementing ongoing measurable metrics for each of the listed expenditures and OSDP items as outlined in the Measure B Ordinance. Commencing not later than December 31, 2023. (F3)

**R4** The FCFL Librarian should develop a current detailed and prioritized Long Term Facilities Plan. Commencing not later than December 31, 2023. (F4)

**R5** The FCFL Librarian should budget for an outside professional media/advertising consultant to aid in the development of a comprehensive advertising and awareness campaign to inform the citizens of Fresno County of the vast array of services available at the FCFL. Completion by September 30, 2023. (F5)

**R6** The FCFL Librarian should require that each library branch entity regularly submit accurate data to be submitted to the State Library's California Public Libraries Statistics database in order to develop an accurate measurable baseline against similarly sized and funded library systems. Implementation by December 31, 2023. (F5)

**R7** The Board of Supervisors and the FCFL Librarian should consider hiring a professional Program Management firm to assist in developing a comprehensive long term plan for maximizing the stewardship of public funds more in line with similar sized and similarly funded libraries. Implementation by December 31, 2023. (F1-F6)

## **REQUIRED RESPONSES:**

Fresno County Board of Supervisors (F1-F6; R1, R2, R7)

## **INVITED RESPONSES:**

Citizen Review Panel (F1-F2; R1-R2)

FCFL Librarian (F3-F6; R3-R7)

## **DISCLAIMER**

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

## **APPENDIX**

**Attachment 1            2012 Consolidated Presidential General Election sample ballot and 2012 Measure B Ordinance Voter Information Guide materials**

**Attachment 2            State Library's California Public Libraries Statistic Database "Snapshot" Spreadsheet for Similar Libraries in Fiscal Year 2020-2021**



Attachment 1 2012 Consolidated Presidential General Election sample ballot and 2012 Measure B Ordinance Voter Information Guide materials

OFFICIAL BALLOT CONSOLIDATED PRESIDENTIAL GENERAL ELECTION NOVEMBER 6, 2012, FRESNO COUNTY		
<b>INSTRUCTIONS TO VOTERS:</b> 1. To vote you must completely darken the oval <input type="radio"/> next to your choice. 2. If you make a mistake or prefer a Spanish ballot, contact the Elections Office at (559) 600-8683 or ask the precinct officer at your polling location.		
VOTE LIKE THIS: <input type="radio"/> VOTE BOTH SIDES		
<b>Party-Nominated Offices</b> The party label accompanying the name of a candidate for party-nominated office on the general election ballot means that the candidate is the official nominee of the party shown.	<b>MEMBER OF THE STATE ASSEMBLY</b> 23rd ASSEMBLY DISTRICT Vote for One  <input type="radio"/> <b>BOB WHALEN</b> <i>Prosecutor/Councilmember</i> Party Preference: REP  <input type="radio"/> <b>JIM PATTERSON</b> <i>Businessman/Broadcast Executive</i> Party Preference: REP	<b>31. STATE BUDGET, STATE AND LOCAL GOVERNMENT, INITIATIVE CONSTITUTIONAL AMENDMENT AND STATUTE.</b> Establishes two-year state budget. Sets rules for offsetting new expenditures, and Governor budget cuts in fiscal emergencies. Local governments can alter application of laws governing state-funded programs. Fiscal Impact: Decreased state sales tax revenues of \$200 million annually, with corresponding increases of funding to local governments. Other, potentially more significant changes in state and local budgets, depending on future decisions by public officials.  <input type="radio"/> YES <input type="radio"/> NO
<b>FEDERAL</b> <b>PRESIDENT AND VICE PRESIDENT</b> Vote for One Party	<b>NONPARTISAN</b> <b>SCHOOL</b> STATE CENTER COMMUNITY COLLEGE DISTRICT GOVERNING BOARD MEMBER TRUSTEE AREA NO. 2 Vote for One  <input type="radio"/> <b>PAULINA MIRANDA</b> <i>Businesswoman</i> <input type="radio"/> <b>PHIL MAHER</b> <i>Retired Appraiser/Notary</i> <input type="radio"/> <b>BRIAN MURIELLO</b> <i>Case Manager</i> <input type="radio"/> <b>ERIC PAYNE</b> <i>Educator/Nonprofit Administrator</i> <input type="radio"/> Write-In	<b>32. POLITICAL CONTRIBUTIONS BY PAYROLL DEDUCTION, CONTRIBUTIONS TO CANDIDATES, INITIATIVE STATUTE.</b> Prohibits unions from using payroll-deducted funds for political purposes. Applies same use prohibition to payroll deductions, if any, by corporations or government contractors. Prohibits union and corporate contributions to candidates and their committees. Prohibits government contractor contributions to elected officers or their committees. Fiscal Impact: Increased costs to state and local government, potentially exceeding \$1 million annually, to implement and enforce the measure's requirements.  <input type="radio"/> YES <input type="radio"/> NO
LIB <input type="radio"/> <b>GARY JOHNSON</b> (President) JAMES P. GRAY (Vice President)  PP <input type="radio"/> <b>ROSEANNE BARR</b> (President) CINDY SHEEHAN (Vice President)  DEM <input type="radio"/> <b>BARACK OBAMA</b> (President) JOSEPH BIDEN (Vice President)  GRN <input type="radio"/> <b>JILL STEIN</b> (President) CHERI HONKALA (Vice President)  AI <input type="radio"/> <b>THOMAS HOEFLING</b> (President) ROBERT ORNELAS (Vice President)  REP <input type="radio"/> <b>MITT ROMNEY</b> (President) PAUL RYAN (Vice President)  <input type="radio"/> Write-In	<b>DISTRICT</b> FRESNO IRRIGATION DISTRICT MEMBER, BOARD OF DIRECTORS DIVISION NO. 5 Vote for One  <input type="radio"/> <b>MIKE KILJIAN</b> <i>Business Owner</i> <input type="radio"/> <b>JERALD REBENSORF</b> <i>Appointed Incumbent</i> <input type="radio"/> <b>GREGORY H. BEBERIAN</b> <i>Organic Farmer/Businessman</i> <input type="radio"/> Write-In	<b>33. AUTO INSURANCE COMPANIES, PRICES BASED ON DRIVER'S HISTORY OF INSURANCE COVERAGE, INITIATIVE STATUTE.</b> Changes current law to allow insurance companies to set prices based on whether the driver previously carried auto insurance with any insurance company. Allows proportional discount for drivers with some prior coverage. Allows increased cost for drivers without history of continuous coverage. Fiscal Impact: Probably no significant fiscal effect on state insurance premium tax revenues.  <input type="radio"/> YES <input type="radio"/> NO
<b>Voter-Nominated and Nonpartisan Offices</b> All voters, regardless of the party preference they disclosed upon registration, or refusal to disclose a party preference, may vote for any candidate for a voter-nominated or nonpartisan office. The party preference, if any, designated by a candidate for a voter-nominated office is selected by the candidate and is shown for the information of the voters only. It does not imply that the candidate is nominated or endorsed by the party or that the party approves of the candidate. The party preference, if any, of a candidate for a nonpartisan office does not appear on the ballot.	<b>MEASURES SUBMITTED TO THE VOTERS</b> <b>STATE</b> <b>30. TEMPORARY TAXES TO FUND EDUCATION, GUARANTEED LOCAL PUBLIC SAFETY FUNDING, INITIATIVE CONSTITUTIONAL AMENDMENT.</b> Increases taxes on earnings over \$250,000 for seven years and sales taxes by 1/4 cent for four years, to fund schools. Guarantees public safety realignment funding. Fiscal Impact: Increased state tax revenues through 2018-19, averaging about \$6 billion annually over the next few years. Revenues available for funding state budget in 2012-13, planned spending reductions, primarily to education programs, would not occur.  <input type="radio"/> YES <input type="radio"/> NO	<b>34. DEATH PENALTY, INITIATIVE STATUTE.</b> Repeals death penalty and replaces it with life imprisonment without possibility of parole. Applies retroactively to existing death sentences. Directs \$100 million to law enforcement agencies for investigations of homicide and rape cases. Fiscal Impact: Ongoing state and county criminal justice savings of about \$130 million annually within a few years, which could vary by tens of millions of dollars. One-time state costs of \$100 million for local law enforcement grants.  <input type="radio"/> YES <input type="radio"/> NO
<b>FEDERAL</b> <b>UNITED STATES SENATOR</b> Vote for One  <input type="radio"/> <b>DIANNE FEINSTEIN</b> Party Preference: DEM <i>United States Senator</i> <input type="radio"/> <b>ELIZABETH EMKEN</b> Party Preference: REP <i>Businesswoman/Nonprofit Executive</i>	<input type="radio"/> YES <input type="radio"/> NO	<input type="radio"/> YES <input type="radio"/> NO
<b>UNITED STATES REPRESENTATIVE</b> 16th CONGRESSIONAL DISTRICT Vote for One  <input type="radio"/> <b>JIM COSTA</b> Party Preference: DEM <i>Farmer/Representative</i> <input type="radio"/> <b>BRIAN DANIEL WHELAN</b> Party Preference: REP <i>Businessman/Agricultural Attorney</i>	<input type="radio"/> YES <input type="radio"/> NO	<input type="radio"/> YES <input type="radio"/> NO
<b>VOTE BOTH SIDES</b>		

FRONT Card 28 Rpt/Pet 750-10 "090750A" English

FR 138-004

<p><b>35. HUMAN TRAFFICKING. PENALTIES. INITIATIVE STATUTE.</b> Increases prison sentences and fines for human trafficking convictions. Requires convicted human traffickers to register as sex offenders. Requires registered sex offenders to disclose internet activities and identities. Fiscal Impact: Costs of a few million dollars annually to state and local governments for addressing human trafficking offenses. Potential increased annual fine revenue of a similar amount, dedicated primarily for human trafficking victims.</p> <p><input type="radio"/> YES      <input type="radio"/> NO</p>	<p><b>40. REDISTRICTING. STATE SENATE DISTRICTS. REFERENDUM.</b> A "Yes" vote approves, and a "No" vote rejects, new State Senate districts drawn by the Citizens Redistricting Commission. If rejected, districts will be adjusted by officials supervised by the California Supreme Court. Fiscal Impact: Approving the referendum would have no fiscal impact on the state and local governments. Rejecting the referendum would result in a one-time cost of about \$1 million to the state and counties.</p> <p><input type="radio"/> YES      <input type="radio"/> NO</p>
<p><b>36. THREE STRIKES LAW. REPEAT FELONY OFFENDERS. PENALTIES. INITIATIVE STATUTE.</b> Revises law to impose life sentence only when new felony conviction is serious or violent. May authorize re-sentencing if third strike conviction was not serious or violent. Fiscal Impact: Ongoing state correctional savings of around \$70 million annually, with even greater savings (up to \$90 million) over the next couple of decades. These savings could vary significantly depending on future state actions.</p> <p><input type="radio"/> YES      <input type="radio"/> NO</p>	<p><b>B. FRESNO COUNTY LIBRARY TAX MEASURE B</b>  Fresno County Libraries Protection Measure: To protect libraries from state budget cuts by preventing library closures and reduced library hours; keeping qualified librarians; improving reading/literacy, job search programs/computer technology; providing neighborhood school-library joint programs, and maintaining services for children, seniors and the blind, shall Fresno County voters continue the voter-approved 1/8-cent sales tax for neighborhood libraries for sixteen years, with audits, citizens' oversight, all funds staying in Fresno County and no tax rate increase?</p> <p><input type="radio"/> YES      <input type="radio"/> NO</p>
<p><b>37. GENETICALLY ENGINEERED FOODS. LABELING. INITIATIVE STATUTE.</b> Requires labeling of food sold to consumers made from plants or animals with genetic material changed in specified ways. Prohibits marketing such food, or other processed food, as "natural." Provides exemptions. Fiscal Impact: Increased annual state costs from a few hundred thousand dollars to over \$1 million to regulate the labeling of genetically engineered foods. Additional, but likely not significant, governmental costs to address violations under the measure.</p> <p><input type="radio"/> YES      <input type="radio"/> NO</p>	<p><b>O. FRESNO COUNTY MEASURE O</b> Shall Fresno County Charter, Section 13, be amended to allow the County to employ independent contractors for services performed by County employees by majority vote of the Board of Supervisors and to read: SECTION 13: Notwithstanding Section 44 of this Charter or other provisions of law, the County may employ independent contractors to perform any County service, including service then being performed by County employees, with three affirmative votes of the Board of Supervisors?</p> <p><input type="radio"/> YES      <input type="radio"/> NO</p>
<p><b>38. TAX TO FUND EDUCATION AND EARLY CHILDHOOD PROGRAMS. INITIATIVE STATUTE.</b> Increases taxes on earnings using sliding scale, for twelve years. Revenues go to K-12 schools and early childhood programs, and for four years to repaying state debt. Fiscal Impact: Increased state tax revenues for 12 years-roughly \$10 billion annually in initial years, tending to grow over time. Funds used for schools, child care, and preschool, as well as providing savings on state debt payments.</p> <p><input type="radio"/> YES      <input type="radio"/> NO</p>	
<p><b>39. TAX TREATMENT FOR MULTISTATE BUSINESSES. CLEAN ENERGY AND ENERGY EFFICIENCY FUNDING. INITIATIVE STATUTE.</b> Requires multistate businesses to pay income taxes based on percentage of their sales in California. Dedicates revenues for five years to clean/efficient energy projects. Fiscal Impact: Increased state revenues of \$1 billion annually, with half of the revenues over the next five years spent on energy efficiency projects. Of the remaining revenues, a significant portion likely would be spent on schools.</p> <p><input type="radio"/> YES      <input type="radio"/> NO</p>	

**VOTE BOTH SIDES**

BACK Card 28 RptPct 750-10 "000750A" English

**COUNTY OF FRESNO  
FRESNO COUNTY LIBRARIES PROTECTION MEASURE  
MEASURE B**

**Fresno County Libraries Protection Measure B:** To protect libraries from state budget cuts by preventing library closures and reduced library hours; keeping qualified librarians; improving reading/literacy, job search programs/computer technology; providing neighborhood school-library joint programs, and maintaining services for children, seniors and the blind, shall Fresno County voters continue the voter-approved 1/8-cent sales tax for neighborhood libraries for sixteen years, with audits, citizens' oversight, all funds staying in Fresno County and no tax rate increase?"

