



THE COUNTY
OF FRESNO

GRAND JURY
REPORT
2021~22



THE COUNTY OF FRESNO

GRAND JURY REPORT

2021~22

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

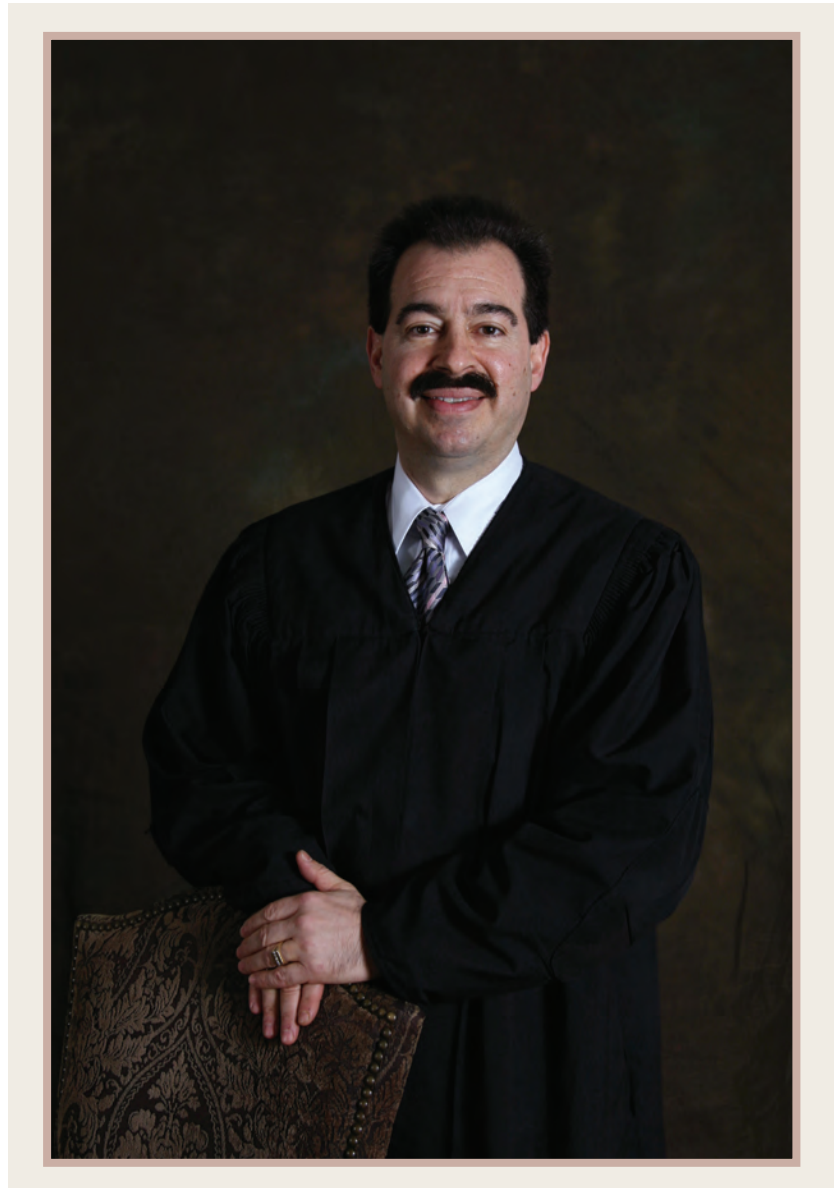
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THE COUNTY
OF FRESNO

GRAND JURY
REPORT

THE FRESNO COUNTY GRAND JURY REPORT
PRESIDING JUDGE
2021~22



HON.
DAVID C. KALEMKARIAN



**Superior Court of California
County of Fresno**

CHAMBERS OF
DAVID C. KALEMKARIAN
Presiding Judge

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The members of the 2021-2022 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 2021-2022 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 five reports. The first addressed conflict of interest issues within county contracting, the second addressed county election integrity, the third involved a review of the mandated responses to the three investigative reports issued by the 2019-2020 Grand Jury, the fourth addressed diversity issues in the hiring of officers by the Clovis Police Department, and the fifth addressed purchasing policies and procedures of the Departments of Internal Services and Public Works and Planning. Each report was thorough and detailed and contained appropriate recommendations for potential improvements for the agencies identified. The leadership of foreperson, Lanny Larson, and foreperson pro tem, Darlyne Swenson, 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. Even more impressive is the fact that the Grand Jury started and continued its work under the unprecedented circumstance of a pandemic. 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 "D C Kalemkarian".

**Hon. David C. Kalemkarian
Assistant Presiding Judge 2021
Presiding Judge 2022**



TO: Honorable David C. Kalemkarian, Presiding Judge for 2021-22
Residents of Fresno County

A LONG, PRODUCTIVE TERM

The 2021-2022 Fresno County Civil Grand Jury was privileged to serve our fellow county residents, for 18 months – six more than usual, thanks to the pandemic.

We published four reports about investigations and one about responses to the 2020-2021 Civil Grand Jury's findings and recommendations:

- **No. 1** – A citizen complained that a contract was approved for Fresno County work by an employee related to the contractor. The Grand Jury examined conflict-of-interest training, policies and procedures, determining that there was room for improvement. Subsequently, the county Department of Human Resources ordered several changes to make employees better aware of how to avoid potential conflicts of interest.
- **No. 2** – The Grand Jury initiated an investigation after claims were made by local partisan and elected officials of irregularities in Fresno County's conduct of the 2020 presidential election. No evidence was presented to support the allegations and the Grand Jury report praises the county Elections Department.
- **No. 3** – Each year the grand jury reviews the previous panel's work and whether responses were received in a Compliance and Continuity report.
- **No. 4** – A citizen complaint alleged racial bias in hiring Clovis Police Department officers. The Grand Jury learned that the department had been taking steps to improve diversity with little success. The Grand Jury recommended several strategies to help reach department diversity goals.
- **No. 5** – An outgrowth of the conflict-of-interest investigation was a Grand Jury review of Fresno County's contracting policies. The report focused on minimum insurance requirements and strict enforcement that could discourage some bidders, thereby also limiting the county's choices. The Grand Jury also found that the county had begun making some positive changes.

The Grand Jury has no statutory enforcement power, leaving to county citizens the responsibility to hold government accountable for responding to recommendations.

LEARNING ABOUT OUR COUNTY

One great benefit of Grand Jury service is learning about local government entities and leaders and understanding the role and effectiveness of government generally.

During our 18 months of service, grand jurors toured the new county jail, which will relieve crowding and replace aging facilities. We attended the Fresno-Madera Law Enforcement Chiefs meeting, toured Fresno-Yosemite International Airport, housing developed to relieve homelessness and the new Child Welfare Services Center in Clovis.

About two dozen other presentations to the Grand Jury provided insight on the pandemic, crime, policing, drug issues, social services, education, special districts, new leadership in Fresno and the Fresno Police Department and other topics.

We are grateful for the opportunity to learn.

PRISON AND JAIL VISITS

California civil grand juries must inquire into state prisons and county jails. Late in our term, we visited, Fresno County Jails in downtown Fresno; the Juvenile Justice Campus, southwest of Fresno; and Pleasant Valley State Prison, east of Coalinga.

Administrators, correctional officers and some incarcerated people answered our questions, but we didn't have enough time to prepare detailed reports. Instead, we offer these impressions:

Pleasant Valley State Prison – For its incarcerated men, the prison provides religious services, counseling, drug counseling, life instruction and education (GED through college master's curricula). The men can learn about fire-fighting, landscaping, food preparation, auto repair and painting, small-engine repairs, horse-training, heating and air conditioning, carpentry and building maintenance skills. A well-equipped welding program was idle though because no certificated trainer was available. Grand jurors were told that the prison's remote location is an issue in hiring and retaining staff. Grand jurors also were concerned that county, state and federal lawmakers seldom, if ever, visit the prison.

Fresno County Jail – “Depressing” was the word used by most grand jurors to describe jails opened in 1947, 1989 and 1993, with adverse impact on the emotional well-being of the incarcerated and correctional workers, especially in the oldest unit. Grand jurors were impressed by how jail staff handle the complexities of prisoner classification, housing and movement.

Fresno County Juvenile Justice Campus – Grand jurors were the first group to visit the 200-acre campus since March 2020 when COVID-19 protocols began. Grand jurors were impressed by the campus facilities and the variety of programs dedicated to education, rehabilitation and intervention rather than punishment. Besides standard classrooms, educational opportunities include welding, horticulture and boys and girls clubs. Grand jurors learned that food preparation is in the vocational future if the campus replaces its off-site food supplier with its own kitchen.

HOW YOU CAN GET INVOLVED

The Civil Grand Jury is impaneled by the Superior Court from among adult residents of Fresno County who apply to serve as local agents of change.

Open mindedness, teamwork, civic concern, community awareness, computer competence and curiosity are great grand juror attributes, as is a willingness to invest 40 to 80 hours month in grand jury work.

There's plenty of information and an application form at:

<https://www.fresno.courts.ca.gov/divisions/jury-service/grand-jury>

Another way to be involved is by bringing any concerns about local government, schools, or special district operations directly to the Grand Jury.