**YES OR NO**

**FULL TEXT OF MEASURE**

**Section 1. Title and Summary**

This Ordinance shall be known as the "Fresno County Public Library Transactions and Use Tax Ordinance." If approved by the voters, this Ordinance will impose a successor transactions and use tax, which will be the same as the current tax (which expires Mar. 31, 2013), to be applicable in the incorporated and unincorporated territory of the County, the proceeds of which are to be used exclusively for public library operations, programs, acquisitions and library construction within the County. Such revenues shall be used only to supplement existing funding for public libraries and shall not be used to supplant existing funding for the support of public libraries.

**Section 2. Submission to the Voters; Voter Approval; Operative Date.**

This Ordinance is an ordinance calling for or otherwise relating to an election, and shall therefore take effect immediately upon adoption by this Board. The provisions of this Ordinance are to be submitted to the voters of the County for approval in order that the successor transactions and use tax can become operative, as provided by Revenue and Taxation Code section 7286.59. The tax submitted to the voters by this Ordinance will therefore take effect only if at least two-thirds of the electors voting on the measure at the November 6, 2012 election vote in favor of the measure. If approved by the voters, the provisions of this Ordinance authorizing the levy of the one-eighth of one percent (0.125%) transactions and use tax will become operative on the later of April 1, 2013 or the first day of the first calendar quarter following the execution of the State Board of Equalization contract in accordance with Section 5 of this Ordinance.

**Section 3. Provisions of Fresno County Ordinance Code Regarding Public Library Transactions and Use Tax.**

Effective on the date the successor tax becomes operative under Section 2 of this Ordinance, Sections 4.20.010 and 4.20.110 of Chapter 4.20 of Title 4 of the Fresno County Ordinance Code are amended to read as follows:

**Section 4.20.010. Purpose.**

This chapter is adopted to achieve the following, among other, purposes and directs that its provisions are interpreted to accomplish those purposes:

A. To impose a one-eighth of 1 percent (0.125%) retail transactions and use tax according to the provisions of Part 1.6 (commencing with section 7251) of Division 2 of the Revenue and Taxation Code, as specifically authorized by section 7286.59 of Chapter 2.98 of Part 1.7 of Division 2 of the Revenue and Taxation Code;

EA 138-014

PR-9050-1

B. To adopt a retail transactions and use tax ordinance which incorporates provisions identical to those of the Sales and Use Tax Law of the State of California insofar as those provisions are consistent with the requirements and limitations contained in Part 1.6 of Division 2 of the Revenue and Taxation Code;

C. To adopt a retail transactions and use tax ordinance which imposes a tax and provides a measure for it that the State Board of Equalization can administer and collect in a manner that adapts itself as fully as practicable to, and requires the least possible deviation from, the existing statutory and administrative procedures followed by the State Board of Equalization in administering and collecting the California Sales and Use Taxes;

D. To adopt a retail transactions and use tax ordinance which can be administered in a manner which, to the greatest degree possible, will be consistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, will reduce the cost of collecting the transactions and use taxes and simultaneously will reduce the burden of record keeping upon persons subject to taxation under the provisions of this chapter.

E. To adopt a retail transactions and use tax ordinance that provides funding for public library operations, programs, acquisitions and library construction within the County of Fresno. Such revenues shall be used only to supplement existing expenditures for public libraries and shall not be used to supplant existing funding for the support of public libraries. For the purposes of this chapter, "existing funding" from the County of Fresno for the support of the Fresno County Free Library shall be defined as the contribution made from the County General Fund during the 1998-1999 fiscal year, adjusted annually based on the annual increase of the Consumer Price Index - Urban, beginning April 1 of 2013 and services provided to the Fresno County Free Library, at no cost, by other County departments as of April 1, 1999.

**Section 4.20.110. Use of the Taxes.**

A. The proceeds of any and all transactions and use taxes collected under this chapter shall be used exclusively for public library operations, programs, construction, and acquisition, within the County of Fresno. Such revenues shall be used only to supplement existing expenditures for public libraries and shall not be used to supplant existing funding for the support of public libraries.

B. There are two public library entities within this County: the Fresno County Free Library, a dependent special district of the County, organized pursuant to Education Code section 19100 et seq., and the Coalinga-Huron Library District, an independent special district, organized pursuant to Education Code section 18300 et seq. (hereinafter collectively "the Libraries"). The Libraries shall share the total transactions and use tax revenues collected Countywide. Their respective shares shall be determined by their proportions of the total population of the County, as certified on or before June 1, 2012, June 1, 2016, June 1, 2020, and June 1, 2024 by the State Librarian, pursuant to Education Code section 18021.

C. The proportions as of the June 1, 2012 certification shall be used from the operative date of the ordinance codified in this chapter through June 30, 2016. The proportions as of the June 1, 2016 certification shall be used from July 1, 2016 through June 30, 2020. The proportions as of the June 1, 2020 certification shall be used from July 1, 2020 through June 30, 2024. The proportions as of the June 1, 2024 certification shall be used through the end of the tax.

If Education Code section 18021 is repealed or amended so as to delete the State Librarian's responsibility to certify population, the Libraries shall agree on an alternate source for the 2016, 2020 and 2024 determinations of their respective shares of Countywide population.

D. If Education Code section 18021 is repealed or amended so as to delete the State Librarian's responsibility to certify population, the Libraries shall agree on an alternate source for the 2016, 2020 and 2024 determinations of their respective shares of County-wide population.

**Section 4. Expenditure Plan.**

After the reimbursement of the County for the cost of the election pursuant to Section 6 of this Ordinance and for any fee charged by the State Board of Equalization for preparing to administer the tax pursuant to Section 5 of this Ordinance, the specific projects for which the revenues from the transactions and use tax will be expended as follows:

1. Preserving existing libraries, and continuing the current open hours, and increasing open hours further where possible at branches operated by the Fresno County Free Library and the Coalinga-Huron Library District;
2. Keeping qualified librarians; maintaining services for children, seniors and the blind; continuing reading clubs for children and teens to encourage reading and improve literacy programs;
3. Strengthening education at our local schools and offering young people after-school and weekend programs, providing them with a safe alternative to joining gangs;
4. Continuing to replace worn and out-of-date books and materials, and continuing to add new books and other materials as needed by the Fresno County Free Library and the Coalinga-Huron Library District to serve their residents;
5. Continuing the current programs and services, and expanding programs and services further, for children, teens and adults at the Fresno County Free Library and the Coalinga-Huron Library District;
6. Continuing the locally funded literacy services at the Fresno County Free Library;
7. Continuing to implement or improve technologies to deliver efficient programs and services that are of benefit to the residents of the County;
8. Maintaining local public libraries throughout the County;
9. Constructing new libraries or remodeling and expanding existing libraries throughout the County;
10. Paying ongoing administrative expenses of the State Board of Equalization and the County's election expenses for another successor tax, if one is placed on the ballot.

**Section 5. Contract with State.**

Before April 1, 2013, the County will contract with the State Board of Equalization to perform all functions incident to the administration and operation of this transactions and use tax Ordinance; provided, that if the County has not contracted with the State Board of Equalization before April 1, 2013, it will nevertheless reach such an agreement, with the operative date of the contract being the first day of the first calendar quarter following the execution of the contract. The Libraries will reimburse the County from the revenues of the tax for any separate fee charged by the State Board of Equalization for preparing to administer the tax, according to their initial proportions of total Countywide population as set forth in Section 3 above.

The County Librarian is hereby authorized and directed, without further action by the Board of Supervisors, to execute any and all contracts and other documents which may be required by the State Board of Equalization in regard to the administration of the tax by the State Board of Equalization, which authority and direction shall continue as long as the State Board of Equalization has any duties in regard to the tax.

ED 192 NR

PR-9050-2

**Section 6. Election Costs.**

Payment for the costs of the election shall be the responsibility of the County. If the election is successful, the Libraries will reimburse the County for these costs from the revenues of the tax, according to their initial proportions of total Countywide population as set forth in Section 3 above.

**Section 7. Implementing Policies and Regulations.**

Upon approval of this Ordinance by two-thirds of the voters voting on the measure, the Libraries may adopt policies and regulations and take such other action consistent with this Ordinance as may be necessary for the implementation of the one-eighth of one percent (0.125%) transactions and use tax authorized by this Ordinance.

**Section 8. Termination Date.**

This Ordinance will terminate on the later of March 31, 2029, or 16 years after the first day of the first calendar quarter following the execution of the State Board of Equalization contract in accordance with Section 5 of this Ordinance.

**Section 9. Severability.**

If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the Ordinance and the application of such provision to other persons or circumstances shall not be affected.

**Operational Service Delivery Plan  
2013-2029**

**1. Branch Hours of Service.**

Continue to more than double the hours of service from 1996-97, offering over 70,000 hours per year. The hours at each location would continue, as in the past, to be based on population, use, and number of community-based activities. At this level of access, library service would continue to accommodate multiple types of programs for children; convenient open hours of access for all customers; literacy activities; programs for teens, adults, and seniors; bookmobile hours to visit senior centers in the county; and activities in support of independent learning particularly in support of job training. Computers with high-speed access to the Internet, the Library's catalog and research tools, plus desktop productivity software will be available in all locations.

At each location the specific hours open each day would be determined in consultation with community library staff and schedules will be flexible to meet community needs as they change

**2. Service to Children, Teens and Seniors.**

Specific services in this area will continue to include in-library story hours for preschoolers and toddlers; school age programs; visits to classrooms, particularly annual visits to kindergarten classes; group visits from schools; coordination with teachers at all locations; Family Place sites; coordination of technology to improve service to children and teens; bookmobile service to senior centers; homework help; in-library reading activities for teens and teen outreach activities promoting reading to community centers; and enhanced library material collections for children, teens and seniors.

**3. Literacy Services.**

Literacy services in Fresno County will continue with local funding from this tax measure. Until fiscal year 2010-11, Library-based literacy services in Fresno County were partially funded under the California Library Literacy Services program. Through the literacy programs, such as English-as-a-Second-Language (ESL),

adult literacy, and family literacy, the Library will continue to add more books to collections, recruit and train volunteer tutors, provide one-to-one tutoring for adults in reading, writing, spelling and basic math, and help parents with low levels of literacy to nurture a love of reading and learning in their children.

#### **4. Library Book and Materials Collections.**

The service plan will acquire books and other materials at a level eight times that of 1996-97 local funding. These new books and materials will replace current items that are old, worn or out-of-date. Sufficient quantities of materials will be added to keep pace with the growing population and to particularly focus on children, teens and seniors in our service area. The Library will continue to offer innovative programs and services that capitalize on the latest trends and technologies in libraries including bestseller collections, e-books, online downloadables, music, movies, etc. Materials will support self-directed learning, provide curriculum support that aligns with local public schools thereby helping to strengthen education, and will reflect the popular interests of the Fresno County communities.

#### **5. Library Facilities Maintenance and Operations.**

To operate and maintain the current 34 library buildings and two bookmobiles at the doubled hours of operation, appropriations for services, the increase in supplies and maintenance staff will continue. The Library owns 22 buildings; while critical deferred maintenance issues were addressed in the first years of Measure B, other projects loom including regular re-carpeting and painting and ADA accommodations and earthquake safety modifications. For the leased facilities (12), rental rates have generally been so low that owners cannot make needed improvements and still receive a positive return.

#### **6. New and Remodeled Libraries.**

Over the last several years the Library has become the defacto community center in many areas in Fresno County. It is considered a safe place for children and families and is seen as providing an alternative to joining gangs for our young people. Remodeling and new facility projects will be conducted with the goal of achieving a welcoming atmosphere for all ages, with comfortable seating, infrastructure for current and emerging technologies, meeting rooms and quiet rooms, areas specifically designed for teens and children, and programming spaces. Staff workspaces will be designed to maximize efficiencies.

Sales tax funding will help to begin meeting the needs identified in the Long Term Facilities Plan adopted by your Board in February 2003. Matching local funds will ensure that sufficient funds are available for a maximum number of projects and to capture any state or federal funding which may become available.

#### **7. New and Replacement Equipment.**

New and replacement equipment will be purchased to house, preserve and secure collections. Special emphasis will be placed on equipment which improves the productivity of staff.

#### **8. Technology.**

Access to technology continues to be an important issue for the customers of Fresno County. Funding will allow staff to research and learn new technologies and translate that knowledge into staff efficiencies and improved or new services and programs for the public, including group and one-on-one workshops, online tutorials and high-speed access to the Internet.

The Library will continue to invest in workforce and computer literacy initiatives that utilize technology so county residents are competitive in the job market, can engage and interact through social media, and can seek current information on any topic of interest or need.

#### **IMPARTIAL ANALYSIS BY COUNTY COUNSEL**

State law authorizes a county board of supervisors to propose a special countywide sales tax ("transactions and use tax") for public library construction, acquisition, programs and operations within the county. The tax proposal may be at the rate of either 0.125 or 0.25 percent for up to 16 years. The board of supervisors may propose a tax in any succeeding period, at either rate, for up to 16 years.

In 1998, the Fresno County Board of Supervisors proposed, and the voters approved, a special library sales tax at the rate of 0.125 percent for 7 years. The tax became operative April 1, 1999 and was to expire March 31, 2006.

In 2004, the Fresno County Board of Supervisors proposed, and the voters approved, a successor special library sales tax at the rate of 0.125 percent for 7 years. This tax became operative April 1, 2006 and will expire on March 31, 2013.

The Fresno County Board of Supervisors recently adopted Ordinance No. 12-011, which would impose a successor tax on the same terms as the existing ordinance, 0.125 percent for 16 years, if two-thirds of the voters voting on the measure approve. With voter approval, the successor tax would become operative April 1, 2013 and expire March 31, 2029. Because the tax would succeed an expiring tax at the same rate, the sales tax rate in Fresno County would not change if the voters approved this tax.

The tax revenues would be shared by the two public library entities in Fresno County according to their proportions of County population. About 97 percent would go to the Fresno County Free Library, and about 3 percent to the Coalinga-Huron Library District. The ordinance provides that adjustments for any change in population proportions would occur periodically, in 2016, 2020, and 2024.

The proceeds from this tax could only be used for public library purposes, and could only be used to supplement, not supplant, existing funding or services for the support of public libraries. The specific expenditure plan in the ordinance calls for the following activities:

1. Continuing current open hours; increasing open hours where possible.
2. Continuing current programs and services and expanding them; maintaining services for children, seniors and the blind, reading clubs and after-school and weekend programs for children and teens; continuing literacy services at the County library;
3. Continuing replacing worn or out-of-date books and materials, adding new books, materials; implementing or improving technologies for delivering efficient programs and services;
4. Maintaining, remodeling and expanding existing libraries; constructing new libraries.



The tax revenues would reimburse the County's election costs and pay fees charged by the state to administer the tax.

The Board of Supervisors and the governing board of the Coalinga-Huron Library District would be responsible for specific expenditures of their respective shares of the tax revenues, under general laws governing each entity. The Citizens Review Panel already established by the Board of Supervisors to monitor County Library expenditures would continue to do so for the continuing tax.

s/ Kevin B. Briggs  
County Counsel

**FISCAL IMPACT STATEMENT**

This ballot measure is to extend the current Retail Transaction and Use Tax in the incorporated and unincorporated areas of Fresno County at the rate of one-eighth of one percent (0.125%), which expires on March 31, 2013. The State Board of Equalization will continue to administer this sales tax if approved by at least two-thirds of the electors voting on the measure.

This ordinance will generate approximately thirteen million five hundred thousand (\$13,500,000) annually with the growth of this revenue generally following the economic trends within the local community.

The revenue from the Public Library Transactions and Use Tax will be used exclusively for Public Library Services within the County of Fresno. This tax will terminate on March 31, 2029 or sixteen (16) years after the first day of the first calendar quarter following the execution of the State Board of Equalization contract in accordance with the provisions of the Transaction and Use Tax Ordinance.

s/ Vicki Crow, Auditor-Controller/Treasurer-Tax Collector

#### **ARGUMENT IN FAVOR**

Since 1998, Fresno libraries have been funded by the voter approved Measure B. Measure B makes up 54% of Fresno County library funding and protects the libraries against the volatility of the State and County budgets. Measure B protects Fresno County's urban and rural libraries by keeping the money local and out of the hands of Sacramento politicians.

Measure B allows our local libraries to continue playing a vital role in educating our children, and offering after school and weekend programs that provide a safe alternative to gangs. Reading clubs, computer access and tutoring programs are just a few of the benefits that Fresno County libraries offer to our families and our children. In addition to fostering education, Measure B also allows libraries to continue services to our seniors and the blind in Fresno County and helps maintain qualified librarians to administer these programs.

Without Measure B, libraries will experience shortened hours and library closures. State slashed education funding every year makes Measure B even more vital to the education of our children.

Measure B is a voter approved Measure that needs to be continued. Fresno County citizens have an opportunity to protect the services provided by libraries and keep these funds local by voting YES on Measure B.

Public libraries are one of the few important community centers left that benefit children, families and seniors. This Measure will help make sure that we will continue to have access to this valuable resource.

s/ Sheriff Margaret Mims

s/ Sally M. Caglia, Business Woman

s/ Jose Flores, Mayor, City of Clovis

s/ Larry Powell, Superintendent of Schools

Fresno County Office of Education

#### **REBUTTAL TO ARGUMENT FOR**

Unemployment and foreclosures are especially high in our area. Higher Sale Taxes hurt the poor and middle class more so than the wealthy.

Along with the \$9.2 Billion State Tax increases, rising State Sales Tax, the expensive High Speed Rail and Water Projects, we cannot afford a local Library Sales Tax for another 16 years, which duplicates the function of our schools.

When supporters first pitched the present Library Sale Tax in 1998, they said they needed more taxes to allow libraries to remain open for more hours, but soon after being approved they added another paid holiday. And last year when County workers went on strike, library employees joined them.

Mismanagement during the last few years have some libraries opening less than before, and their Administration wasted \$15,000 to create a Mascot they soon scrapped because it frightened children. If County Libraries had to manage on the over \$26.5 million from the County Budget, in addition to hundreds of thousands in Grants and donations, they would manage their money more wisely.

This new tax calls for more classes in English as a Second Language, yet they don't have an American Flag for the Pledge of Allegiance in their downtown classroom.

There are no studies or evidence, but only wishful thinking that this library tax will prevent gangs. Strong parenting is the solution.

Help get America back on track and vote "NO" because there are more important ways to spend our tax dollars.

s/ Chloe E. Foster, Housewife

#### **ARGUMENT AGAINST**

The County estimates this library sales tax extension will cost the public \$13.5 million each year for the next 16 years. Our libraries receive about \$40 million yearly when you their Grants and Donations are included. Spending millions on an Institution that is rapidly going the way of the typewriter, newspaper and VHS is wasteful. Fewer and fewer people use the library for researching information or checking out books. To justify more funding, libraries offer many free and non-essential social service programs such as folk dancing, music, entertainment, chess, beading and numerous other activities, which should be paid for by the user and not by the taxpayer. In this highly technical society, libraries for the most part, are becoming obsolete. When was the last time you used the library for it's intended purpose?

There are many ways to better spend \$13.5 Million in taxes. At the top of the list is opening our beautiful new Veterans Home in Fresno to provide much needed care and jobs for our deserving citizens, or opening another wing of the county jail to prevent the early release of criminals back into our neighborhoods. As a comparison, the City of Fresno recently spent \$11 million for 70 new Fresno apartments for the homeless.

Many cannot afford all the planned State tax increases coming soon and struggle to pay their bills, put food on the table and gas in their cars. Taxpayers shouldn't have to pay between \$120,000 and \$160,000 to put this measure back on the ballot again. This money could be used more wisely maintaining parks and keeping our community swimming pools open for our youth.

Please vote "NO" against this unnecessary tax.

s/ Chloe E. Foster, Housewife

FR 138-018

PR-9050-5

## Attachment 2 State Library's California Public Libraries Statistics Database "Snapshot" Spreadsheet for Similar Libraries in Fiscal Year 2020-2021

2020-2021 State Library Statistics www.library.ca.gov/stats/	2.1 Population of The Legal Service Area	2.2 Registered Users as of June 30	2.5 # of Branch Libraries	2.9 Total Square Footage	3.5 Total Operating Income	4.3 Total Staff Expenditures	5.5 Staff FTE	7.1 Hours Open, All Outlets	7.2 Library Visits	Total # of Programs	Total Program Attendance	7.41 Website visits
<b>San Joaquin Valley Library System</b>												
	% of pop				\$/reg user	\$/reg user						
<b>FRESNO COUNTY PUBLIC LIBRARY</b>	1,002,529	174,132 17.4%	36	285,371	\$39,762,314 \$228	\$20,481,380 \$118	270.35	17,710	-1	880	22,667	1,302,124
<b>KERN COUNTY LIBRARY</b>	914,193	85,472 9.3%	22	283,828	\$6,115,869 \$72	\$4,082,557 \$48	68.8	9,328	45,996	2,610	36,264	1,320,063
<b>KINGS COUNTY LIBRARY</b>	152,543	19,566 12.8%	6	55,400	\$2,332,441 \$119	\$1,389,729 \$71	17.51	3,886	3,513	118	3,593	50,761
<b>MARIPOSA COUNTY LIBRARY</b>	18,037	4,835 26.8%	4	13,774	\$329,010 \$68	\$341,825 \$71	3.5	2,832	-1	0	0	-1
<b>MERCED COUNTY LIBRARY</b>	284,836	30,086 10.6%	11	73,551	\$3,449,058 \$115	\$2,514,405 \$84	24	2,557	-1	430	40,855	123,482
<b>TULARE COUNTY FREE LIBRARY</b>	352,916	40,155 11.4%	16	89,375	\$5,875,476 \$146	\$2,726,459 \$68	47	4,252	14,215	315	5,533	520,669
<b>TULARE PUBLIC LIBRARY</b>	69,246	13,980 20.2%	0	31,408	\$1,601,720 \$115	\$736,242 \$53	10.75	1,386	15,929	28	282	34,853
<b>Similarly Budgeted Libraries: California</b>												
	% of pop				\$/reg user	\$/reg user						
<b>CONTRA COSTA COUNTY LIBRARY</b>	1,043,724	351,658 33.7%	26	372,309	\$39,458,910 \$112	\$22,599,614 \$64	194	7,896	2,405,208	879	38,099	4,846,970
<b>ORANGE COUNTY PUBLIC LIBRARIES</b>	1,614,627	393,820 24.4%	32	393,569	\$65,624,008 \$167	\$29,285,055 \$74	378	47,384	1,057,318	1,760	71,966	3,013,844
<b>RIVERSIDE COUNTY LIBRARY SYSTEM</b>	1,367,182	328,621 24.0%	35	383,168	\$31,304,288 \$95	\$397,973 \$1	227.81	44,042	343,307	1,711	35,335	819,989
<b>SACRAMENTO PUBLIC LIBRARY</b>	1,478,711	692,074 46.8%	27	458,399	\$52,112,658 \$75	\$26,303,287 \$38	274.5	33,716	369,551	1,283	26,636	3,700,140
<b>SAN BERNARDINO COUNTY LIBRARY</b>	1,271,448	608,509 47.9%	32	373,524	\$24,808,120 \$41	\$8,470,070 \$14	103	49,626	619,402	4,214	193,304	607,881
<b>SAN DIEGO COUNTY LIBRARY</b>	1,100,872	418,108 38.0%	33	373,064	\$51,383,041 \$123	\$26,465,538 \$63	250	18,612	520,000	43	1,164	2,130,000
<b>SAN JOSE PUBLIC LIBRARY</b>	1,029,782	689,379 66.9%	24	912,086	\$46,265,991 \$67	\$36,820,548 \$53	372.47	6,808	497,794	6,188	124,165	1,996,468
Average per 7 total	8,906,346	3,481,971 39.1% average			\$310,967,629 \$89	\$150,342,350 \$43	average	29,726	830,369	2,297	70,096	2,445,045



FRESNO COUNTY GRAND JURY

FINAL REPORTS AND RESPONSES

RESPONSES TO REPORT #2  
**HAS “MEASURE B” BENEFITED  
THE FRESNO COUNTY FREE LIBRARY?**

**County of Fresno**  
**Board of Supervisors**  
**RESPONSE TO THE**  
**2022-23**  
**FRESNO COUNTY GRAND JURY**  
**FINAL REPORT #2**



## **Has Measure B Benefitted the Fresno County Free Library? Measuring Performance**

Please find below the Fresno County Board of Supervisors' response to the 2022-23 Grand Jury Final Report No. 2 findings and recommendations. The County thanks the Grand Jury for its investigation and recommendations related to Fresno County's public library system.

### **FINDINGS**

- F1. The Board of Supervisors has not sufficiently outlined its expectations of the Citizens Review Panel (CRP) by providing them with a detailed outline of their oversight responsibilities.**

**Response:**

The Board of Supervisors disagrees with the finding. Resolution 99-061 states the role of the CRP is to advise the Board of Supervisors regarding the uses made by the Fresno County Library of sales tax revenues and that the advice will include review to ensure that the uses are in accordance with the expenditure plan approved by the voters. Additionally, the CRP presents an annual report to the Board of Supervisors. The report submitted on March 22, 2022 states the Fresno County Library is utilizing Measure B sales tax funds in a commendable manner.

- F2. There are four vacancies on the CRP, which creates difficulty in achieving a quorum at the CRP meetings.**

**Response:**

The Board of Supervisors partially agrees with the finding as there are currently three vacancies on the CRP. The CRP is an 11-member board with eight active members at the time of this response.

- F3. The Fresno County Free Library (FCFL) does not have a current, detailed Operational Service Delivery Plan (OSDP) document that expands the OSDP outlined in the 2012 Measure B Ordinance (MBO).**

**Response:**

The Board of Supervisors agrees with the finding.

- F4. The FCFL does not have a current, detailed and prioritized Long Term Facilities Plan referenced in the 2012 Measure B Ordinance (MBO).**

**Response:**

The Board of Supervisors agrees with the finding.

- F5. The FCFL number of registered users falls short of the average for comparably sized and budgeted library systems in the state as reported on the fiscal year 2020-2021 spreadsheet located on the State Library's California Public Libraries Statistics database website.**

**Response:**

The Board of Supervisors agrees with the finding given the methodology used to interpret the data located within the 2020-2021 State Library Statistics spreadsheet. However, as indicated by the FCFL Librarian, the FCFL has the highest number of registered users within the local area library system (San Joaquin Valley). Additionally, Fiscal Year 2020-2021 was the last of a 10-year decline in registered users.

- F6. The 2012 Measure B Ordinance funding mandate to “supplement and not supplant” the existing funds received from the County exceeds the mandated minimum of the 2012 MBO.**

**Response:**

The Board of Supervisors agrees with the finding.

**RECOMMENDATIONS**

- R1. The Board of Supervisors should develop a list of expectations for the Citizens Review Panel of the metrics to be used in evaluating Measure B expenditures. Implementation by December 31, 2023. (F1)**

**Response:**

This recommendation will not be implemented. The role of the Citizens Review Panel is to ensure Measure B revenue uses are in accordance with the expenditure plan approved by the voters. Included within the Grand Jury Report No. 2 is the full text of Measure B, which includes language from Fresno County Ordinance Sections 4.20.010 and 4.20.110 describing the purpose and use of the taxes.

- R2. The Board of Supervisors should select and maintain a full complement of representatives to the Citizens Review Panel for their districts to ensure proper oversight of Measure B utilization. Completed by September 30, 2023. (F2)**

**Response:**

The Board of Supervisors continually seeks to fill positions on all boards, commissions, and committees. Three positions within the Citizens Review Panel were filled in January and February 2023. The Board of Supervisors will continue to seek candidates to fill the remaining three vacancies.

- R7. The Board of Supervisors and the FCFL Librarian should consider hiring a professional Program Management firm to assist in developing a comprehensive long term plan for maximizing the stewardship of public funds more in line with similar sized and similarly funded libraries. Implementation by December 31, 2023. (F1-F6)**

**Response:**



This recommendation will not be implemented as the Board of Supervisors agrees with the FCFL Librarian's response to this recommendation. As mentioned within the Librarian's response to Recommendation No. 5 and 7, the FCFL is working with stakeholders, library jurisdictions and the State Library to implement an Operational Service Delivery Plan to better measure performance, which will be accomplished by December 31, 2023. This mitigates the need for a Program Management firm.

This concludes the Board of Supervisors' comments on the Findings and Recommendations of the Fresno County Grand Jury Report No. 2.



# County of Fresno

FRESNO COUNTY PUBLIC LIBRARY  
RAMAN BATH, COUNTY LIBRARIAN

July 6, 2023

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

Subject: Fresno County Grand Jury Report No. 2: Has Measure B Benefitted the Fresno County Free Library? Measuring Performance

Judge Kalemkarian:

Please find below the Fresno County Public Library's response to the 2022-23 Grand Jury Final Report No. 2 findings and recommendations. The County and the Library thanks the Grand Jury for its investigation and recommendations related to the Library and the value of Measure B.