**Information about sending a complaint to the
Fresno County Civil Grand Jury can be found at**

https://www.fresno.courts.ca.gov/system/files/fresno-county-grand-jury-complaint-instruction-sheet_1.pdf. A complaint form is at https://www.fresno.courts.ca.gov/system/files/fresno-county-civil-grand-jury-complaint-form_1.pdf.

===== MANY THANK-YOUS =====

The Grand Jury thanks all who generously shared time and hospitality so we would be well-informed citizens during our term and beyond.

Special thanks also to:

- Attorneys Rebekah Eropkin and Arthur Wille in the Fresno County Counsel's Office assigned to guide the Grand Jury.
- The Fresno County Superior Court for the encouragement of their Honors Arlan Harrell, David Kalemkarian and Houry Sanderson and human resources director Suzanne Olguin.
- The County Administrative Officer's Office, which assigned Elizabeth Vecchio and Sonia De La Rosa to provide the Grand Jury everything from more-spacious offices through multiple trainings to budgeting information.
- Fresno County Public Information Officer Sonja Dosti, who distributed our press releases and strategized on improving publicity about the Grand Jury.

As foreperson, I'm grateful for the service of James Cipolla, Vernon Crowder, Larry Wilder, Linda Calandra, Roger LaJeunesse and Dar Swenson, who served with me on both the 2020-2021 and 2021-2022 Civil Grand Juries – three years in all.

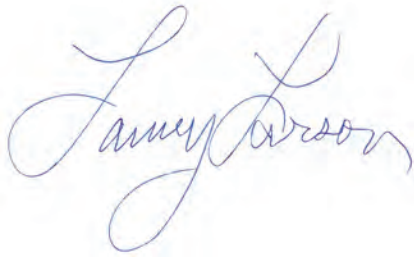
Personal thank-yous also to:

- Colin Dougherty who spearheaded efforts to increase visibility of the Civil Grand Jury through news media
- Linda Calandra, Jim Cipolla and Roger LaJeunesse, who took on leadership roles in committee work.
- Mary Torres, who coordinated guest presenters and tours, served on the tech team, chaired an investigative committee and led team-building initiatives.
- Former foreperson Bill Smith, who generously shared experience and wisdom.
- Sandra Silva, Russell Chappell, Koko Fimbres and Anthony Ratkus, who served our many technical needs.

I had the benefit of a brilliant foreperson pro tem, who seamlessly stepped in when I was away; led training, team-building and technical initiatives; listened to jurors who didn't want to talk with me; and counseled me to stay focused, on schedule and collegial. She modeled positivity while also navigating her wedding and health challenges.

California's unique-in-the-nation Civil Grand Jury system empowers citizens to review local government policies and procedures and recommend ways to improve, and the 2021-2022 Fresno County Civil Grand Jury did that.

As foreperson, I couldn't have asked for a better group of people with whom to collaborate on your behalf for a longer-than-normal term.

A handwritten signature in blue ink that reads "Lanny Larson". The signature is written in a cursive, flowing style with a large initial "L".

Lanny Larson, Foreperson
2021-2022 Fresno County Civil Grand Jury



THE COUNTY OF FRESNO

GRAND JURY

2021~22



*We thank you
for your excellent
service to 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

Linda Calandra
Ed Cazares
Russ Chappell
Jim Cipolla
Vernon Crowder
Colin Dougherty
Koko Fimbres
James Irvine
Roger LaJeunesse
Lanny Larson (*Foreperson*)
Jacque Morton
Tony Ratkus
Sandy Silva
Bill Smith
Paul Smith
Darlyne Swenson (*Pro-Tem*)
Gaines Thomas
Mary Torres
Larry Wilder

2021-22 GRAND JURY



FRONT (Left to Right):

James Irvine • Vernon Crowder • Jacque Morton • Koko Fimbres • Sandy Silva
Linda Calandra • Mary Torres *and* Darlyne Swenson (*Pro-Tem*)

BACK (Left to Right):

Ed Cazares • Jim Cipolla • Larry Wilder • Colin Dougherty • Lanny Larson (*Foreperson*)
Tony Ratkus • Russ Chappell • Bill Smith *and* Paul Smith

NOT PICTURED:

Roger LaJeunesse *and* Gaines Thomas

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THE

GRAND JURY PROCESS

APPLICATION INFORMATION

FUNCTIONS

COMPLAINT PROCEDURE

APPLICATION INFORMATION

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

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

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

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

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

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

The Juror Services Manager at the Fresno County Courthouse
1100 Van Ness Avenue, Room 102
Fresno, CA 93724-0002
PHONE: 559-457-1605

FUNCTIONS

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

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

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

The civil grand jury in its' role as civil "watchdog" for the County of Fresno has two distinct functions:

- Investigations of allegations of misconduct against public officials and determine whether to present formal accusations requesting their removal from office under three 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 indicment 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

FUNCTIONS

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

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

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

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

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

FRESNO COUNTY CIVIL GRAND JURY

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

The Grand Jury:

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

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

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

EMAIL FORM TO:
OR
MAIL FORM TO:

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 *Conflict-of-Interest Within County Contracting*
- REPORT #2 *Despite Criticism, County Elections
Integrity Validated*
- REPORT #3 *Compliance and Continuity Report*
- REPORT #4 *Clovis Police Department Responds
To Its Diversity Challenges*
- REPORT #5 *Purchasing Policies and Procedures Within
Public Works and Planning, and Internal Services*



REPORT #1

*Conflict-of-Interest Within County Contracting
Undermines Public Trust*

1 **Fresno County Civil Grand Jury Report No. 1**

2 **March 30, 2022**

3 **CONFLICT-OF-INTEREST WITHIN COUNTY CONTRACTING**

4 **UNDERMINES PUBLIC TRUST**

5 **SUMMARY**

6 An investigation by the 2021-2022 Fresno County Civil Grand Jury found that conflict-of-
7 interest regulations and guidance are not always followed by the County of Fresno (County) in
8 awarding construction consulting contracts.

9 The Grand Jury concluded that in the interest of public confidence and the integrity of the
10 purchasing process, the County, its citizens and vendors need to be better protected from
11 conflicts of interest. The County should re-evaluate its conflict-of-interest policies and
12 procedures with an eye toward a better understanding of the regulations by all parties, to
13 enhance training of County employees at all levels, and achieve consistent accountability.

14 **GLOSSARY** (the following definitions were used by the Grand Jury for this investigation)

15 **California Political Reform Act:** California Government Code §81000 et. seq. regulates
16 conflicts of interest by state and local government officials, including the basic prohibition in
17 §87100 (see Appendix 1), requiring annual disclosure of financial interests on Form 700
18 (§87200), and adoption of agency conflict of interest codes (§87300-303)

19 **Conflict-of-interest:** Occurs when a government employee's personal or financial interest
20 conflicts or appears to conflict with the employee's responsibility.

21 **Consulting contract:** An agreement between a private professional engineering or
22 architectural company and the County that specifies services, duration, and rate of
23 compensation, to supplement the skills and capacity of the County staff. The terms and
24 scope of work of the agreement range from simple to very complex.

1 **Fair Political Practices Commission (FPPC):** The California state agency responsible for
2 implementing the process, interpreting statutes and issuing the Form 700.

3 **Form 700 (Statement of Economic Interests):** California Government Code Section
4 87200 requires elected and appointed officials, candidates and most state and local
5 government officials and employees who make or participate in the decision-making
6 process to publicly disclose their personal assets and income on this form annually. These
7 public officials and employees must also disqualify themselves from participating in
8 decisions that may affect their personal economic interests. The FPPC is the California state
9 agency responsible for the Form 700.

10 **Form A (Quarterly Gifts and Gratuities Form):** A County reporting requirement, Form A is
11 required by Board of Supervisors Administration Policy Number 1 (AP01) to be completed
12 quarterly by County-designated elected officials and public employees who make or
13 influence County decisions. This is in addition to the annual requirement to complete the
14 Form 700.

15 **NEOGOV:** A cloud-based public-sector software application used by the County
16 Department of Human Resources (HR) that automates and supports HR processes,
17 initiatives, and recordkeeping.

18 **Ombudsman:** An appointed official who investigates complaints (lodged by private citizens,
19 or employees) against businesses, financial institutions, universities, government
20 departments, or other public entities, and attempts to resolve conflicts or concerns raised,
21 by mediation, policy changes, or recommendations for other action.

22 **On-call contract:** An agreement with a company with a particular construction discipline
23 (e.g.: electrical, mechanical, environmental, structural engineering, etc.) to be available to
24 perform the required service. On-call contracts allow the County to mobilize professional
25 services quickly and easily under pre-negotiated terms and conditions, when time is of the

1 essence or because the County is unable to provide or perform those services. On-call
2 contracts are not funded when awarded, have no guaranteed work, and are intended to
3 engage professionals on short notice.

4 **Whistleblower:** A person, often an employee, who exposes information or activity within a
5 private, public, or government organization that is alleged to be illegal, illicit, unsafe,
6 fraudulent, or a misuse of taxpayer funds.