## FINDINGS

**F3. The Fresno County Free Library (FCFL) does not have a current, detailed Operational Service Delivery Plan (OSDP) document that expands the OSDP outlined in the 2012 Measure B Ordinance (MBO).**

The department agrees with the findings.

**F4. The FCFL does not have a current, detailed and prioritized Long Term Facilities Plan referenced in the 2012 Measure B Ordinance (MBO).**

The department agrees with the findings.

**F5. The FCFL number of registered users falls short of the average for comparably sized and budgeted library systems in the state as reported on the fiscal year 2020-2021 spreadsheet located on the State Library's California Public Libraries Statistics database website.**

The department disagrees partly with the finding. The snapshot taken from FY 20-21 is taken in the middle of the COVID-19 pandemic and does not show a complete picture of operations. At the same time, when looking at all other libraries in the Central Valley (the SJVLS system includes 6 other counties) the statistics for FCPL are not so disparate. By looking at the percentage of registered users from FY19/20 to FY 20/21 FCPL's registered users dropped a total of 30.6%. This number is in line with drops that similar systems saw during these fiscal years. Contra Costa's registered users dropped a total

2420 Mariposa Street / Fresno, California 93721-2285 / (559) 600-6237 / Fax (559) 600-7628

[www.fresnolibrary.org](http://www.fresnolibrary.org)

The County of Fresno is an Equal Employment Opportunity Employer

of 22%, Kern County's registered users dropped a total of 45.6%, and Riverside's registered users dropped a total of 23%. Fresno County has shown a lower number of registered users compared to other systems outside of SJVLS but has consistently had the highest number of registered users within the SJVLS system. The Department acknowledges that there has been a trend of decline in registered users. FY 21/22 was the first year to show an increase in registered users after a ten-year decline.

- F6. The 2012 Measure B Ordinance funding mandate to “supplement and not supplant” the existing funds received from the County exceeds the mandated minimum of the 2012 MBO.**

The department agrees with the findings.

### **RECOMMENDATIONS**

- R3. The FCFL Librarian in conjunction with associated stakeholders should schedule planning sessions and develop an Operational Service Delivery Plan implementing ongoing measurable metrics for each of the listed expenditures and OSDP items as outlined in the Measure B Ordinance. Commencing not later than December 31, 2023. (F3)**

Recommendation has not yet been implemented, but will be implemented this year. FCPL will work closely with stakeholders, staff and other library jurisdictions in California, as well as the State Library to create better measurable standards for measuring performance. Actual performance standards for libraries across the State have varied widely over the years, but by working with the above mentioned groups measurable standards will be forthcoming no later than December 31, 2023.

- R4. The FCFL Librarian should develop a current detailed and prioritized Long Term Facilities Plan. Commencing not later than December 31, 2023. (F4)**

Recommendation has not yet been implemented. The preliminary data collection and needs assessment of a long-term facilities plan to be implemented concurrently with capital needs improvements will commence no later than December 31, 2023.

- R5. The FCFL Librarian should budget for an outside professional media/advertising consultant to aid in the development of a comprehensive advertising and awareness campaign to inform the citizens of Fresno County of the vast array of services available at the FCFL. Completion by September 30, 2023. (F5)**

Recommendation has been implemented. The Fresno County Public Library is participating in a county wide marketing RFP to provide media and mass communications services to educate and engage target audiences, generate public interest in county-related topics and influence positive behavior changes in Fresno County for three years with the option to renew for up to two additional one-year periods. This was planned well before the Grand Jury investigation. FCPL will be spending \$40,000 of its marketing budget per year for this RFP with the goal of marketing to new and existing users. FCPL will also invest additional

time and effort utilizing internal resources to increase awareness of the Library's vast resources. The county wide RFP will close on July 7, 2023.

- R6. The FCFL Librarian should require that each library branch entity regularly submit accurate data to be submitted to the State Library's California Public Libraries Statistics database in order to develop an accurate measurable baseline against similarly sized and funded library systems. Implementation by December 31, 2023. (F5)**

Recommendation has been implemented. The department understands the thorough job conducted by the Grand Jury, however there is a discrepancy in the findings and the resulting recommendation. Each individual branch provides statistics that are collected centrally and sent off to the State. The Department has contributed to the State Report each year consistently. This process has not changed since the start of the report in 1988. It is the opinion of the department that the jury saw gaps in statistics in the FY 20/21 report and assumed these gaps existed for all reports throughout the system. Categories, questions, and instructions for the State Library annual report change from year to year. At times, these changes may impact the ability of FCPL to provide accurate data. In some circumstances a question will be left blank because the data is captured more accurately in another question or cannot be answered in line with the instructions. These circumstances are rare. During the pandemic, including FY20/21, the instructions from the State Library included specific changes that made collecting and reporting complete statistics unreliable. As in other years, FCPL used the FY 20/21 questions and instructions to inform our statistical methods for FY 21/22 so we could better align with future reports. The department will once again highlight the irregularities of the COVID years as to the discrepancies in recent stats reporting. Full statistics including usage, people counters, and circulation are tallied yearly branch by branch and are available for further review.

- R7. The Board of Supervisors and the FCFL Librarian should consider hiring a professional Program Management firm to assist in developing a comprehensive long term plan for maximizing the stewardship of public funds more in line with similar sized and similarly funded libraries. Implementation by December 31, 2023. (F1-F6)**

Recommendation will not be implemented. By creating a detailed OSDP taking into account community needs as well as measurable metrics for success of Library operations, FCPL believes that the need for a Program Management firm is mitigated. As detailed above, the addition of an external marketing agency will further enhance use and awareness and in conjunction with the above recommendations, result in an even greater reach for FCPL's services. As explained in the Grand Jury report, Measure B has provided an unprecedented expansion in Library programs and capital projects since its inception. By implementing the Grand Jury's recommendations, it will continue to do so.

This concludes the Fresno County Public Library's comments on the Findings and Recommendations of the Fresno County Grand Jury Report No. 2.

Sincerely,

Raman Bath

Raman Bath  
County Librarian, Fresno County Public Library

RECEIVED  
JUL 1 1 505  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF FRESNO

2420 Mariposa Street / Fresno, California 93721-2285 / (559) 600-6237 / Fax (559) 600-7628

[www.fresnolibrary.org](http://www.fresnolibrary.org)

The County of Fresno is an Equal Employment Opportunity Employer



---

## FRESNO COUNTY GRAND JURY

FINAL REPORTS AND RESPONSES

---

---

# REPORT #3

# **SCHOOL SAFETY AND SECURITY**

# **IN FRESNO COUNTY**

---

## **2022-23 Fresno County Civil Grand Jury Report No. 3**

### **SCHOOL SAFETY AND SECURITY IN FRESNO COUNTY**

#### **COULD UVALDE HAPPEN HERE? HOW SAFE ARE OUR SCHOOLS?**

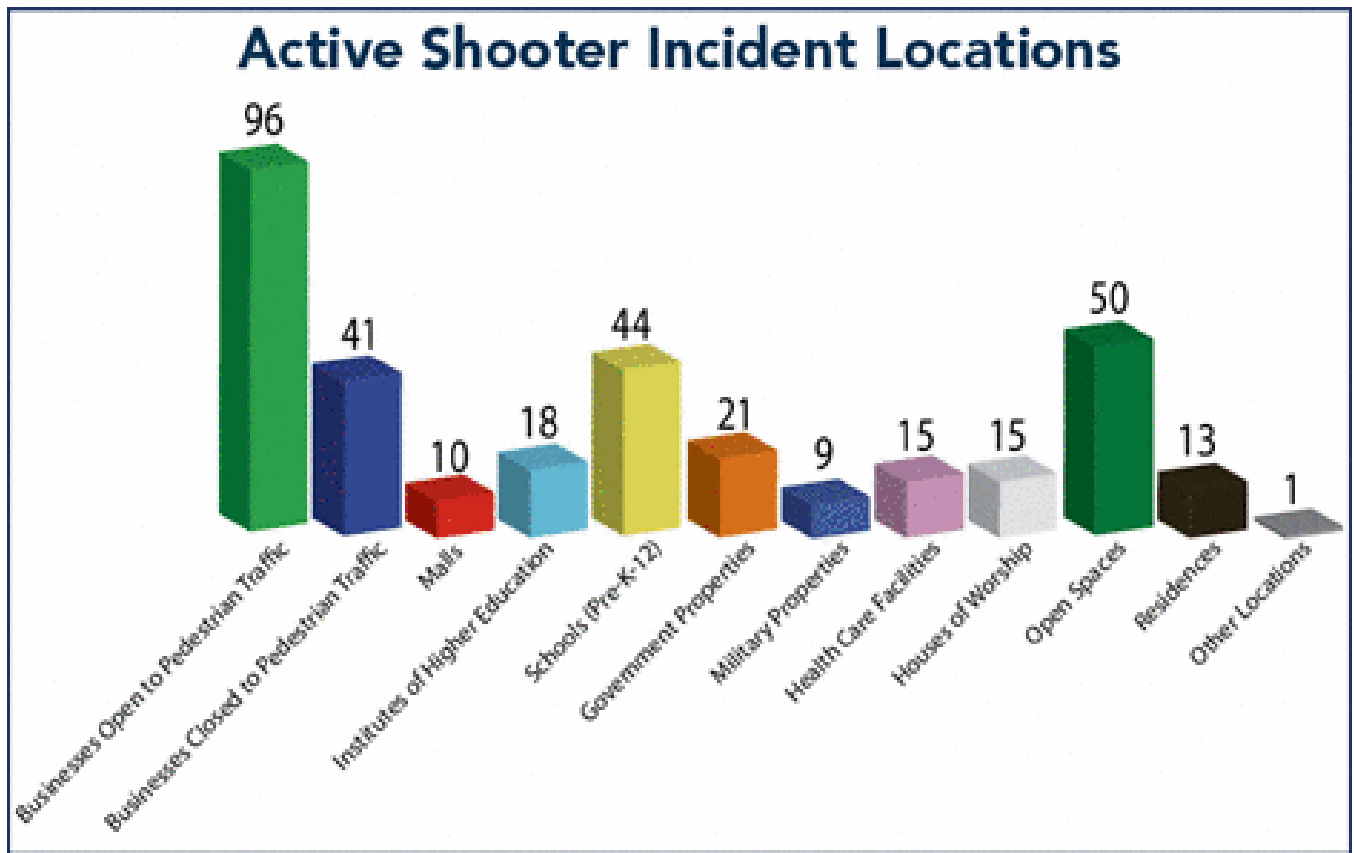
##### **SUMMARY**

The California Constitution (Article 1, section 28 (f)(1)) guarantees all students and staff the right to attend public schools that are safe, secure, and peaceful. The Grand Jury perceived a general citizen concern regarding the safety and security within Fresno County's schools following the tragedy in Uvalde, Texas. Could a similar tragedy happen here? Are our schools prepared to manage an active shooter on campus? Is local law enforcement adequately trained to deal with an active shooter? Is the philosophy of dealing with an active shooter proper? Are the other aspects of school safety, namely: interdepartmental communication and cooperation, physical barriers at schools, school safety policies and policy enforcement, video surveillance, and parental involvement, adequate to prevent or deal with such situations?

##### **BACKGROUND**

School shootings in the United States have occurred at large and small K–12 public and private schools. Incidents have also occurred at colleges, universities, and on school buses. The FBI documents more than 450 school incidents in the U.S. since 2000. Most notable of these are the incidents at Columbine High School, Sandy Hook Elementary School, Marjorie Stoneman Douglas High School, Robb Elementary School, Michigan State University, and most recently, the Covenant School shooting in Nashville, TN. Among these is a 2013 shooting of a gym teacher at Edison High School in Fresno.

The FBI reported in a 2021 report that from the years 2000-2019, active shooter incidents in K-12 schools and institutions of higher education were the second most common locations of active shootings.



(U.S. Department of Justice, Federal Bureau of Investigation, *Active Shooter Incidents 20-Year Review 2000-2019*, May 2021.)

There are two aspects to this issue that the Grand Jury investigated: the training, preparation, and philosophy of local law enforcement; and the philosophy, policies, and enforcement of trained personnel and facilities of the schools and school districts.

## **METHODOLOGY**

In the time allotted for an investigation, it would be impossible to interview officials from all 32 public school districts and 339 public schools (see Appendix 2), 14 police departments in Fresno County, and the County Sheriff's Office (see Appendix 3). In addition, there are three specialized police departments at Clovis Unified School District (CUSD), State Center Community College



District (SCCCD), and California State University Fresno (CSUF). The Grand Jury decided to interview a cross-section of law enforcement and agencies, including administrators from the Fresno County Department of Education (FCOE), the Fresno County Sheriff's Office, police officials in several County jurisdictions, local K-12 public school board members, public school district superintendents, and public school principals. The Grand Jury chose large, medium, and smaller school districts and law enforcement agencies to try and capture their unique problems and issues.

The Grand Jury also researched several reports which evaluated the Uvalde, TX (Robb Elementary School) shooting incident and reports and investigations into other school incidents. The Grand Jury also reviewed the California Education Code related to school safety.

Since it would be imprudent to discuss the deficiencies of schools or school districts, it was decided to list suggested guidelines that apply to all Fresno County law enforcement agencies, school districts, and schools.

## **DISCUSSION**

The Fresno County education establishment is highly decentralized. One benefit is that it allows local school districts to focus on local needs. While FCOE is not mandated to address school safety and security, they implemented several initiatives to address this issue, such as School Safety Seminars, "Seconds to Survive," an active shooter training program, and evaluating Comprehensive School Safety Plans (CSSP). Also, FCOE has committed significant resources to school safety and security.

This investigation identified campus maintenance as a key component in school safety. The Grand Jury found that while some schools have limited budgets to manage routine maintenance, other schools are well placed financially. The Grand Jury wanted to see if Fresno County agencies had fallen into the "it can't happen here" trap. After the Robb Elementary School incident, the Grand Jury observed that the media focus shifted from the actions of the shooter

or shooters to the response of law enforcement and the prevention efforts of the schools. Generally, we noticed that the prevention topics covered by the media focused on gun control and more police officers in schools. A key component often left out of the discussion is the behavioral/mental health interaction with children prior to incidents.

Law enforcement tends to believe they are prepared and continue training for these events. In addition, they are attempting to keep sworn, armed police officers and deputies (School Resource Officers (SRO)) in place in as many schools as possible to establish positive relationships with students. Local law enforcement also uses social media in an effort to track down potential threats before they happen, as well as to use social media to maintain and control an active shooter situation and to keep the public apprised of a fast-changing situation.