7 **HISTORY**

8 The 2021-2022 Fresno County Grand Jury received a citizen complaint that a County contract
9 was awarded to a firm in which one of the principals is closely related to the County official
10 who recommended the award. The Grand Jury was told that throughout 2017 and 2018, the
11 County was reviewing possible locations for a new Sheriff's Department substation to service
12 Area 2 and replace a facility on Shields Avenue near Clovis Avenue that has been leased for
13 more than 30 years. A developer proposed a property in the vicinity of Belmont and Armstrong
14 avenues for a County-owned facility to serve Eastern Fresno County and offers easy access to
15 and from Highway 180.

16 In early 2019, the developer provided a set of preliminary plans for this project with an architect
17 and a list of consulting engineers. The Grand Jury was informed that only one engineering
18 consultant desired to continue on for the final design and construction phase of the project. All
19 other consultants were replaced by contractors selected by the County. On August 24, 2020,
20 the County awarded a construction contract for an estimated \$14 million. Ground was broken
21 on September 28, 2020; and completion is anticipated in 2022.

22 **BACKGROUND AND IMPACT**

23 Conflicts of interest in the public sector are particularly important because, if they are not
24 recognized and controlled appropriately, they can undermine the fundamental integrity of
25 officials, decisions, agencies, and governments.¹

1 **METHODOLOGY**

2 During its investigation, the Grand Jury interviewed current and former County employees with
3 knowledge of the project, and reviewed architectural drawings, contracts and other documents
4 related to the project. In addition, the Grand Jury inquired about and reviewed the County’s
5 conflict-of-interest policies, training, processes and enforcement within the County. The Grand
6 Jury researched relevant California laws, California Attorney General Opinions, the Fresno
7 County Charter, policies of other California counties, and guidelines governing ethics and
8 standards of several professional associations.

9 **DISCUSSION**

10 The Grand Jury reviewed the information available to guide County employees regarding
11 conflict-of-interest matters that may arise during the performance of their responsibilities.
12 These sources include the following:

13 **Fresno County Ordinance Code Section 4.10.030(B)** (see appendix 1, C) B.
14 **Prohibited Practices.** County employees shall not engage in practices which might
15 result in unlawful activity including, but not limited to, rebates, kickbacks or unlawful
16 consideration.

17 In addition, county employees shall not participate in the selection process when those
18 employees have a relationship with a person or business entity seeking a contract
19 under this chapter which would subject those employees to the prohibition of Section
20 87100 of the Government Code.

21 **Fresno County Board of Supervisors Administrative Number Policy 1** (see
22 Appendix 2) states in pertinent part that the Board of Supervisors, all County
23 employees, including elected officials, and classified and unclassified personnel should
24 “NEVER discriminate unfairly by the dispensing of special favors or privileges to
25 anyone, whether for remuneration or not; and never accept, for one’s self or family,

1 favors or benefits under circumstances which might be construed by reasonable
2 persons as influencing the performance of one's governmental duties.

3 **Fresno County Charter Section 41** (see Appendix 1, B), does not specifically state
4 what actions constitute a conflict-of-interest for county employees, creating a situation
5 where employees might find themselves in a conflict-of-interest situation during the
6 normal course of business.

7 Fresno County Charter Section 41 (Section 41) seems unnecessary in light of state law (Gov.
8 Code §1090) and other County ordinances (§4.10.030) and policies (AP01). If the County were
9 to amend Section 41 to conform to current state law, it would have to do the same in the future
10 if the state conflict of interest laws were to change. The simplest method is to delete Section
11 41 completely and state that the County will conform to all state ethics laws. This would clarify
12 what constitutes a conflict-of-interest for all County employees, especially those who may be
13 confronted with the possibility of a conflict in daily operations. The Grand Jury understands
14 repeal of the County Charter Section 41 is not a simple task because it cannot be done
15 administratively, but instead requires agreement of Fresno County voters after being placed on
16 a ballot by the Fresno County Board of Supervisors in a County-wide election.

17 At the time the Grand Jury began its investigation, ethics training in the County was given only
18 to elected officials and specific members of Boards, Commissions and Committees, in
19 accordance with Assembly Bill 1234 (AB1234), and to the County Administrative Officer (CAO)
20 and Department Heads. No other training, either initial or recurring, was provided regarding
21 conflict-of-interest for other County managers, supervisors, or employees, especially for those
22 employees in positions where conflicts of interest might occur. The Grand Jury was told that
23 HR agrees that there are deficiencies in ethics training, and is working to correct the situation.
24 The Grand Jury found that there is no single specified official, office or counselor for a County
25 official or employee to consult regarding a real or potential conflict-of-interest. Instead, the

1 County Counsel and Director of Human Resources share the responsibility for information
2 relating to conflicts of interest in the County. Currently, County Counsel has assigned a
3 different staff attorney to work with each individual department relating to legal matters and
4 conflicts-of-interest.

5 The Grand Jury learned that Fresno County has no defined process or Department or official
6 designated as an “ombudsman” to receive or process whistleblower complaints relating to
7 conflicts of interest. A County ombudsman would be an important protection for persons who
8 see or find unethical conduct in the County.

9 While conflicts of interest do not appear to be a widespread issue for the County, the conflict of
10 interest situation alleged in the citizen complaint received by the Grand Jury was not an
11 isolated case. The Grand Jury is aware that in February 2022, a former Board of Supervisors
12 staff member was sentenced for a state law conflict-of-interest violation.

13 In discussions with the Fresno County Human Resources Department, the Grand Jury learned
14 that it has been reviewing ethics and conflict-of-interest issues within the County and Human
15 Resources has independently arrived at the conclusion that the County ethics policies,
16 procedures, and training need revision and updating.

17 It is important that Fresno County Human Resources complete these actions to enhance the
18 integrity and public trust of Fresno County government.

19 **FINDINGS**

20 **F1.** The Fresno County Charter, Section 41 (see Appendix 1, B), does not specifically state
21 what actions constitute a conflict-of-interest for County employees.

22 **F2.** The Grand Jury recognizes the energy and effort that is necessary to repeal the County
23 Charter, Section 41. However, it is felt that the current situation of both a County Charter
24 Section and conflicting State statutes is cumbersome, unnecessary and inefficient.

- 1 **F3.** Required ethics training (AB 1234) in the County is limited to elected officials, specific
2 members of boards, commissions, committees, the CAO and Department heads.
- 3 **F4.** There was no other required initial or recurring training regarding conflict-of-interest for
4 managers, supervisors and employees, especially among those employees in positions
5 where conflicts of interest might occur.
- 6 **F5.** There was no single specified official, office or counselor for a County official or employee
7 to consult regarding a real or potential conflict-of-interest.
- 8 **F6.** Fresno County has no defined process or Department of official designated as an
9 ombudsman to receive or process whistleblower complaints relating to conflicts-of-
10 interest.
- 11 **F7.** The Grand Jury believes that a County Ombudsman would provide a protected
12 environment and process to report issues without the fear of reprisal or adverse actions.
- 13 **F8.** The Grand Jury commends County HR for moving forward with ethics training for all
14 County employees in an expeditious and professional manner, including the review of
15 reporting requirements for FPPC Form 700 and County Form A.

16 **RECOMMENDATIONS,** the Grand Jury recommends:

- 17 **R1.** The County Board of Supervisors should propose the repeal of County Charter, Section
18 41 in favor of reliance on established California ethics laws, during the next County-wide
19 general election. (Not later than November 2024) (See F1 and F2)
- 20 **R2.** The County Department of Human Resources should continue to develop and present to
21 all County officials and employees, both initial and recurring (annual) training with regard
22 to conflict-of-interest and ethics, with special emphasis being placed on those employees
23 in designated positions most susceptible to conflict-of-interest situations. This training
24 should be available by December 31, 2022. (See F3 and F4)

1 **R3.** The County Board of Supervisors should appoint a public official, Department or
2 counselor, specifically designated to review possible conflict-of-interest situations and
3 make recommendations to the County officers and employees or Departments involved
4 and for them to act accordingly. This should be accomplished by December 31, 2022
5 (See F5)

6 **R4.** The County Board of Supervisors should appoint a County Ombudsman and develop a
7 process to receive ethics complaints which will protect the private citizen, public official,
8 or employee bringing the complaint to light. This should be accomplished by December
9 31, 2022 (See F5, F6 and F7)

10 **REQUEST FOR RESPONSES**

11 Pursuant to California Penal Code, Section 933(a), the Fresno County Grand Jury requests
12 responses to each of the specific findings and recommendations. It is required that responses
13 from governing bodies of public agencies are due within 90 days of the receipt of this report
14 and 60 days for elected county officer or agency heads.

15 The Fresno Grand Jury requests responses as follows:

- 16 ● Fresno County Board of Supervisors and County Administrative Officer (CAO) (F1, F2,
17 and F5, and R1, R3, and R4).
- 18 ● Fresno County Department of Human Resources (F3, F4 and R2)

19 **DISCLAIMER**

20 Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code Section
21 929 requires that reports of the Grand Jury not contain the name of any person or facts leading
22 to the identity of any person who provides information to the Grand Jury.

23 **Endnotes:**

24 ¹ Managing Conflict-of-interest in the Public Sector, A Tool Kit; page 7; Organization For Economic Co-Operation
25 And Development, OECD Publishing, ISBN 92-64-01822-0 ; 2005

1 **APPENDIX 1**

2 **REFERENCES**

3 **A. APPLICABLE CALIFORNIA STATUTES**

4 **California Government Code §1090.**

5 (a) Members of the Legislature, state, county, district, judicial district, and city officers or employees
6 shall not be financially interested in any contract made by them in their official capacity, or by any
7 body or board of which they are members. Nor shall state, county, district, judicial district, and city
8 officers or employees be purchasers at any sale or vendors at any purchase made by them in their
9 official capacity.

10 (b) An individual shall not aid or abet a Member of the Legislature or a state, county, district, judicial
11 district, or city officer or employee in violating subdivision (a).

12 (c) As used in this article, "district" means any agency of the state formed pursuant to general law or
13 special act, for the local performance of governmental or proprietary functions within limited
14 boundaries.

15 *(Amended by Stats. 2014, Ch. 483, Sec. 1. (SB 952) Effective January 1, 2015.)*

16 **California Government Code §1097.**

17 (a) Every officer or person prohibited by the laws of this state from making or being
18 interested in contracts, or from becoming a vendor or purchaser at sales, or from purchasing
19 scrip or other evidences of indebtedness, including any member of the governing board of a
20 school district, who willfully violates any of the provisions of those laws, is punishable by a
21 fine of not more than one thousand dollars (\$1,000), or by imprisonment in the state prison,
22 and is forever disqualified from holding any office in this state.

23 (b) An individual who willfully aids or abets an officer or person in violating a prohibition by
24 the laws of this state from making or being interested in contracts, or from becoming a
25 vendor or purchaser at sales, or from purchasing scrip, or other evidences of indebtedness,

1 including any member of the governing board of a school district, is punishable by a fine of
2 not more than one thousand dollars (\$1,000), or by imprisonment in the state prison, and is
3 forever disqualified from holding any office in this state.

4 (Amended by Stats. 2014, Ch. 483, Sec. 3. (SB 952) Effective January 1, 2015.)

5 **CA. Gov. Code 87100**

6 A public official at any level of state or local government shall not make, participate in
7 making, or in any way attempt to use the public official's official position to influence a
8 governmental decision in which the official knows or has reason to know the official has a
9 financial interest.

10 (Amended by Stats. 2021, Ch. 50, Sec. 190. (AB 378) Effective January 1, 2022.)

11 **B. FRESNO COUNTY CHARTER SECTION 41**

12 No officer or employee shall be interested directly or indirectly in any contract or
13 transaction with the County or become a surety upon any bond given to the County.

14 No officer or employee shall receive any commission, money, or thing of value, or derive
15 any profit, benefit or advantage, directly or indirectly, from or by reason of any dealings
16 with, or service for the County, by himself or otherwise, except his lawful compensation as
17 such officer or employee.

18 As to members of appointive boards and commissions only, the Following standards shall
19 apply. No appointive board or commission member shall he financially interested in any
20 contract made by any body or board of which he is a member.

21 The meaning of the terms financial interest” and “made” shall be consistent with state law.

22 Nothing contained herein shall be construed to apply to a board member of a board or
23 commission which is purely advisory.

24 Any violation of the provisions of this Section shall render the contract or transaction
25 involved voidable at the option of the Board of Supervisors. It shall be the duty of every

1 officer and employee who has knowledge of any violation of the provisions of this section
2 immediately to report such violation to the Board of Supervisors. Failing to do so, he may
3 be removed from his office or employment. (Amended June 3, 1980)

4 **C. Fresno County Ordinance Code, Chapter 4.10 SELECTION of ARCHITECTS,**
5 **ENGINEERS and OTHER PROFESSIONALS, Section 4.10.030 – Procedures**
6 **implementing selections of consultants** (Fresno County 4-91)

7 B. Prohibited Practices. County employees shall not engage in practices which might result
8 in unlawful activity including, but not limited to, rebates, kickbacks or unlawful
9 consideration.

10 In addition, county employees shall not participate in the selection process when those
11 employees have a relationship with a person or business entity seeking a contract under
12 this chapter which would subject those employees to the prohibition of Section 87100 of
13 the Government Code.

14 **D. CALIFORNIA ATTORNEY GENERAL OPINIONS** (excerpted)

15 California's conflict-of-interest statutes are based on the belief that a public official cannot
16 serve two masters simultaneously, and that the duties of public office demand the absolute
17 loyalty and undivided, uncompromised allegiance of the individual that holds the office.¹

18 The purpose of the conflict-of-interest statutes is to eliminate temptation, avoid the
19 appearance of impropriety, and limit the possibility of improper personal influence on a
20 public official's decisions.

21 The California Legislature has enacted two important bodies of statutory law which
22 address potential conflicts of interest of school district employees and board members:

- 23 1. Government Code sections 1090, et seq., pertaining to contractual conflicts of interest, and

1 2. The Political Reform Act of 1974 (Government Code sections 81000 et seq.). The
2 provisions of the Political Reform Act are not limited to contracts, but apply to all
3 “governmental decisions.”

4 The Attorney General noted that Government Code section 1090 is a codification of the
5 common wisdom that a person cannot serve two masters simultaneously, and that even
6 well-meaning people may be influenced when their personal economic interests are at
7 stake in an official board transaction. The Attorney General observed that an important
8 purpose of Section 1090 is to avoid even the appearance of impropriety in government
9 transactions.² As a result, Section 1090 is construed broadly.³

10 Exceptions to the prohibition of Section 1090 are provided by Government Code section
11 1091 for “remote interests” and by Section 1091.5 for what might be called “noninterests.”
12 A board member, who has a “remote interest” in a contract pursuant to Section 1091, must
13 disclose that interest to the board and must abstain from attempting to influence other
14 members and from voting on the contract. However, a board may approve a contract in
15 which a member has only a remote interest, in contrast to the blanket prohibition of Section
16 1090, if the following conditions are met:

- 17 1. Discloses his or her financial interest in the contract to the public agency;
- 18 2. Such interest is noted in the body’s official records; and
- 19 3. The officer completely abstains from any participation in the making of the contract.³²

20 The purpose of Government Code section 1090 is to prohibit public officers from
21 participating in decisions in which they have a personal financial interest. Section 1090
22 prohibits a public official who has a conflict-of-interest not only from approving a contract,
23 but from participating in preliminary discussions, planning, influencing, compromising or
24 otherwise participating in the process leading up to the formal making of the contract.⁴

25 **E. AMERICAN INSTITUTE OF ARCHITECTS (AIA) CODE OF ETHICS**

1 **E.S. 3.2 Conflict-of-interest:**

2 Members should avoid conflicts of interest in their professional practices and fully disclose
3 all unavoidable conflicts as they arise.

4 Rule A: Member shall not render professional services if the Member's professional
5 judgment could be affected by responsibilities to another project or person, or by the
6 Member's own interests, unless all those who rely on the Member's judgment consent after
7 full disclosure.

8 ***AIA Commentary:*** *This rule is intended to embrace the full range of situations that may*
9 *present a Member with a conflict between his interests or responsibilities and the interest of*
10 *others. Those who are entitled to disclosure may include a client, owner, employer,*
11 *contractor, or others who rely on or are affected by the Member's professional decisions. A*
12 *Member who cannot appropriately communicate about a conflict directly with an affected*
13 *person must take steps to ensure that disclosure is made by other means.*

14
15
16 **Appendix 1-End notes**

17 ¹ People v. Honig (1996) 48 Cal.App.4th 289; Thomson v. Call (1985) 38 Cal.3rd 633.

18 ² People v. Honig, 48 Cal.App.4th 289, 314 (1996).

19 ³ Id. at 314-15.

20 ⁴ See, 83 Ops.Cal.Atty.Gen. 246, 248 (2000).

21
22 **Other References**

23 CALIFORNIA LAW GOVERNING CONFLICT-OF-INTEREST, 2016 by ORANGE COUNTY
24 SUPERINTENDENT OF SCHOOLS

APPENDIX 2

Fresno County Board of Supervisors

Administrative Policy

Number 1: Code of Ethics

Effective Date: May 15, 1990
Revision Date: June 6, 2016

POLICY STATEMENT

The Board of Supervisors and All County employees, including elected officials, classified and unclassified personnel should:

PUT loyalty to the highest moral principles and to country above loyalty to persons, party, or government department.

UPHOLD the Constitution, laws, and legal regulations of the United States and all governments therein and never be a party to their evasion.

GIVE a full day's labor for a full day's pay; giving to the performance of one's duties one's earnest effort and best thought.

SEEK to find and employ more efficient and economical ways of getting tasks accomplished.

NEVER discriminate unfairly by the dispensing of special favors or privileges to anyone, whether for remuneration or not; and never accept, for one's self or family, favors or benefits under circumstances which might be construed by reasonable persons as influencing the performance of one's governmental duties.

ACCEPT no money, commissions or thing of value of any kind in exchange for or as quid pro quo for County services other than the regular County salary.

WORK related gratuities are only to be accepted if they constitute a gesture of good will toward the agency or if the primary purpose furthers a legitimate County interest as opposed to the personal interest of the recipient.