Fresno County Department of Behavioral Health (DBH), FCOE, Fresno County schools, and local law enforcement have developed an effective and collaborative method to identify and intervene when a student is identified as a potential risk. FCOE has assigned a counselor to each K-12 public school in the County. While some counselors are only part-time, it is a move in the right direction. The FCOE, DBH, along with local law enforcement have developed a two-tiered warning system to help identify “at risk” students:

1. “Level 1”, A student has exhibited behavior or made statements orally, or in writing, that teachers, students, or parents perceive as potential threats.

2. “Level 2”, Threats are considered serious enough to take aggressive preventive measures.

To further address the behavioral/mental health issues comprehensively, FCOE, local law enforcement, schools, and school districts should continue to undertake the following:

1. Encourage parents to be involved. They should know what is going on with their children.
2. Assist parents and encourage them to develop a rapport with their children so they feel comfortable telling them what is happening around them, “See something, say something”.

3. Actively collaborate with parents to identify and intervene when high-risk students are identified.
4. School staff should create an environment where students feel comfortable telling an adult if they believe or hear about someone considering injuring themselves or others.

Based on the Grand Jury interviews and reviewing reports, the overall finding is that FCOE, DBH, schools, and law enforcement agencies take school safety very seriously. Some County schools, either because of funding limitations or an “it can’t happen here mentality,” have decided to limit their efforts.

The Grand Jury found the following conditions exist throughout the County.

- **LAW ENFORCEMENT**

- **Philosophies and policies:** Generally, local law enforcement has a philosophy that the first officer or deputy on-site has the authority to minimize any potential threat by neutralizing an active shooter without waiting for backup. Following Uvalde, most local law enforcement agencies reinforced this philosophy to deputies and officers. Local law enforcement agencies exhibited a high level of cooperation in all areas.
- **Training and preparation:** Local law enforcement officers and deputies appear to be well-trained in the philosophy of dealing with these situations and are supported by top management and local officials.
- **Communication:** Not all local law enforcement agencies share compatible communication systems. The Fresno County Sheriff’s Office can communicate directly by radio with all local law enforcement agencies. This may change if the City of Fresno implements its new radio system. However, the Sheriff’s Office is committed to maintaining communication abilities throughout the County.

- **SCHOOL DISTRICTS**

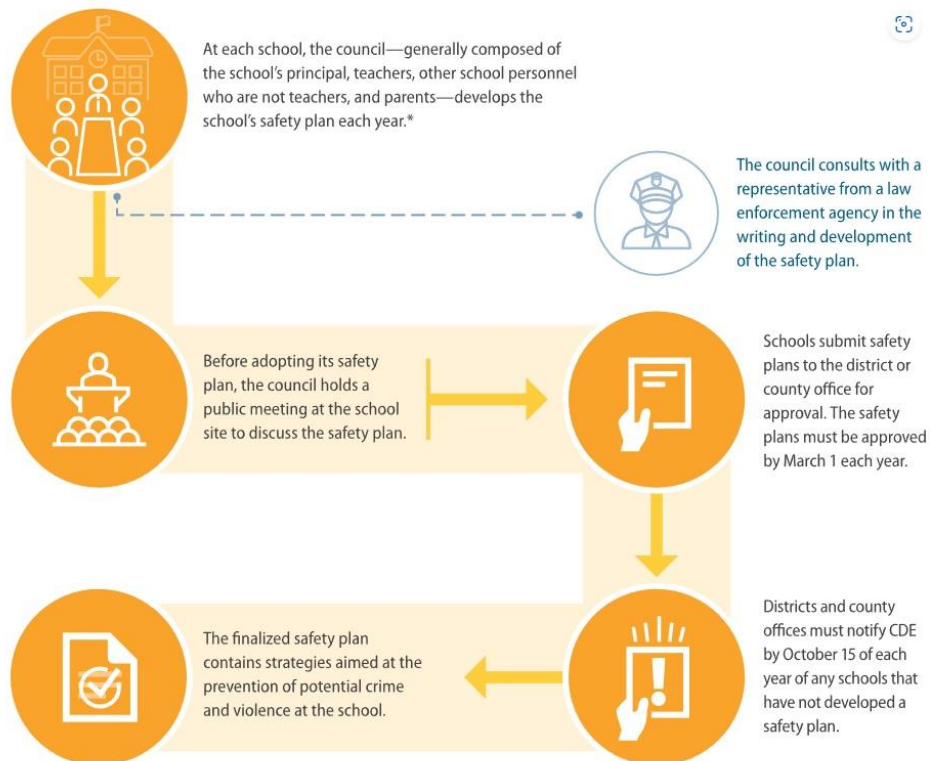
- **Philosophies and policies:** The Grand Jury learned that not all school districts have the same financial resources. The school districts do not share the same level of concern or urgency about the issue of school security, nor do they share a similar philosophy on how to deal with the issue. The school districts vary widely in their policies regarding school security. For example, many districts require schools to lock exterior and interior doors during class, but not all districts enforce the policy for varying reasons.
  - Some districts rely heavily on fencing for their schools, while others prefer an open campus.
  - Several districts require all persons entering the school to be screened before entry, while others do not.
- **Training and preparation:** The training of school personnel varies widely. The Fresno County Sheriff's Office and the FCOE have an excellent video/program called "Seconds to Survive" about dealing with active shooter situations. All school employees should watch this video or a similar active shooter training on a recurring basis.
- **Communication:** Some schools have modern radio communication systems that can be used during emergencies, while others have nothing. It would be extremely helpful if districts could provide surplus systems to the districts that have nothing.
- One school with limited funding uses a colored card system to communicate student accountability with staff and school administrators during emergencies.

## ▪ SCHOOLS

**Physical security:** School districts determine if their campuses will be open or have limited access. Many schools have some manner of fence around the facility. These fences differ in height and structure. Some schools favor an open campus, while others want limited movement about their campus. There is no uniform philosophy regarding physical security.

- **Policies and enforcement:** Pursuant to California Education Code section 32280, *et seq.*, all public schools in California are required to have a Comprehensive School Safety Plan (CSSP) and present it at a public hearing.

**Figure 3**  
**State Law Requires Public Schools to Follow a Multistep Process to Develop a Safety Plan**



Source: Education Code.

\* The council may also delegate the responsibility of developing a safety plan to a school safety planning committee (committee) generally composed of the same members. Districts with fewer than 2,501 average daily attendance are considered small districts and only need to develop a districtwide safety plan that is applicable to each school site.

- Only a small portion of the plan deals with active shooter/criminal incident preparedness, and the schools are not required to disclose those parts of the plan that deal with a proposed tactical response to criminal incidents (EDC §§ 32281, 32282). (California State Auditor, *School Violence Prevention Report 2016-136*, August 2017.)
- There is no standardization in the planning or implementation of these plans. Some schools have extensive and well-conceived plans; others are minimal in nature.

- **Video surveillance:** Local law enforcement agencies believe a well-designed and appropriately monitored video surveillance system with trained staff is an important and valuable safety system for the schools.
  - **Well designed:** A system that covers entrances, exits, corridors, public areas, classrooms, libraries, and offices; is accessible to local law enforcement; and operated 24/7.
  - **Trained:** Designated staff can easily operate, save, retrieve, and provide access to local law enforcement.
  - **Monitored:** There is designated staff that are trained.
- **PARENT PARTICIPATION:** During the course of the Grand Jury investigation, numerous officials emphasized the importance of parent participation in school safety. Unfortunately, according to local law enforcement and school officials interviewed, their efforts to get parent involvement have met with varied success. Some community and school meetings had a very low turnout.

## **CONCLUSION**

During the investigation, the Grand Jury found areas where local law enforcement and County schools are well-positioned to deal with active shooters and they don't believe a Uvalde-type incident would happen here, but there are no guarantees. Additionally, the investigation found areas that need more attention or higher prioritization. It was decided to develop a list of "Suggested Guidelines." While the Grand Jury does not claim expertise in this area, these general recommendations are based on interviews with local law enforcement, school districts, and school administrators. These Suggested Guidelines represent an "ideal" scenario. The Suggested Guidelines may not apply in every situation or be practical for all districts or schools.

In Fresno County, there are two public colleges/universities. These entities have their own unique issues relating to their location, campus size, campus layout, and resources. The Grand Jury did not investigate these entities in any detail. However, many of the Suggested Guidelines may also apply to them.

## **SUGGESTED GUIDELINES<sup>1</sup>**

### **1. Policies, Practices, and Enforcement:**

- All Fresno County School Boards should clearly define and implement appropriate funding and policies to maximize school security and student safety. These policies should be reviewed and updated at least annually.
- Fresno County schools should follow and enforce the safety and security policies established by the school districts. For example, if a door should remain closed and locked during class, close and lock the door(s) during class.
- Fresno County school security officials should meet annually to exchange ideas, learn from what others are implementing that may work in your district, and share new ideas.
- School districts should research and annually apply for grant programs to fund improvements to security equipment and security staffing.
- Each school should have a trained, sworn, and equipped School Resource Officer.
- All school administration and the assigned police and sheriff jurisdiction should meet annually to discuss policies and procedures to ensure proper coordination in all emergency situations.

### **2. Access Control:**

- School access should be limited and actively and consistently enforced.

### **3. Physical Barriers:**

- Physical barriers (walls, fences, and locked doors) should be used, where deemed appropriate by the governing board, to limit unauthorized access to schools.

#### 4. Communications:

- An “exchange” (where surplus equipment is donated and made available to those who need it) for security gear/equipment should be implemented and made available for all Fresno County schools through the FCOE in cooperation with the Fresno County Sheriff’s Office.
- Each school shall develop and implement an effective communication method with students, staff, parents, and the community during an emergency.
- “Panic buttons” (emergency notification system, phone app., etc.) should be installed in each classroom, library, cafeteria, and all offices.

#### 5. Video Surveillance

- Each school should maximize the use of video surveillance (both external and internal), including properly staffed and trained surveillance monitors.

#### 6. Parental Involvement

- Parental involvement is necessary and essential to maximum safety and security. Schools should sponsor annual (at a minimum) parent meetings to discuss school safety and security.
- Schools should inform parents of all recently implemented or installed emergency communications and safety improvements.
- The emergency communication tools (social media, web apps, etc.) the schools implement and utilize should be readily available to parents and guardians.

#### 7. Training and Drills

- **All School Districts:** Should conduct at least one “full” on-site active shooter emergency drill (including law enforcement, EMT, and related services) bi-annually (at a minimum) to evaluate their preparedness to manage emergency situations.



- **All Schools:** Should conduct at least one on-site active shooter emergency drill annually to familiarize their staff and students with their emergency evaluation and response procedures.
- **All Fresno County School District staff**, including but not limited to administration, teachers, janitorial/maintenance, cafeteria, support, etc., should attend “Seconds to Survive” or a similar active shooter scenario video on a recurring basis.
- **All local law enforcement agencies**, the Fresno County Sheriff’s Office, and the specialized police departments should provide active shooter training to all appropriate personnel.
- Local law enforcement should familiarize themselves with the campus layout of all schools within their jurisdiction.

**FINDINGS** *(Note: All findings are based on interviews conducted by a minimum of two current Grand Jurors.)*

- F1** FCOE, DBH, and county schools take school safety very seriously.
- F2** Local law enforcement and school officials have experienced difficulty motivating large numbers of parents to be involved in school safety and security.
- F3** Some schools have policies in their Comprehensive Safety and Security Plans (CSSP) requiring access to be controlled, but these policies are not always enforced (e.g., *Controlled Access*: External and internal doors should be closed and locked, and strictly control school access to individuals who are not students or staff).
- F4** Some schools were unable to enhance security because of limited radio communications among school staff and/or law enforcement.
- F5** Some school campuses have limited or no funding for security upgrades or programs based on school district or individual school priorities.
- F6** Local law enforcement agencies have procedures in place to address the immediate response to an active shooter incident.

- F7** Local schools and law enforcement work well and cooperate closely.
- F8** Fresno County DBH, FCOE, Fresno County schools, and local law enforcement have developed a highly effective and collaborative methodology to identify and intervene when a student is identified as a potential risk.
- F9** A well-designed and appropriately monitored video surveillance system with trained staff is an important and valuable safety system for schools.

**RECOMMENDATIONS:**

- R1** The Fresno County Superintendent of Schools should review the Suggested Guidelines and develop a plan to implement all that are applicable. This should be accomplished by June 30, 2024. (See F1 and F3)
- R2** The Fresno County Superintendent of Schools, in cooperation with local school districts and law enforcement agencies, should develop and establish a forum whereby parents, schools, school districts, and law enforcement can meet, exchange and develop new, innovative, and “out of the box” ideas to enhance school security. This should be accomplished by December 31, 2024. (See F2 and F3)
- R3** The Fresno County Superintendent of Schools should assist school districts with limited funds to obtain serviceable secondhand surveillance, communication, protection, and safety equipment by helping identify funding or equipment sources. This should be accomplished by December 31, 2024. (See F4 and F5)
- R4** The Fresno County Superintendent of Schools should recommend to local school district boards that they conduct a study to determine if each public school (K-12) can have at least one trained and equipped sworn School Resource Officer (SRO). This should be implemented by June 30, 2024. (See F5)

- R5** The Fresno County Superintendent of Schools, the Fresno County Sheriff, and local Police Chiefs should recommend to school district boards that they maximize the use of video surveillance, including properly staffed and trained operators. This should be accomplished by June 30, 2024. (See F9)
- R6** The Fresno County Superintendent of Schools should continue working with DBH to have a full-time DBH Counselor assigned to every school where it is feasible and where the circumstances warrant it. This should be accomplished by December 31, 2023. (See F1)
- R7** The Fresno County Sheriff and local Police Chiefs should work with local school districts so deputies and officers can visit school campuses to familiarize themselves with school layouts in their sector. This should be accomplished by June 30, 2024. (See F7)

### **REQUEST FOR RESPONSES**

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

The Fresno Grand Jury **requires** responses as follows:

- Fresno County Sheriff to findings F2, F6, and F7, and recommendations R5 and R7.
- Fresno County Superintendent of Schools to findings F2, F4, and F5, and recommendations R1, R2, R3, R4, and R5.

The Fresno Grand Jury **invites** responses as follows:

- The police chiefs of all 14 of the Fresno County Law Enforcement Agencies, to findings F2, F6, and F7, and recommendation R5 and R7.

### **DISCLAIMER**

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

## REFERENCES

<sup>1</sup> **Suggested Guidelines:** A standard or set of guidelines believed to produce good outcomes if followed. These guidelines are related to how to carry out a task or configure something. Strict best practice guidelines may be set by a governing body or internal to an organization. Other best practices may be more informal, set forth in published guidelines, or even passed along informally. Following a best practice may not be required, but an organization should consult these guidelines regularly and follow them wherever possible.

## BIBLIOGRAPHY

- U.S. Department of Justice, Federal Bureau of Investigation, *Active Shooter Incidents 20-Year Review 2000-2019*, May 2021, <https://www.fbi.gov/file-repository/active-shooter-incidents-20-year-review-2000-2019-060121.pdf/view>.
- California State Auditor, *School Violence Prevention Report 2013-136*, August 2017, <https://www.auditor.ca.gov/pdfs/reports/2016-136.pdf>.
- Texas House of Representatives, Investigative Committee on the Robb Elementary Shooting, *Interim Report 2022*, July 17, 2022. [https://house.texas.gov/\\_media/pdf/committees/reports/87interim/Robb-Elementary-Investigative-Committee-Report.pdf](https://house.texas.gov/_media/pdf/committees/reports/87interim/Robb-Elementary-Investigative-Committee-Report.pdf).
- Advanced Law Enforcement Rapid Response Training (ALERRT) Center at Texas State University, *Robb Elementary School Attack Response Assessment and*

*Recommendations*, July 6, 2022, <https://www.alerrt.org/reading> (see “Uvalde Texas - After Actions” under 2022 publications).

- U.S. Department of Homeland Security, United States Secret Service, National Threat Assessment Center, *Protecting America's Schools - A U.S. Secret Service Analysis of Targeted School Violence*, November 2019,  
[https://www.secretservice.gov/sites/default/files/2020-04/Protecting\\_Americas\\_Schools.pdf](https://www.secretservice.gov/sites/default/files/2020-04/Protecting_Americas_Schools.pdf).
- United States Secret Service and United States Department of Education, *The Final Report and Findings of the Safe School Initiative: Implications for the Prevention of School Attacks in the United States*, July 2004,  
<https://www2.ed.gov/admins/lead/safety/preventingattacksreport.pdf>.

# APPENDIX #1

## GLOSSARY

**A. Fresno County Office of Education (FCOE):** “The intermediate level of the public education system in California. Serving 32 school districts and more than 200,000 students, the Fresno County Superintendent of Schools has a legislative mandate to ensure that school districts remain fiscally solvent and in compliance with state and federal laws. The FCOE serves as a safety net for students with special needs, offering direct services for migrants, special education and court schools, and community school students.

County offices also provide a full range of support programs and services. These include professional training and staff development, curriculum, business and finance support, health and pupil personnel services, as well as legislative and public policy leadership and advocacy at the local, state, and federal level.” (<https://www.fcoe.org/office-education>, April 25, 2023.)

**B. Fresno County Department of Behavioral Health (DBH):** “The Fresno County Department of Behavioral Health provides quality, culturally responsive, and behavioral health services to promote wellness, recovery, and resiliency for individuals and families in our community. “Behavioral Health” means the promotion of mental health, embracing resilience and well-being; the treatment of mental health and substance abuse disorders and those who experience and/or are in recovery from these conditions, along with their families and communities.” (<https://www.co.fresno.ca.us/departments/behavioral-health> and <https://www.co.fresno.ca.us/departments/behavioral-health/home/dbh-is>, last accessed on April 24, 2023.)

**C. Fresno County Sheriff’s Office:** “The Fresno County Sheriff’s Office was established in 1856 and provides professional law enforcement services to the nearly one million citizens

of Fresno County. The Sheriff's Office patrols more than 6,000 square miles of Central California with diverse terrain that varies from open farmlands to metropolitan areas to the rugged mountain peaks of over 11,000 feet. There are approximately 1,300 employees at the agency who are dedicated to providing professional law enforcement services to the citizens of Fresno County.” (<https://www.fresnosheriff.org/>, last accessed on April 25, 2023.)

**D. Law Enforcement Agency:** Police agencies that have a broad range of powers and responsibilities. A police agency's jurisdiction is limited to a specific geographic area. There are 17 certified law enforcement agencies in Fresno County in addition to the Fresno County Sheriff's Office.

**E. School District:** California school districts are geographically defined areas that do not necessarily conform to a particular City's geographic area. “School Districts are of several varieties, usually a **Unified district**, which includes all the Elementary and High Schools in the same geographic area; **Elementary school districts**, which includes K–6 or K–8 schools only which may have several elementary districts within one high school district's geographic area; and **High school districts**, which include one or more high schools in the same geographic area. **Elementary districts** sometimes include the word Elementary within their names but often do not. Sometimes the words Joint and/or Union are included in the district's name. A **joint school district** serves students from more than one county. A **union elementary school district** was formed as the result of a merger between two previous school districts, while a **union high school district** serves students from multiple elementary school districts. The typical district grade configurations in California are elementary (K–8), high (9–12), and unified (K–12), but there are some K–6 elementary districts and a handful of 7–12 high school districts. Districts sometimes merge or consolidate; the number of districts can change annually.”

([https://en.wikipedia.org/wiki/List\\_of\\_school\\_districts\\_in\\_California#C](https://en.wikipedia.org/wiki/List_of_school_districts_in_California#C), last accessed on April 25, 2023.)

**F. School Board:** The city or district-level school board, or "Local Education Authority" (LEA), is the governing board for a school district and "usually has the greatest authority to create, implement, and enforce educational policy" within the school district. (<https://www.findlaw.com/education/curriculum-standards-school-funding/who-has-educational-authority.html>, last accessed on April 25, 2023.)

**G. District Superintendent:** "A school superintendent oversees the daily operations and the long-range planning of a school district. Serving as the point person for all district matters, the role of a superintendent is to supervise school principals and district staff, work with school board members, and manage fiscal operations. The school superintendent's responsibilities include hiring staff, solving problems, and lobbying for additional resources when needed." (<https://work.chron.com/duties-school-superintendent-13899.html>, last accessed on April 25, 2023.)

**H. School Principal:** Principals of elementary, middle, and high schools oversee all school operations, including daily school activities. They coordinate curriculums, manage staff, and provide students with a safe and productive learning environment.

**I. Active Shooter:** The agreed-upon definition of active shooter by U.S. government agencies (including the White House, U.S. Department of Justice, Federal Bureau of Investigation, U.S. Department of Education, U.S. Department of Homeland Security, and Federal Emergency Management Agency) is "an individual actively engaged in killing or attempting to kill people in a confined and populated area." In many cases, active shooters use firearms, but they also use knives, explosives, vehicles, or bludgeoning devices. Generally, there is no pattern or method to their selection of victims. These situations are unpredictable and evolve quickly, often within 10 to 15 minutes before law enforcement



arrives on the scene. Individuals must be mentally and physically prepared to deal with a rapidly evolving and violent situation. For this reason, most law enforcement now use the terms: **Active Killer, Violent Intruder,** and **Active Assailant.** ([https://www.fema.gov/sites/default/files/2020-10/fema\\_scenario\\_1\\_active\\_shooter\\_TTX\\_answer\\_key-01102020.pdf](https://www.fema.gov/sites/default/files/2020-10/fema_scenario_1_active_shooter_TTX_answer_key-01102020.pdf), last accessed on April 25, 2023.)

## **CALIFORNIA LAW**

**A. California Constitution, Article 1, section 28 (f)(1),** “*Right to Safe Schools.* All students and staff of public primary, elementary, junior high, and senior high schools, and community colleges, colleges, and universities have the inalienable right to attend campuses which are safe, secure, and peaceful.”

**B. California Education Code (EDC),** Title 1, Division 1, Part 19, Chapter 2.5, Article 5 (“School Safety Plans”) (commencing with section 32280), [https://leginfo.legislature.ca.gov/faces/codes\\_displayText.xhtml?lawCode=EDC&division=1.&title=1.&part=19.&chapter=2.5.&article=5](https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=EDC&division=1.&title=1.&part=19.&chapter=2.5.&article=5).

**APPENDIX #2  
FRESNO COUNTY PUBLIC SCHOOL DISTRICTS**

	School/District	Phone	Superintendent / Principal	Schools	Students 2021/2022	Grades
1	Alvina Elem.Ch.Sch.Dist.	(559) 864-9411	Mike E. Iribarren	1	180	K-8
2	Big Creek Elementary	(559) 893-3314	Jimmie Elgers	1	59	K-8
3	Burrel Union Elementary	(559) 866-5634	Elizabeth Runyon	1	124	K-8
4	Carruthers Unified	(559) 495-6400	Orin <u>Hirschhorn</u>	3	1569	K-12
5	Central Unified	(559) 274-4700	Keth Davis	25	15,800	K-12
6	Clay Joint Elem.	(559) 897-4185	Judith Szpor	1	250	K-8
7	Clovis Unified	(559) 327-9000	Elmear O'Brien	53	42,699	K-12
8	Coalinga-Huron Unified	(559) 935-7500	Lori L. Villanueva	8	4434	K-12
9	Firebaugh-Las Deltas Unified.	(559) 659-1476	Roy Mendiola	6	2164	K-12
10	Fowler Unified	(559) 834-6080	Paul Marietti	9	2557	K-12
11	Fresno Unified	(559) 457-3000	Robert Nelson	103	72,455	K-12
12	Golden-Plains Unified	(559) 693-1115	Martin Macias	6	1424	K-12
13	Kerman Unified	(559) 846-5383	Robert Frausto	8	5310	K-12
14	Kings Canyon Joint Unified	(559) 305-7010	John Campbell	22	9678	K-12
15	Kingsburg Elem. Charter	(559) 897-2331	Wesley Sever	7	2189	K-8
16	Kingsburg Joint Union High	(559) 897-7721	Don Shoemaker	3	1319	9-12
17	Laton Joint Unified	(559) 922-4015	Lupe Nieves	4	625	K-12
18	Mendota Unified	(559) 655-4942	Paul Lopez	8	3803	K-12
19	Monroe Elem.	(559) 834-2895	Shelley Manser	1	156	K-8
20	Orange Center	(559) 237-0437	Terry Hirschfield	2	1527	K-12
21	Pacific Union Elem.	(559) 834-2533	Annette Machado	1	349	K-8

22	Parlier Unified	(559) 646-2731	Altagracia Guerrero	7	3323	K-12
23	Pine Ridge Elem.	(559) 841-2444	Steve Rosa	1	89	K-8
24	Raisin City Elem.	(559) 233-0128	Orin <u>Hirschhorn</u> , Sup. Jessica Juarez, Prin.	1	529	K-8
25	Riverdale Joint Unified	(559) 867-8200	Jeff Percell	4	1478	K-12
26	Sanger Unified	(559) 524-6521	Adela Madrigal Jones	21	11,087	K-12
27	Selma Unified	(559) 898-6500	Marilyn Shepherd	12	6001	K-12
28	Sierra Unified	(559) 855-3662	Jordan Reeves	6	1269	K-12
29	Washington Colony Elem.	(559) 233-0706	Jesus Cruz	1	469	K-8
30	Washington Unified	(559) 495-5600	Randy R. Morris	8	2915	K-12
31	Westpark Elem.	(559) 233-6501	Darrell Yates	2	589	K-12
32	Westside Elem.	(559) 844-2492	Baldomero Hernandez	3	3781	K-8
	FC Superintendent of Schools	(559) 265-3000	Dr. Michele Cantwell-Copher	339	200,201	K-12
	Fresno State, CSUF	(559) 278-2324	Saúl Jiménez-Sandoval, President	1 campus	25,341	State Univ.
	State Center Community College District. SCCC	(559) 243-7102	Dr. Carole Goldsmith, Chancellor	4 Colleges 2 Campuses	68,000+	Jr. Coll

(<http://www.ed-data.org/district/Fresno/>, last accessed on April 25, 2023.)

**APPENDIX #3**  
**FRESNO COUNTY LAW ENFORCEMENT AGENCIES**

	<b>Law Enforcement Agency</b>	<b>Non-emergency Phone</b>	<b>Population</b>	<b>Sworn Officers</b>
1	Fresno County Sheriff's Office	(559) 600-8400	1,008,654	425
2	Clovis Police Department	(559) 324-2800	119,175	105
3	Coalinga Police Department	(559) 935-1525	17,590	15
4	Firebaugh Police Department	(559) 659-3051	8296	12
5	Fowler Police Department	(559) 834-3254	6790	11 FT, 7 PT
6	Fresno Police Department	(559) 621-7000	542,107	900 max.
7	Huron Police Department	(559) 945-2348	7281	10
8	Kerman Police Department	(559) 846-6633	15,282	20
9	Kingsburg Police Department	(559) 897-2931	12,108	15
10	Mendota Police Department	(559) 655-9120	12,595	Approx. 15
11	Orange Cove Police Department	(559) 626-5106	10,273	12
12	Parlier Police Department	(559) 646-6600	15,618	14
13	Reedley Police Department	(559) 637-4200	25,658	23
14	Sanger Police Department	(559) 875-8521	25,339	25
15	Selma Police Department	(559) 891-2200	24,825	22
16	Clovis Unified S.D. Police	(559) 327-9221		17
17	California State Univ. Fresno Police	(559) 278-8400		Approx. 20
18	State Center Comm. College. Dist. Police	(559) 244-6140		Approx. 20



FRESNO COUNTY GRAND JURY

FINAL REPORTS AND RESPONSES

RESPONSES TO REPORT #3  
**SCHOOL SAFETY AND SECURITY  
IN FRESNO COUNTY**



# fresno county superintendent of schools

Dr. Michele Cantwell-Copher, Superintendent

July 17, 2023

Via U.S. First Class Mail

The Honorable David Kalemkarian, Presiding Judge  
Fresno County Superior Court  
1100 Van Ness Avenue  
Fresno, California 93724-0002

**Re: Response to Fresno County Grand Jury Report No. 3: School Safety and Security in Fresno County**

Dear Judge Kalemkarian:

This letter constitutes the response of the Fresno County Superintendent of Schools ("County Superintendent") to Fresno County Grand Jury Report No. 3: School Safety and Security in Fresno County (the "Report").

The County Superintendent's office thanks the Grand Jury for highlighting the important issues of school security and safety for the students of Fresno County. All of us who play a part in the education of our youth in Fresno County are cognizant of the fact that the basic safety of our students is a fundamental prerequisite to a productive learning environment. As discussed in this response, my office has taken a leadership role within our county to facilitate learning and conversations, and to provide resources centered around empowering school districts to keep their campuses safe and secure. The County Superintendent's office intends to continue these efforts into the future as an outgrowth of our services to Fresno County's 32 school districts.