A. It is the policy of the Board that any doubts about the propriety of accepting a particular gratuity should be resolved by the refusal of the gratuity.

B. The Board of Supervisors, elected officials, and County officers and employees must report all gifts and gratuities as required by State law. Effective beginning the quarter ending June 30, 1990, each officer and employee required to report under State law shall quarterly file a list containing the name and address of the donors of work-related gifts and gratuities received by them which aggregate in value \$50 or more from a single source during that calendar year, and a description of the gift(s). Department heads and board members shall file their quarterly reports with the Clerk to the Board of Supervisors. All other officers and employees shall file their quarterly reports with their department heads.

MAKE no private promise of any kind binding upon the duties of office, since a government employee has no private word which can be binding on public duty.

ENGAGE in no business with the government, either directly or indirectly, which is inconsistent with the conscientious performance of one's governmental duties.

NEVER use any confidential information received in the performance of one's governmental duties as a means for making private profit.

EXPOSE corruption wherever discovered.

TREAT all individuals encountered in the performance of one's duties in a respectful and professional manner.

UPHOLD these principles, ever conscious that public office is a public trust.

BOARD AND ADMINISTRATOR RESPONSIBILITY

Chairman of the Board of Supervisors and County Administrative Officer

The Chairman of the Board of Supervisors, who is responsible for the orderly conduct of all official Board meetings, shall require all persons participating in any Board room discussion; including Board members, staff and citizens, to act in a courteous, respectful and professional manner.

The Chairman of the Board of Supervisors and the County Administrative Officer (CAO) are to consult if either believes a problem exists or corrective action needs to be taken regarding conduct during public/staff meetings.

County Administrative Officer and Department Heads

The CAO and all department heads are responsible for promoting conformance with the principles of this policy.

County Counsel and Director of Human Resources

County Counsel shall be available to answer questions from both Board members and employees regarding conflict-of-interest provisions under State law, the County Charter, and County ordinances and policies.

The Director of Human Resources shall provide copies of all County policies regarding conflict-of-interest to all department heads upon their employment and shall inform all new employees of applicable County conflict-of-interest policies and regulations.

Ethics Training Under AB 1234

The following County officials shall receive ethics training pursuant to Assembly Bill (AB) 1234 (Gov. Code, § 53234 et seq.) every two years:

- The Board of Supervisors.
- The members of all County boards, committees, and commissions who receive per diem under the Salary Resolution.
- The members of all County boards, committees, and commissions who receive reimbursement for expenses under the Salary Resolution.
- All elected County officers.
- The CAO and all appointed department heads.

The Clerk to the Board of Supervisors annually shall inform the Board of Supervisors, the CAO, and all County department heads of the ethics training required under AB 1234, and of the availability of ethics training program and materials referred to below. For any of those new covered County officials who commence their County service after the provision of that annual information, the Clerk to the Board of Supervisors also shall inform those new covered County officials, on or about their respective service commencement dates, that they shall receive their first ethics training required under AB 1234 by no later than one year from their first day of service, and of the availability of ethics training programs referred to below. Each department that provides staff to a County board, committee, or commission shall provide the same information required under this paragraph, as and when applicable, to all existing and new members of those County boards, committees, or commissions who are County officials required to receive ethics training under AB 1234.

Covered County officials shall use the free on-line self-study AB 1234 ethics training program provided by the Fair Political Practices Commission (FPPC) and the Institute for Local Government (ILG) via the Internet, as the primary method to satisfy their mandatory ethics training obligations under AB 1234. After having completed that self-study program, these covered County officials shall print and fill out the on-line certificate as proof of having participated in that self-study program, and submit that certification to the appropriate record keeper, below. Any covered County officials who are unable to timely use the foregoing on-line self-study program, may use the hardcopy self-study AB 1234 ethics training materials, with a test, available from the ILG, at County cost, if the relevant department has sufficient funds budgeted for that purpose. After having completed those self-study materials and passed that test, these covered County officials will receive the certificate from the ILG as proof of having participated in that self-study program, and shall submit that certification to the appropriate record keeper, below.

Records certifying that covered County officials have received the ethics training required under AB 1234 shall be retained for a minimum of five years as follows:

- Records for members of the Board of Supervisors, the CAO, and department heads shall be kept in the office of the Clerk to the Board of Supervisors.
- Records for members of County boards, commissions, and committees shall be kept in the relevant department.

APPENDIX 3

Fresno Department of Human Resources Initiatives

The Fresno County Department of Human Resources has begun the process of revising existing ethics training to include training for all employees not just top management. The following is a listing of HR initiatives:

- Updating the Fresno County Code of Ethics and Conflict-of-interest, procedures, policies and training, including all relevant and related documents;
- Updating or Eliminating Section 41 to the County Charter. If eliminated, Fresno County would use Government Code 1094 to define Conflict-of-interest;
- Strengthening and updating Administrative Policy 1;
- Developing yearly training for all employees on ethics and conflicts of interest basics with tracking of policy review;
- Reviewing “Quarterly Gifts and Gratuities Forms (Form A)”, required quarterly, and the employee classifications which should be required to provide this form;
- Digitizing the Form 700 within the NEOGOV software;
- Updating the list of designated positions within the County departments whose duties include making or participating in governmental decisions which may have a material effect on any County financial interest;
- Designing and testing a conflict-of-interest form within NEOGOV that will create useful applications for participating departments, and discussing with County Counsel and the County Administrator's office the option to expand the staff that completes this affidavit.
- Developing a method to enhance the tracking and reminders of completion of AB1234 compliant ethics and conflict-of-interest training within NEOGOV Learn;
- Working with Fresno County Counsel to begin the process of creating internal training to eventually replace the existing FPPC training.



RESPONSES #1

*Conflict-of-Interest Within County Contracting
Undermines Public Trust*

County of Fresno
Board of Supervisors
RESPONSE TO THE
2021-22
FRESNO COUNTY GRAND JURY
FINAL REPORT #1



CONFLICT-OF-INTEREST

Please find below the Fresno County Board of Supervisors' response to the 2021-22 Grand Jury Final Report #1.

The County thanks the Grand Jury for its investigation and recommendations related to the County's ethics procedures and policies. As an initial matter it is noted that, despite the allegation made to the Grand Jury concerning a potential conflict of interest, the Grand Jury's report does not find the existence of any legal conflict of interest. In addition, follow up inquiries by the County have confirmed that the incident in question did not involve a conflict of interest under state law or the Charter of the County of Fresno. However, the involved County department acknowledges that the review and strengthening of internal practices and procedures will aid in avoiding even the appearance of a conflict.

Findings

- F1. The Fresno County Charter, Section 41 (see Appendix 1, B), does not specifically state what actions constitute a conflict-of-interest for County employees.**

The Fresno County Board of Supervisors ("Board") agrees with the finding.

- F2. The Grand Jury recognizes the energy and effort that is necessary to repeal the County Charter, Section 41. However, it is felt that the current situation of both a County Charter Section and conflicting State statutes is cumbersome, unnecessary and inefficient.**

The Board disagrees partially with the finding; specifically related to the necessity to repeal County Charter, Section 41. As noted in Appendix 3 of the report, the County's Department of Human Resources has implemented, or is in the process of implementing initiatives related to conflict-of-interest processes and training for County officials and employees.

- F5. There was no single specified official, office or counselor for a County official or employee to consult regarding a real or potential conflict-of-interest.**

The Board disagrees partially with the finding; specifically related to the lack of an office or counselor for a county official or employee to consult regarding a real or potential conflict-of-interest. As provided in Board of Supervisors Administrative Policy No. 1 – Conflict of Interests, the County Counsel's Office provides guidance to County officials and employees. The County is, however, undertaking additional training in governmental ethics with all employees, including developing a requirement that a broader range of management and financial employees take the bi-annual AB 1234 ethics training. In addition, when inquiries are made related to conflicts of interest, employees are encouraged to discuss specifics with the California Fair Political Practices Commission, via email or phone, as noted on the Statement of Economic Interests Form 700 cover.

Recommendations

- R1. The County Board of Supervisors should propose the repeal of County Charter, Section 41 in favor of reliance on established California ethics laws, during the next County-wide general election. (Not later than November 2024) (See F1 and F2)**

The recommendation will not be implemented because it is not warranted. Regardless of County Charter, Section 41, the County, and its staff and officers, abide by California ethics laws, and guidance is provided to County officials and employees beyond the County's charter, specifically related to ethics.

- R3. The County Board of Supervisors should appoint a public official, Department or counselor, specifically designated to review possible conflict-of-interest situations and make recommendations to the County officers and employees or Departments involved and for them to act accordingly. This should be accomplished by December 31, 2022 (See F5)**

The recommendation will not be implemented because it is not warranted. County officers and employees or departments are able to consult with the County Counsel's Office regarding real or potential conflicts of interest. The County is increasing training and modifying its Administrative Policy No. 1 – Conflict of Interests to provide more clear direction for employees and increasing the requirement for a broader range of management and financial employees to take the AB 1234 ethics training regularly.

- R4. The County Board of Supervisors should appoint a County Ombudsman and develop a process to receive ethics complaints which will protect the private citizen, public official, or employee bringing the complaint to light. This should be accomplished by December 31, 2022 (See F5, F6 and F7)**

The recommendation will not be implemented because it is not warranted. Existing laws already protect citizens and County employees who report matters that constitute legal or ethical matters. The County incorporates this reporting function in its management structure, but also provides employees with alternate avenues to report suspected violations through the District Attorney's Public Integrity Unity, the County Counsel's Office, the County Administrative Officer, or the Human Resources Department. With the additional training in ethics laws and how such matters are to be handled being implemented by the County, the County does not consider the addition of a new position to handle such complaints to be necessary at this time.



County of Fresno

DEPARTMENT OF HUMAN RESOURCES
HOLLIS MAGILL
DIRECTOR

June 3, 2022

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

RE: Fresno County Grand Jury Report No. 1, April 2022
Conflict-of-Interest

Dear Judge Kalemkarian:

The Grand Jury's report reflects findings and recommendations regarding Conflict-of-Interest. The Human Resources Department thanks the Grand Jury for their diligence and includes the responses to the findings and recommendations below:

Findings:

- F3. Required ethics training (A) in the County is limited to elected officials, specific members of boards, commissions, committees, the CAO and Department heads.**
F3: The County of Fresno Department of Human Resources agrees with the finding.
- F4. There was no other required initial or recurring training regarding conflict-of-interest for managers, supervisors and employees, especially among those employees in positions where conflicts of interest might occur.**
F4: The County of Fresno Department of Human Resources agrees with the finding.

Recommendations:

- R2. The County Department of Human Resources should continue to develop and present to all County officials and employees, both initial and recurring (annual) training with regard to conflict-of-interest and ethics, with special emphasis being placed on those employees in designated position most**

2220 Tulare Street 16th Floor, Fresno, California 93721
FAX (559) 455-4790 www.co.fresno.ca.us

Administration	600-1800	Employee Benefits	600-1810
Employment Services	600-1830	Employment Verification	600-1820
Labor Relations	600-1840	Risk Management	600-1850

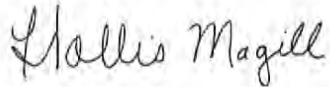
Equal Employment Opportunity Employer

susceptible to conflict-of-interest situations. This training should be available by December 31, 2022 (See F3 and F4)

R2: Recommendation has been implemented. The County is able to meet the December 31, 2022, deadline.

This concludes the Human Resources Department comments on the Findings and Recommendations of the Fresno County Grand Jury Report No. 1, April 2022.

Sincerely,



Hollis Magill
Director of Human Resources

2220 Tulare Street 16th Floor, Fresno, California 93721

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Administration	600-1800	Employee Benefits	600-1810
Employment Services	600-1830	Employment Verification	600-1820
Labor Relations	600-1840	Risk Management	600-1850

Equal Employment Opportunity Employer



County of Fresno

COUNTY ADMINISTRATIVE OFFICE
PAUL NERLAND
COUNTY ADMINISTRATIVE OFFICER

June 21, 2022

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

**RE: Fresno County Grand Jury Report No. 1, April 2022
Conflict-of-Interest**

Dear Judge Kalemkarian:

The Grand Jury's report reflects findings and recommendations regarding Conflict-of-Interest. The County Administrative Officer thanks the Grand Jury for their diligence and includes the responses to the findings and recommendations below:

Findings

F1. The Fresno County Charter, Section 41 (see Appendix 1, B), does not specifically state what actions constitute a conflict-of-interest for County employees.

The County Administrative Officer (CAO) agrees with the finding.

F2. The Grand Jury recognizes the energy and effort that is necessary to repeal the County Charter, Section 41. However, it is felt that the current situation of both a County Charter Section and conflicting State statutes is cumbersome, unnecessary and inefficient.

The CAO disagrees partially with the finding; specifically related to the necessity to repeal County Charter, Section 41. As noted in Appendix 3 of the report, the County's Department of Human Resources has implemented, or is in the process of implementing initiatives related to conflict-of-interest processes. These include initiatives related to conflict-of-interest processes and training that have already been executed or are pending prompt implementation by the Department of Human Resources for all employees.

F5. There was no single specified official, office or counselor for a County official or employee to consult regarding a real or potential conflict-of-interest.

The CAO disagrees partially with the finding; specifically related to the lack of an office or counselor for a county official or employee to consult regarding a real or potential conflict-of-interest. As referenced in the Board of Supervisors Administrative Policy No. 1 – Conflict of

Interests, the County Counsel's Office provides guidance to County officials and employees. In addition, governmental ethics training is being made available for all employees, which includes development of a requirement that a broader range of management and financial employees take the bi-annual AB 1234 ethics training.

Recommendations

R1. The County Board of Supervisors should propose the repeal of County Charter, Section 41 in favor of reliance on established California ethics laws, during the next County-wide general election. (Not later than November 2024) (See F1 and F2)

The recommendation will not be implemented because it is not warranted. The County, its staff and officers, abide by California ethics laws, and guidance is provided to county officials and employees beyond the County's charter, specifically related to ethics.

R3. The County Board of Supervisors should appoint a public official, Department or counselor, specifically designated to review possible conflict-of-interest situations and make recommendations to the County officers and employees or Departments involved and for them to act accordingly. This should be accomplished by December 31, 2022 (See F5)

The recommendation will not be implemented because it is not warranted. County officers and employees or departments are able to consult with the County Counsel's Office regarding real or potential conflicts of interest. In addition, with increased training and modification of County Administrative Policy No. 1 – Conflict of Interests, more clear direction will be provided for employees and will increase the requirement for a broader range of management and financial employees to take the AB 1234 ethics training regularly.

R4. The County Board of Supervisors should appoint a County Ombudsman and develop a process to receive ethics complaints which will protect the private citizen, public official, or employee bringing the complaint to light. This should be accomplished by December 31, 2022 (See F5, F6 and F7)

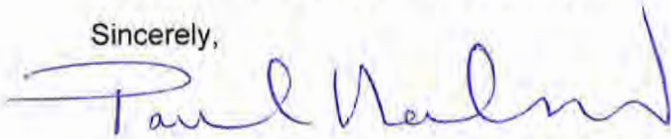
The recommendation will not be implemented because it is not warranted. Existing laws already protect citizens and County employees who report matters that constitute legal or ethical matters. The County provides employees with various avenues to report suspected violations, including through the District Attorney's Public Integrity Unity, County Counsel's Office, the County Administrative Office, and/or the Human Resources Department. In addition, the County has an established Fraud Hotline: English at 559-600-4211 or Spanish at 559-600-5045; via email at:

The Honorable David Kalemkarian, Presiding Judge
June 21, 2022
Page 3

actcfraudhotline@co.fresno.ca.us; or via US Mail at County of Fresno, Auditor-Controller/Treasurer-Tax Collector, P. O. Box 1247, Fresno, California 93715-1247, Attn: Fraud Hotline. Employees and citizens can report alleged fraudulent activity and misuse of County resources by county employees, vendors, and contractors, including conflict of interest. Lastly, added ethics training is being implemented; therefore, the addition of a new position to handle such complaints is not warranted at this time.

This concludes the County Administrative Officer's comments on the Findings and Recommendations of the Fresno County Grand Jury Report No. 1, April 2022.

Sincerely,



Paul Nerland
County Administrative Officer



REPORT #2

*Despite Criticism,
County Elections Integrity Validated*

2021-2022 Fresno County Civil Grand Jury Report No. 2

Despite Criticism, County Elections Integrity Validated

Summary

Free and fair elections, a constitutional foundation in our democracy, require confidence that each person eligible to vote can cast a ballot and trust that it will be accurately tabulated.

However, before the 2020 presidential election, concerns were expressed over the voting procedures to be used. Following the election, allegations of voter fraud were widely publicized nationally and echoed in Fresno County social and news media.

To determine the integrity of local elections, the 2021-2022 Fresno County Civil Grand Jury investigated policies and practices of the Fresno County Elections Office in that election, and in the 2021 gubernatorial recall election.

Absent evidence from interviewees and based on its own observations, the Grand Jury concluded that the criticism was not substantiated and that the Elections Office is committed to ensuring that each eligible voter can cast a ballot confident that it will be counted accurately.

Glossary

Universal vote by mail: ballots are mailed to every registered voter in the county.

Ballot harvesting: one individual collects completed mail-in ballots from numerous voters and delivers them to a vote center or dropbox or puts them in the US mail.

Provisional ballots: “Provisional ballots are ballots cast by voters who:

Believe they are registered to vote even though their names are not on the official voter registration list at the polling place.

Vote by mail and instead want to vote at their polling place or a vote center, but they did not receive their ballot or do not have their ballot with them (and the elections official is unable to verify that they have not returned their vote-by-mail ballot).” (see <https://www.sos.ca.gov/elections/voting-resources/provisional-voting>)

Background

Under the United States Constitution, Article I, Section 4, each state establishes its own election procedures and laws. In California, each county is made responsible for handling elections. In Fresno County, the County Clerk heads the Elections Office as Registrar of Voters. The office consists of 32 permanent employees, all of whom undergo extensive initial and recurrent training. Temporary employees are brought in during each election as needed. The Grand Jury was told that all employees are trained in the handling of ballots and charged with the importance of fair elections practices using a training manual that was last updated in April 2021.