### **County Superintendent Authority**

As a preliminary matter, it is important to explain the role the County Superintendent's office plays with regard to oversight of the school districts of Fresno County. Our state constitution establishes the position of county superintendents as intermediate service agencies charged with providing regional and direct support to the districts within their respective counties, and implementing specific directives of the California Department of Education. Over time, various legislative enactments have further shaped the specific role of county superintendents. As it relates to school district operations and expenditures, the primary duties of county superintendents in California can be summarized as:

1. The review and approval of school district Local Control and Accountability Plans ("LCAP"), ensuring alignment between district-created goals and projected spending and services using state-established criteria.
2. Oversight of school district budgets to ensure financial stability and to monitor for evidence of financial distress.

County superintendents play a key, yet limited, role in overseeing districts as part of the larger structure of public schools within the state. In carrying out the review and approval of LCAPs, and in conducting budgetary oversight, the discretion of county superintendents is extremely narrow, and in most cases the exercise of authority becomes essentially ministerial once it is confirmed that the LCAP and budgeting processes have complied with the myriad and technical requirements set by the state. The framework in which county superintendents operate is a purposeful consequence of a structure that places all decision-making and specific operations determinations in the hands of local school boards, with numerous processes designed to make school districts responsive to the needs, goals, and priorities of local communities as determined by local school district boards.

### **Fresno County Superintendent Efforts to Support School Safety and Security**

Outside of their specific oversight and review roles, county superintendents are allowed to engage in discretionary activities to serve and support county school districts, including providing direct services, programs, trainings and staff development, curriculum, business and finance support, and health and pupil personnel services. It is in this discretionary role that the County Superintendent has engaged in numerous efforts to support county districts in providing secure and safe campuses for their students.

As noted in the Report, the County Superintendent's office has implemented several initiatives to support county districts, including regularly hosting school safety seminars and symposiums. These seminars and symposiums provide opportunities for school districts staff to receive training on behavioral threat assessment, targeted violence prevention, crisis response preparation, and suicide intervention. A key component of these seminars and symposiums is facilitating interaction, communication, and coordination among school districts and with local, state, and federal law enforcement representatives. Specifically through the Pupil Personnel Services department of the County Superintendent's office, we have taken a focused approach to providing trainings, tools, and resources to school district mental health personnel regarding school site threat assessment, and suicide risk assessment and intervention. The County Superintendent is extremely proud that in the last four years alone, representatives from every single school district within Fresno County have attended one or more of the threat assessment trainings coordinated by the Fresno County Superintendent of Schools, and we have established ongoing dialogue in the county on these issues. As an outgrowth of these seminars and symposiums, the County Superintendent is also proud that we have collaboratively produced and promoted threat assessment forms and suicide screening resources available countywide.

### **Response to Findings and Recommendations of the Report**

#### **F2 Local law enforcement and school officials have experienced difficulty motivating large numbers of parents to be involved in school safety and security.**

In fulfilling its duties and roles, the County Superintendent's office is not directly in contact with parents from each of the 32 county districts to the same degree as local law enforcement and school district officials, and is therefore not equipped to opine on this finding, or make broad generalizations regarding the unique and varied communities across Fresno County. Accordingly, the County Superintendent must disagree with the finding.

**F4 Some schools were unable to enhance security because of limited radio communications among school staff and/or law enforcement.**

As outlined above, the County Superintendent's office continues to take proactive steps to create opportunities for interaction, communication, and coordination among school districts and with local, state, and federal law enforcement representatives to address any and all barriers to school security. However, the County Superintendent does not possess specific knowledge regarding this particular issue, and must therefore disagree with the finding.

**F5 Some school campuses have limited or no funding for security upgrades or programs based on school district or individual school priorities.**

As discussed, the LCAP and budgeting processes for school districts, and by extension individual school campuses, is an expression of the needs, goals, and priorities of local communities as determined by local school district boards. The existing framework allows for the expenditure of funds for security upgrades and/or programs as determined necessary by districts. The County Superintendent's office financial stability monitoring and review of district budgets does not extend to a campus-by-campus examination of expenditures for security. Accordingly, without specific knowledge regarding this particular issue, the County Superintendent must disagree with the finding.

**R1 The Fresno County Superintendent of Schools should review the Suggested Guidelines and develop a plan to implement all that are applicable. This should be accomplished by June 30, 2024. (See F1 and F3)**

The County Superintendent's office has reviewed the Suggested Guidelines, and the item under "Communications" applicable to our office. The County Superintendent's office declines to create the proposed surplus gear and equipment "exchange" at this time as the County Superintendent is not aware of the availability of such equipment, or of a desire on the part of districts to obtain used equipment and gear. Should the County Superintendent learn of a countywide need for the creation of such an exchange in the future, this office is open to reexamining this issue in light of available staffing and resources.

**R2 The Fresno County Superintendent of Schools, in cooperation with local school districts and law enforcement agencies, should develop and establish a forum whereby parents, schools, school districts, and law enforcement can meet, exchange and develop new, innovative, and "out of the box" ideas to enhance school security. This should be accomplished by December 31, 2024. (See F2 and F3)**

As discussed above, the County Superintendent has developed and established multiple forums for districts and law enforcement to meet, and exchange and develop evidence-based measures to enhance school security. As such, this recommendation has already been implemented. Due to the structure of the state education system, it is the expectation of the County Superintendent's office that parent engagement regarding these issues will happen on the local level via the established LCAP and budgeting processes, and local school board meetings, and the exchange of ideas at the county level will necessarily carry with it input received by districts at the local level. The County Superintendent will continue to be a state-wide example of leadership in this area.

**R3 The Fresno County Superintendent of Schools should assist school districts with limited funds to obtain serviceable secondhand surveillance, communication, protection, and safety**



**equipment by helping identify funding or equipment sources. This should be accomplished by December 31, 2024. (See F4 and F5)**

While the County Superintendent is not currently aware of any districts specifically desiring secondhand school safety equipment, on an as needed/as requested basis, as a part of our business services and finance support to districts, the County Superintendent will continue to share relevant information regarding available funding and equipment sources with districts.

**R4 The Fresno County Superintendent of Schools should recommend to local school district boards that they conduct a study to determine if each public school (K-12) can have at least one trained and equipped sworn School Resource Officer (SRO). This should be implemented by June 30, 2024. (See F5)**

The County Superintendent remains committed to recommending that school districts in Fresno County consider all evidence-based best practices for school security and safety, and weigh them in light of local needs and circumstances, community input, and the unique priorities of each district. The County Superintendent has a longstanding practice of refraining from recommending that specific discretionary actions be taken by school district boards as a one-size-fits-all solution. Making such recommendations is antithetical to the local control model established for school district operations decisions in this state, and the intermediate service agency role this office plays. The County Superintendent will not implement this recommendation, as it is not reasonable or appropriate because of the role this office must fill in Fresno County.

**R5 The Fresno County Superintendent of Schools, the Fresno County Sheriff, and local Police Chiefs should recommend to school district boards that they maximize the use of video surveillance, including properly staffed and trained operators. This should be accomplished by June 30, 2024. (See F9)**

The County Superintendent remains committed to recommending that school districts in Fresno County consider all evidence-based best practices for school security and safety, and weigh them in light of local needs and circumstances, community input, and the unique priorities of each district. The County Superintendent has a longstanding practice of refraining from recommending that specific discretionary actions be taken by school district boards as a one-size-fits-all solution. Making such recommendations is antithetical to the local control model established for school district operations decisions in this state, and the intermediate service agency role this office plays. The County Superintendent will not implement this recommendation, as it is not reasonable or appropriate because of the role this office must fill in Fresno County.

The Honorable David Kalemkarian  
July 17, 2023  
Page 5 of 5

The County Superintendent's office again thanks the Grand Jury for raising the issues of school security and safety in Fresno County, and providing this opportunity to highlight the work of the County Superintendent's office in this area.

Sincerely,



Michele Cantwell-Copher  
Fresno County Superintendent of Schools

00150091.DOCX

RECEIVED  
JUL 15 2023  
COUNTY OF FRESNO  
SUPERIOR COURT CLERK'S OFFICE



John Zaroni  
Sheriff  
Fresno County Sheriff's Office

July 17, 2023

The Honorable David Kalemkarian, Presiding Judge  
Fresno County Superior Court  
1100 Van Ness Avenue  
Fresno, CA 93724-002

**Re: 2022-23 Fresno County Civil Grand Jury Report No. 3: SCHOOL SAFETY AND SECURITY IN FRESNO COUNTY. COULD ULVALDE HAPPEN HERE? HOW SAFE ARE OUR SCHOOLS?**

Honorable David Kalemkarian:

The following is the response of the Fresno County Sheriff's Office to the findings and recommendations in the 2022-23 Fresno County Civil Grand Jury Report No. 3; SCHOOL SAFETY AND SECURITY IN FRESNO COUNTY. COULD ULVALDE HAPPEN HERE? HOW SAFE ARE OUR SCHOOLS?

**Findings:**

**F-2 The local law enforcement and school officials have experienced difficulty motivating large numbers of parents to be involved in school safety and security.**

The Sheriff's Office disagrees partially with the finding.

The Fresno County Sheriff's Office has not experienced any difficulty motivating parents to engage in the safety and security of schools. While the Sheriff's Office Seconds 2 Survive active shooter preparedness training that has been presented to a wide variety of groups and organizations since 2013, the emphasis of the preparedness training within Fresno County Schools has been for teachers and administrators, not the parents.

The Seconds 2 Survive – Diverting the Threat presentation is the Sheriff's Office's sequel to the original Seconds 2 Survive training. The Diverting the Threat presentation focuses on the common warning behaviors associated with those engaged in the planning of targeted violence incident. While the original Seconds 2 Survive focuses on those who are on campus, Diverting the Threat is ideal for parents.

Parent Teacher Associations could use the training as a tool to better engage parents with improving school safety. The training is offered at no cost by the Sheriff's Office and is about an hour in length.

*Dedicated to Protect & Serve*

#### **F-6 Local law enforcement agencies have procedures in place to address the immediate response to an active shooter incident.**

The Sheriff's Office agrees with the finding.

On March 27, 2000, Fresno County Sheriff Richard Peirce addressed all personnel with the Fresno County Sheriff's Office via an Inter-Office Memo and Roll Call Training Bulletin (Bulletin 4, Volume 2000) entitled "First Responder". The Inter-Office Memo and Roll Call Training Bulletin clearly explained the expectations for personnel to engage active shooters and provided the tactical response framework in which to respond including the following:

- The need to engage the suspect(s)
- Contain the suspect(s) through restricting their movement
- Isolating the suspect(s) from students, teachers, and the public
- Neutralizing the suspect within the parameters of law and policy

Not only has this been a long-standing directive to the response to violent incidents, the Sheriff's Office has provided training supporting the directive since 2000 with School Violence Rapid Intervention and Active Shooter courses. In addition, the Sheriff's Office periodically incorporates active shooter training into the annual training plan.

The active shooter training provided to enforcement deputies and allied law enforcement agencies has evolved from its early development in 2000 to include best practices from lessons learned with prior incidents and includes the following:

- Updated active shooter/violence response tactics to include rescue breaching
- Police/Fire Integration Concepts (Rescue Task Force)
- The leadership role of law enforcement when responding to active shooter/violence incidents
- Tourniquet applications for self and victims

#### **F-7 Local schools and law enforcement work well and cooperate closely.**

The Sheriff's Office agrees with the finding.

The Fresno County Sheriff's Office and schools located within Fresno County have had a long-standing relationship built upon trust and mutual cooperation. Through contracted law enforcement services, the following three school districts have deputies assigned to their campuses:

- Fresno Unified School District: Wawona K-8 School
- Central Unified School District: Central West High School
- Golden Plains Unified School District: Cantua Elementary School, Del Ray Continuation School, Helm Elementary School, San Joaquin Elementary School, Tranquillity Elementary School and Tranquillity High School

*Dedicated to Protect & Serve*

Aside from the existing contracts, deputies assigned to the Patrol Bureau of the Fresno County Sheriff's Office investigate all crimes and incidents involving campuses throughout Fresno County that fall within the Sheriff's Office jurisdiction.

Additionally, the Sheriff's Office regularly conducts active shooter preparation training with school staff throughout the county with its Seconds 2 Survive presentation.

Recently, the Sheriff's Office in partnership with the Fresno County Superintendent's Office, Department of Behavioral Health, Kings View Crisis Intervention, and California State University Fresno Police Department created a Targeted Violence Prevention Task Force, which focus on preventing incidents of targeted violence by recognizing common behavioral warning indicators of persons engaged in the preplanning stages of targeted violence and taking action to intervene before an incident occurs. The task force has the following five major components:

- Educational Component – Provides pre-attack warning behaviors training to the public
- Reporting Component – Use of a QR code for access to an Early Warning System online form that is completed by the concerned person, which routes to the Fresno County Sheriff's Office
- Threat Reception Component – Threat assessment personnel responsible for triaging incoming Early Warning System submissions
- Investigative Component – Team assigned to investigate persons who may be in the planning stages of a targeted violence incidents
- Threat Assessment and Management Component – Multidisciplinary team of threat assessment trained law enforcement, mental health and school psychologists who meet to review cases involving persons of concern, determine the level of concern, and development management strategies to remove these persons from the pathway of violence.

### **Recommendations:**

**R-5 The Fresno County Superintendent of Schools, the Fresno County Sheriff, and local Police Chiefs should recommend to school district boards that they maximize the use of video surveillance, including properly staffed and trained operators. This should be accomplished by June 30, 2024.**

Recommendation has not been implemented but will be implemented by June 30, 2024.

While there is no "one solution fits all" response to campus safety, the real-time monitoring of video surveillance systems on campus by trained personnel may enhance campus safety. The presence of cameras on campus which are known to be monitored may serve as a "target hardening" deterrent to those seeking out a "soft target" campus to carry out a plan of violence. Real-time monitored video surveillance may also serve as an early warning system when paired with an existing emergency response plan. Having real-time intelligence of an active shooter's breach of a campus and their location may assist in determining the appropriate response. The real-time intelligence of an assailant's location may also assist responding law enforcement neutralize the threat quickly and reduce the assailant's opportunity to cause harm.

*Dedicated to Protect & Serve*

**R-7 The Fresno County Sheriff and local Police Chiefs should work with local school districts so deputies and officers can visit school campuses to familiarize themselves with school layouts in their sector. This should be accomplished by June 30, 2024.**

Recommendation has been implemented.

Patrol deputies with the Fresno County Sheriff's Office have vehicles equipped with mounted computers and have immediate access to a quick link of all Fresno County Schools through its web-based SharePoint system. Maps, photos, and evacuations plans of all schools are available through this system for rapid referencing in an emergency.

In addition, deputies assigned to the patrol bureau have initiated campus visits to verify that campus maps are accurate as well as familiarizing themselves with the campuses. Deputies familiar with the campuses in their assigned beats will not only be able to respond more expediently to an emergency, but also guide or direct other responding deputies in their response. Familiarization expected to be complete prior to the start of the commencement of the 2023-2024 school year.

This concludes the Fresno County Sheriff's Office comments and responses to the Findings and Recommendations of the Fresno County Grand Jury Report No. 3: SCHOOL SAFETY AND SECURITY IN FRESNO COUNTY. COULD ULVALDE HAPPEN HERE? HOW SAFE ARE OUR SCHOOLS?

Sincerely,



John Zanoni  
Sheriff

Fresno County Sheriff's Office

*Dedicated to Protect & Serve*

Law Enforcement Administration Building / 2200 Fresno Street / P.O. Box 1788 / Fresno, California 93717 / (559) 600-8800  
Equal Employment Opportunity Employer



---

## FRESNO COUNTY GRAND JURY

### FINAL REPORTS AND RESPONSES

---

---

## REPORT #4

# **OPERATIONAL STATUS OF FRESNO CITY FIRE HYDRANTS**

---

2022-2023 Fresno County Civil Grand Jury Report No. 4  
OPERATIONAL STATUS OF FRESNO CITY FIRE HYDRANTS  
June 20, 2023

**SUMMARY**

The Fresno County Civil Grand Jury received a written complaint that referenced an article in the Wall Street Journal of September 2022. The article addresses, in part, the maintenance, service, and functionality of fire hydrants. Locally, a report filed by Fox News on January 30, 2020 questioned the condition and maintenance of the fire hydrants in the City of Fresno. The Fox News report referenced two fires where there were problems with fire hydrants. In one case, a hydrant was inoperable but the fire department was able to access other hydrants in the area. The nonfunctioning hydrant had previously passed inspection. The second referenced incident involved a damaged fire hydrant. The Grand Jury investigated the organizational procedures ensuring the efficient operation of this public safety system.

**GLOSSARY**

DPU: Department of Public Utilities

DPU-W Department of Public Utilities - Water

FCFD: Fresno City Fire Department

ISO: Insurance Services Office

**BACKGROUND**

The purpose of this investigation was to determine (1) if the City of Fresno's water system is sufficient to meet the necessary water needs when responding to fires and (2) is



the fire hydrant system being maintained to service the public safety requirements.

The policy for fire hydrant spacing and water flow requirements is established in the Fresno City Fire Department (FCFD) Fire Prevention Manual Development Requirements Section 403.003, revised February 13, 2019. In single-family residential areas and multi-family residential areas of up to four units per building, a hydrant is required every 600 feet and in a commercial area every 450 feet. FCFD engines carry a minimum of 800 feet of hoses, in addition to carrying 500-750 gallons of water. In the event of a large fire, the Department of Public Utilities (DPU-W) can increase the water pressure to that area, providing sufficient water flow to meet the needs for controlling and suppressing a fire.

The service, maintenance, and if necessary replacement of fire hydrants is performed by the DPU-W, a unit of the Department of Public Utilities (DPU). The DPU-W is also responsible for the purchasing of replacement parts and spare valves. The FCFD is responsible for the inspection of city fire hydrants. Fire stations are compensated \$98 per year for each annual inspection. These funds are used to offset the extra costs generated in making the required inspections. When an inspection discovers a problem with a hydrant, the information is forwarded to the DPU-W for repairs. The report will discuss the process for the inspection, maintenance, and continued operation of fire hydrants throughout the city.

## **METHODOLOGY**

To develop the information necessary to address the complaint, the Fresno Grand Jury interviewed employees from the FCFD, DPU, and the DPU-W. Additional references used

were the Fire Prevention Manual Development Requirements (Feb. 2019) and Insurance Services Office (<http://www.verisk.com/iso-home/about-iso/about-iso.html>).

## **DISCUSSION**

The Fresno City Fire Department (FCFD) oversees approximately 14,320 public and 3,226 private fire hydrants. Private hydrants in special districts within the City of Fresno have their own contracted water systems. The FCFD does not inspect and is not responsible for private hydrants located in special districts. Therefore, data on private hydrants in special districts is not included in this report.

The FCFD is required to inspect every fire hydrant in its jurisdiction once a year. This annual inspection and maintenance consists of flushing the system, lubing the caps, and exercising the valve. When a fire hydrant is found to be in need of repair, notice is sent to the DPU-W. When a hydrant is determined to be inoperable the cap is painted black. This alerts FCFD to avoid that hydrant. When repairs are completed the DPU-W notifies FCFD and the cap is repainted according to the valve flow capacity. The FCFD uses a subscribed program developed by Tiburon Public Safety Software, that provides a real-time map showing the location of each hydrant and its operational status. The FCFD is replacing the Tiburon system with a new software platform called First Due, which will improve efficiencies.

The Insurance Services Office (ISO) is a provider of statistical, actuarial, underwriting, and claims information. ISO was formed as an advisory and rating organization for the property/casualty insurance industry to provide statistical and actuarial services, to

develop insurance programs, and to assist insurance companies in meeting state regulatory requirements. The ISO evaluations used by insurance companies in setting insurance rates are based upon many factors. An important criteria is the availability and sufficiency of the city water that services the fire hydrant system. The City of Fresno has a 100% rating from the ISO for the robust water system supplying the necessary water flows to support the complex system of fire hydrants.

During the interview process it was discovered that there are over 20 different types and models of fire hydrants in service throughout the city. It was brought to our attention that the City of Fresno purchases new hydrants, for replacement purposes, based primarily upon the lowest bidder. As a result of this process there is an assortment of hydrants making up the city system. Each model of hydrant requires specific tools to operate. The requirement of special wrenches to operate different valves creates the need for each truck to carry specific tools to perform annual inspections and effectively use hydrants in an emergency. This diversity of hydrants also adds to the challenge of managing inventory of replacement parts. DPU-W is responsible for maintaining supplies to service the different types of hydrants throughout the city. This situation continues to be a problem for the city. The need for distinct tools to operate different hydrants makes the system less efficient.

The annual inspection of the hydrants is required and necessary to insure operational hydrants at all times. Annual inspections are performed throughout the year. Hydrant inspections are in addition to answering routine and emergency service calls. Some stations handle more calls than others and are often overworked to effectively complete

these inspections.

When a hydrant is discovered to be in need of repairs the information is forwarded to the DPU-W dispatch center. DPU-W is responsible for procuring parts, repairing and/or replacing hydrants. This department reports through the Asset Management System twice a month the status of hydrants needing repairs or replacement. Repairs could take days or weeks to complete depending on the make of the hydrant, inventory of parts, and work schedules. Once repairs are completed, it is the responsibility of FCFD to make sure that the hydrants are inspected and operating.

### **Findings:**

- F1. The decision for purchasing new hydrants is based primarily on the lowest bidder and FCFD is not included in the hydrant selection and purchase process.
- F2. Communication between FCFD and DPU-W regarding the maintenance and repair of fire hydrants is through inefficient communication systems and emails.
- F3. Each FCFD fire station has different levels of priority calls and demands for services resulting in some stations having substantially less time for inspecting hydrants.
- F4. The Tiburon Software program is being replaced by a new software platform called First Due which will include additional monitoring and notification options.
- F5. The water supply and existing hydrant delivery system has earned Fresno City the highest rating from the ISO insuring agency.

### **RECOMMENDATIONS**

- R1. The FCFD Chief should share the scheduled upgraded program with the DPU-W to streamline communications between all parties so the requisition of necessary repairs and reporting on completions of repairs could be more effectively tracked. This should be completed by March 2024. (F2) (F4)
- R2. The DPU-W Manager should include input from the FCFD on the selection and purchase of new hydrants. This should be implemented by September 2023. (F1) (F2) (F5).
- R3. The FCFD Chief should initiate scheduled quarterly meetings with DPU-W Manager, and the City of Fresno Purchasing Department to improve communications between departments. To be completed by December 2023. (F2) (F4)
- R4. The FCFD should review their internal system to ensure fire hydrant inspections between stations are completed efficiently and on time. This should be completed by December 2023. (F3)

**Request for Responses:**

Pursuant to California Penal Code Section 933.05, the 2022-2023 Fresno County Civil Grand Jury requests responses to each of the specific findings and recommendations. It is required that responses from elected County officers or agency heads are due within 60 days of the receipt of this report and 90 days from the governing body of a public agency.

The Grand Jury acknowledges that recommendations dealing with infrastructure, such as

the replacing and standardizing city fire hydrants, will be an ongoing process. The intent of the recommendations are to have the responsible departments recognize the long-term benefits and incorporate standardization into future actions. The scheduled software upgrades and new technology will provide communication platforms that improve department interactions and should be implemented as they become available. The other recommendations are offered to support the people involved with the operation, maintenance, and use of this complex water delivery and hydrant system for the public protection of the City of Fresno.

**Invited Respondents:**

FCFD - Fire Chief (F1, F2, F3, F4,) (R1, R2, R3, R4)

DPU-W - Manager (F1, F2, F4, F5) (R1, R2, R3)

**Disclaimer**

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



FRESNO COUNTY GRAND JURY

FINAL REPORTS AND RESPONSES

RESPONSES TO REPORT #4  
**OPERATIONAL STATUS OF  
FRESNO CITY FIRE HYDRANTS**



## Department of Public Utilities

---

Water Division  
1910 East University Avenue  
Fresno, California 93703-2927  
559-621-5300 – FAX 559-488-1024  
[www.fresno.gov/water](http://www.fresno.gov/water)

August 31, 2023

**CERTIFIED MAIL NO. 7012 0470 0000 7228 8107**

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

**SUBJECT: CITY OF FRESNO GRAND JURY RESPONSE TO FIRE HYDRANT COMPLAINT**

Dear Judge Kalemkarian:

Below please find comments and responses to the Grand Jury Report #4 on behalf of the City of Fresno Department of Public Utilities – Water Operations (DPU-W).

As a preliminary matter, Respondent respectfully disagrees with the comment by the Grand Jury on page 4 of the Report which indicates that there are over 20 different types of hydrants and states: “Each model of hydrant requires specific tools to operate. The requirement of special wrenches to operate different valves creates the need for each truck to carry specific tools to perform annual inspections and effectively use hydrants in an emergency.” Also, “the need for distinct tools to operate different hydrants makes the system less efficient.” In response, DPU-W would like to note that even with the vast variety of fire hydrant types and styles in our water system, there are only **two** types of tools that are used to operate **all** types and styles.

### **FINDINGS**

**Finding #1:** The decision for purchasing new hydrants is based primarily on the lowest bidder and Fresno City Fire Department (FCFD) is not included in the hydrant selection and purchase process.



**Response #1:** Respondent agrees in part with the finding, the decision to purchase hydrants is within the authority of the City of Fresno and through the formal procurement process, Charter Section 1208(a) requires that contracts be awarded to lowest responsive and responsible bidder. The decision-making process will gladly be discussed with the FCFD team for hydrant style decision and further collaboration. DPU-W has already reached out to and initiated discussions with FCFD as of August 7, 2023.

**Finding #2:** Communication between FCFD and DPU-W regarding the maintenance and repair of fire hydrants is through inefficient communication systems and emails.

**Response #2:** Respondent agrees that the communication system can be improved. DPU-W had recently automated its asset management system/workorder system to send automatic responses to FCFD once we have completed maintenance or repair of a fire hydrant sent to our department via the First Due system that replaced FCFD's Tiburon system.

**Finding #4:** The Tiburon Software program is being replaced by a new software platform called First Due which will include additional monitoring and notification options.

**Response #4:** Respondent agrees and has been made aware that FCFD is updating their platform to the First Due system which we understand to be a more effective system with color coded icons and programmable automated notification. DPU-W intends to cooperatively work with FCFD.

**Finding #5:** The water supply and existing hydrant delivery system has earned Fresno City the highest rating from the ISO insuring agency.

**Response #5:** Respondent agrees, as stated on page 4 of the Grand Jury Report, "the City of Fresno has a 100% rating from the ISO for the robust water system supplying the necessary water flows to support the complex system of fire hydrants." The Insurance Services Office ISO is a provider of statistical, actuarial, underwriting, and claim information and was formed as an advisory and rating organization. An important criterion is the availability and sufficiency of the city water that services the fire hydrant system.

## **RECOMMENDATIONS**

**Recommendation #1:** The FCFD Chief should share the scheduled upgraded program with the DPU-W to streamline communications between all parties so the requisition of necessary repairs and reporting on completions of repairs could be more effectively tracked. This should be completed by March 2024. (F2) (F4).

The Honorable Judge Kalemkarian  
August 31, 2023  
Page 3 of 3

**Response #1:** The recommendation is in the process of being implemented. FCFD and GIS staff has included DPU-W in the process and are currently working together as the new system is being implemented and integrated into FCFD's network.

**Recommendation #2:** The DPU-W Manager should include input from the FCFD on the selection and purchase of new hydrants. This should be implemented by September 2023. (F1) (F2) (F5).

**Response #2:** Respondent has incorporated this recommendation, as stated above, the decision-making process will gladly be discussed with the FCFD team for hydrant style decision and their input considered in the process. Respondent has reached out and initiated discussions with FCFD as of August 7, 2023, and looks forward to further collaborating.

**Recommendation #3:** The FCFD Chief should initiate scheduled quarterly meetings with DPU-W Manager, and the City of Fresno Purchasing Division to improve communications between departments. To be completed by December 2023. (F2) (F4)

**Response #3:** Respondent and DPU-W, in particular, are in agreement with scheduling quarterly meetings to continue to improve communications and collaboration with FCFD.

Should you have any further questions please feel free to give me a call at 621-5315.

Respectfully,



Chad Colby  
Water Manager

cc: Georgeanne A. White, City Manager  
Brock D. Buche PE, PLS, Director  
Ronald W. Alexander, Jr.

CITY OF FRESNO  
SUPERVISOR COURT OF SUPERVISORS  
SEP 01 2023  
RECEIVED