<https://www.co.fresno.ca.us/departments/county-clerk-registrar-of-voters/election-information/election-results/results-of-november-3-2020-presidential-general-election>

Employees are also monitored regularly during an election, both by department employees and volunteer citizen observers.

As a result of allegations of voter fraud in the 2020 national elections, local elections efforts were questioned. The Fresno County Civil Grand Jury interviewed many witnesses with various backgrounds and party affiliations but found no evidence of Fresno County voter fraud in either the 2020 presidential election or the 2021 gubernatorial election.

Several local politicians, political activists, and candidates voiced distrust of the universal vote by mail system (see Glossary), specifically, ballot harvesting (see Glossary) has become a major concern of these complainants. In their minds this practice, while legal under California Elections Code 3017, raises the question of the soundness of the chain of custody of ballots as well as potential misappropriation of ballots by those who would seek to alter voting results.

Methodology

The Grand Jury interviewed numerous individuals of both major political parties and other county residents with knowledge of the Fresno County voting process, both current and past. Included were county elections workers, elected officials, political candidates, and both partisan and nonpartisan residents of Fresno County. In addition, members of the Jury toured the election headquarters in 2021. State election laws and local election policies and procedures were also reviewed.

The specific areas investigated were:

1. Election Department employee training
2. Maintenance of voter rolls
3. Vote-by-mail procedures
4. Ballot drop boxes and chain of custody
5. Election system security and tabulation accuracy
6. Department website content

Discussion by Topic

Elections Office employee recruitment and training:

The Elections Office consists of 32 permanent employees, all of whom undergo extensive initial and recurrent training. Temporary employees are brought in during each election as needed. The Jury was told that all employees are trained in the handling of ballots and charged with the importance of fair elections practices using a training manual that was last updated in April 2021. (See footnote 1) Employees are also monitored regularly during an election, both by department employees and volunteer citizen observers.

Maintenance of voter rolls:

Elections officials told the Grand Jury that, because people move in and out of Fresno County on a regular basis, it is virtually impossible to be 100% certain of the accuracy of voter rolls on any given day.

However, Elections Office employees regularly check obituaries, Social Security data and record address changes provided by official notices from voters and information gleaned from returned mailings and ballots.

The state also provides information to Fresno County when notified of a voter who has moved from Fresno County, workers said, and citizens also volunteer information about others that the Elections Office verifies.

Vote-by-mail procedures:

Originally, the only way a registered voter could vote was in person, on a specified date, at a designated voting location or poll. That changed in 1962 when qualified voters were allowed to apply for an absentee ballot if

they planned to be away from home on election day. That was later expanded to include any voter who applied for a vote-by-mail ballot.

Until 2018, vote-by-mail ballot-return envelopes had places for signatures of both the voter and the individual carrying the ballot, plus a space to describe the relationship between the two individuals, because the law specified what types of relationships were allowed.

Under the 2018 revision of California Elections Code Section 3017 (see Appendix), any person can return another's ballot. Only the voter is required to sign the ballot return envelope. There is no limit to how many ballots a person can return.

In 2016, California's Voters Choice Act (see SB-450) (see Appendix for synopsis) authorized counties to broaden voting options. Ballots are to be mailed to all registered voters. Vote centers were established to replace traditional polling places for early and election-day voting or ballot drop off. Rather than going to a specific precinct, technology allowed for voters to go to any vote center and cast a ballot specific to where they resided.

For voters who didn't want to mail in ballots, official drop boxes were installed throughout the county.

After trials in other counties, Fresno County opted to conduct its 2020 elections under Voters Choice Act rules. In the 2020 presidential election, there were 495,748 registered voters in Fresno County. The official tally shows 370,068 voted and the turnout was 74.65 percent.

<https://www.co.fresno.ca.us/departments/county-clerk-registrar-of-voters/election-information/election-results/results-of-november-3-2020-presidential-general-election>

The Grand Jury was told that 191,118 citizens participated by returning vote-by-mail ballots – a 45 percent rate of vote-by-mail.

Ballot chain of custody:

The integrity of the drop box system and chain of custody were questioned by interviewees. The Grand Jury was told by election officials that official drop boxes are designed and built to insure that they cannot be tampered with. Ballots from these boxes are retrieved and transported to vote centers by a minimum of two county employees which substantially eliminates

concerns over mishandling or destruction of ballots collected from drop boxes.

All ballots collected at vote centers are counted by elections officers and the number of ballots is recorded. They are then placed in locked containers and transported to election headquarters where they are processed. All ballots are hand counted, with signatures verified by two machine verifications and personal verifications by two separate individuals.

Ballot signatures in question are set aside and a follow-up system is in place to confirm their validity. The latter process is used for provisional ballots as well (see Appendix). No evidence of mishandling of ballots was presented. During the 2020 election, unofficial drop boxes were placed in various businesses in Fresno county. The Secretary of State's office declared these boxes to be illegal and they were removed. Election officials stated that the ballots contained in these boxes were handled exactly like those retrieved from legal drop boxes.

Election system security and tabulation accuracy:

Fresno County purchased the Dominion Voting System in 2010 and it has been used in six elections since then. The Grand Jury was told that these machines have served their purposes well and there has been no evidence of system inaccuracies.

The system is closely monitored and guarded to prevent outside interference and updated as recommended by the state and the vendor to maintain integrity. A test vote is performed prior to each election to assure accuracy of results. The Grand Jury was told that in the 2020 presidential election and 2021 gubernatorial recall election, there was no evidence of tampering or malfunction of the vote-processing system.

It was alleged by one interviewee that all handlers of ballots are county employees who belong to the same government employee union, thereby bringing into question their unbiased handling of their jobs. However, the Grand Jury found that not all ballot handlers are county employees. A number of them are citizen volunteers.

Furthermore, the Grand Jury received no evidence of bias in the handling of votes.

Department website content:

The Grand Jury reviewed the Fresno County Elections website, which appears to be easy to navigate. It contains information about past, and future elections, how to register to vote, voting options, and other pertinent topics.

Findings

- F1:** The Fresno County Elections Office staff is well trained to handle elections efficiently and securely.
- F2:** Voter rolls are maintained to the best of the department's ability.
- F3:** Vote-by-mail procedures are being implemented in conformance with state regulations.
- F4:** Ballot boxes and ballot chain of custody were found to be secure.
- F5:** The Dominion Voting System is secure and is monitored and updated regularly to assure accuracy.
- F6:** The Elections Department website is well maintained and user friendly.

Commendation:

The Grand Jury commends the Fresno County Elections Office for its integrity, smooth and efficient operation, secure vote-counting system and commitment to ensuring that each eligible voter can cast a ballot that is counted accurately.

Recommendation:

The Board of Supervisors should recognize the importance of maintaining the commendable integrity of the Fresno County voting process by providing the resources requested by the Registrar of Voters during the 2022-2023 budget process. (F1 - F6)

Disclaimers

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

One grand juror recused from this investigation because of a conflict of interest and did not participate in the preparation of the report or in the vote authorizing the report's publication.

Appendix

AB 307, Section 3000.5 amended 9/28/21:

SECTION 1.

Section 3000.5 of the Elections Code is amended to read:

3000.5.

(a) Notwithstanding any other law, for each election, the elections official shall, no later than 29 days before the day of the election, begin mailing the materials specified in Section 3010 to every registered voter. The elections official shall have five days to mail a ballot to each person who is registered to vote on the 29th day before the day of the election and five days to mail a ballot to each person who is subsequently registered to vote. The elections official shall not discriminate against any region or precinct in choosing which ballots to mail first within the prescribed five-day mailing period.

(b) The distribution of vote by mail ballots to all registered voters does not prevent a voter from voting in person at a polling place, vote center, or other authorized location.

(c) Consistent with paragraph (2) of subdivision (a) of Section 2226, this section is not intended and shall not be construed to authorize a voter with an inactive voter registration status to receive a vote by mail ballot for an election.

California Elections Code Section 3017 *(pertinent portion)*

CA Elec Code § 3017 (2017)

(a) All vote by mail ballots cast under this division shall be voted on or before the day of the election. After marking the ballot, the vote by mail voter shall do any of the following: (1) return the ballot by mail or in person to the elections official who issued the ballot, (2) return the ballot in person to a member of a precinct board at a polling place or vote center within the state, or (3) return the ballot to a vote by mail ballot dropoff location within the state that is provided pursuant to Section 3025 or 4005. However, a vote by mail voter who is unable to return the ballot may designate any person to return the ballot to the elections official who issued the ballot, to the precinct board at a polling place or vote center within the state, or to a vote by mail ballot dropoff location within the state that is provided pursuant to Section 3025 or 4005.

The ballot must, however, be received by the elections official who issued the ballot, the precinct board, or the vote by mail ballot dropoff location before the

close of the polls on election day. If a vote by mail ballot is returned to a precinct board at a polling place or vote center, or to a vote by mail ballot dropoff location, that is located in a county that is not the county of the elections official who issued the ballot, the elections official for the county in which the vote by mail ballot is returned shall forward the ballot to the elections official who issued the ballot no later than eight days after receipt.

Voter's Choice Act Quick Facts:

All registered voters in participating VCA counties will receive their ballot in the mail 28 days before the election. You have 3 choices for how to vote:

1. You can mail your ballot starting as soon as you receive it. No postage required.
2. You can drop off your ballot at any secure Drop Box starting as soon as you receive it.
3. Vote Center options:

Register and vote the same day

Drop off your ballot

Vote with an accessible voting machine

Get help and voting materials in multiple languages



RESPONSES #2

*Despite Criticism,
County Elections Integrity Validated*

NO RESPONSES TO THIS REPORT



REPORT #3

Compliance and Continuity Report

Compliance and Continuity Report

2021-2022 Fresno County Civil Grand Jury Report No. 3

SUMMARY

The 2021-2022 Fresno County Civil Grand Jury (Grand Jury) reviewed the mandated responses to three investigative reports issued by the 2019-2020 Fresno County Civil Grand Jury to assess compliance with California Penal Code Section 933.05. The complete text of these reports can be accessed at the following website:

<https://www.fresno.courts.ca.gov/divisions/jury-service/report-response>

The website also provides links to the responses given by the public agencies to the Findings and Recommendations contained in the reports.

BACKGROUND

California Penal Code Section 933(a) requires the Grand Jury to submit to the Presiding Judge of the Superior Court a final report of its Findings and Recommendations that pertain to government matters within the county during the fiscal or calendar year.

Penal Code Section 933(c) requires governing bodies of the public agencies to respond to the Findings and Recommendations directed to them within 90 days of the release of a Grand Jury's report and requires elected county officials or public agency/department heads to respond within 60 days.

This Compliance and Continuity Report focuses only on the Penal Code requirements for responding to the Recommendations.

Penal Code Section 933.05(b) states that the governing body or county elected officials or public agency/department heads are required to report one of four possible responses to the Recommendations:

- 1) The Recommendation has been implemented, with a summary of the action taken;

- 2) The Recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation being provided;
- 3) The Recommendation requires further analysis, with an explanation and the scope of the analysis and a time frame for response being provided of not more than six (6) months from the release of the report; or
- 4) The Recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation being provided.

The 2019-2020 Civil Grand Jury issued the following reports:

- Revisiting Special District Audits
- Solving the Homelessness Challenges Threatened By Too Many Helping Hands
- Who Is Running Parlier?

The three (3) reports contained sixteen (16) Recommendations, which required seventeen (17) responses that were received from five (5) different persons, agencies or departments.

Two (2) responses were received within the Penal Code's specified time frames; nine (9) Responses were not timely received; and sixteen (16) Recommendations were not responded to.

The responses that were timely received were from the Fresno County Auditor-Controller-Tax Collector's office for the report titled "Revisiting Special District Audits".

The responses that were not received on a timely basis were from the Fresno Madera Continuum of Care, the City of Fresno and the County of Fresno, all responding to the report titled "Solving The Homelessness Challenges Threatened By Too Many Helping Hands".

The governing body that did not respond to the Recommendations was the City Council of Parlier for the report titled "Who Is Running Parlier?"

METHODOLOGY

The 2021-2022 Civil Grand Jury evaluated responses to the 2019-2020 Civil Grand Jury's report Recommendations to ensure compliance with the governing sections of the Penal Code. The 2021-2022 Grand Jury's effort to compile this report was delayed because of the process through which responses flow to the Superior Court and are posted online by the Court. The 2021-2022 Grand Jury discovered responses to the 2019-2020 Grand Jury's Consolidated Report had been received by the Court in early 2020, but were not posted until the 2019-2020 Grand Jury's Consolidated Report was published in January 2022.

The Court has changed its procedure and will post future responses publicly when received.

The following criteria were considered:

1. If a response indicated that a Recommendation had been implemented, did it include a summary of what was done?
2. If a response indicated that a Recommendation would be implemented, did it include a timeframe for what would be done?
3. If a response indicated that a Recommendation required further analysis or study, did it include an explanation of the scope, parameters, and time frame of the proposed analysis or study?
4. If a response indicated that a Recommendation would not be implemented because it was unwarranted or unreasonable, did the respondent include a reasoned explanation supporting that position?

DISCUSSION

The following tables offer a summary of the responses the elected county officials, public agency/department heads and governing bodies provided to the 2019-2020 Civil Grand Jury's Recommendations contained in the three (3) reports, as assessed by the 2021-2022 Civil Grand Jury. In some cases, the responses contained additional details that are not included in the tables found in the appendices.

FINDINGS

F1. Respondents to the 2019-2020 Grand Jury's Report Findings and Recommendations do not consistently follow Penal Code timeline requirements.

F2. Responses to the 2019-2020 Grand Jury's Report Findings and Recommendations do not consistently follow Penal Code response format and language requirements, leaving interpretation to the reader.

F3. The process followed by the Superior Court to delay publishing responses to the Grand Jury's Reports could lead to the false assumption that the governing body of a public agency or an elected county officer, public agency head or department head was not meeting its statutory obligations to provide a timely response.

F4. The 2021-2022 Grand Jury commends the Superior Court for changing the procedure on posting responses to the report Findings and Recommendations so those responses are made available to the public much sooner.

RECOMMENDATIONS

Respondents to Grand Jury reports should respond pursuant to Penal Code mandates.

REQUEST FOR RESPONSES

No responses to this report are required or requested.

REVISITING SPECIAL DISTRICT AUDITS

The 2019-2020 Civil Grand Jury initiated a review of performance of the audits of the special districts by the offices of the Fresno County Auditor-Controller/Treasurer-Tax Collector and the Fresno County Local Agency Formation Commission Executive Office.

The report was issued in October 2020, with responses required from the Fresno County Auditor-Controller-Tax Collector's office.

The complete responses submitted are shown in **Appendix A**.

REVISITING SPECIAL DISTRICT AUDITS

R1-Continuing R4 of the 2017-2018 Fresno County Grand Jury Report No. 3: Fresno County Auditor-Controller/Treasurer-Tax Collector either perform financial audits on special districts or contract with certified public accountants to have missing audits completed. (F2)

R2-Fresno County Auditor-Controller/Treasurer-Tax Collector audits not completed in a timely manner by special districts should be referred to Fresno LAFCo as ‘potentially inactive’ in order that Fresno County LAFCo may commence the dissolution process for chronic non-compliance, if necessary. (F2)

Pursuant to Penal Code Section 933.05, the Fresno County Civil Grand Jury required responses from the following governing bodies: Fresno County Auditor-Controller/Tax Collector and Fresno County Local Agency Formation Commission Executive Office.

RESPONDING AGENCY	RECOMMENDATION	RESPONSE TIMELY OR TARDY?	CONTENT RESPONSIVE PURSUANT TO PC SECTION 933.05 (b)?	SUMMARY OF RESPONSES AND 2021-2022 CIVIL GRAND JURY ANALYSIS
Fresno County Auditor-Controller/Treasurer-Tax Collector’ office	R1	Timely	Yes	Follow up to determine if implemented
Fresno County Auditor-Controller/Treasurer-Tax Collector’s office	R2	Timely	Yes	Follow up to determine if implemented

SOLVING HOMELESSNESS CHALLENGES THREATENED BY TOO MANY “HELPING HANDS”

The 2019-2020 Civil Grand Jury initiated an investigation of the City of Fresno’s and the County of Fresno’s actions to address the homelessness challenges in Fresno County.

The report was issued in October 2020, with responses required from the Fresno Madera Continuum of Care organization, the City of Fresno and the County of Fresno.

The complete responses submitted are shown in **Appendix B**.

SOLVING HOMELESSNESS CHALLENGES THREATENED BY TOO MANY “HELPING HANDS”

R1-Street2Home fills Board vacancies by December 31, 2020. (F1)

R2-Street2Home should operate openly and transparently with community involvement by inviting the public to participate in widely noticed meetings and by allowing time for public comment during board meetings. (F1)

R3-Street2Home positions of executive director, facilitator and data manager should be filled no later than March 31, 2021. (F2)

R4-Fresno Madera Continuum of Care (CoC) should update its website with current member information; meeting agendas and minutes; and current funding opportunities and awards, no later than March 31, 2021. (F3)

R5-City of Fresno should perform and publish quarterly audits of all homeless grants to ensure that funds are being spent appropriately, services are being provided and goals are being met. This should be ongoing beginning with fiscal year 2020-2021 and findings should be posted on its website, as well as the CoC website. (F3)

R5-County of Fresno should perform and publish quarterly audits of all homeless grants to ensure that funds are being spent appropriately, services are being provided and goals are being met. This should be ongoing beginning with fiscal year 2020-2021 and findings should be posted on its website, as well as the CoC website.(F3)

R6-Fresno Madera Continuum of Care ought to consider complying with the Brown Act guidelines for posting meeting notices and also inform its members and the public about the application and ranking process for organizations that apply for HUD awards. This should be ongoing and begin no later than 90 days after the publication of this report. (F3)

R7-Street2Home should develop a plan for regular dialogue with the Fresno County community to educate and inform the public about what is being done to resolve homelessness in the Fresno community. (F3)

R8-Street2Home meetings should be held at easily accessible venues, and at times that encourage public participation, beginning no later than March 31, 2021, or as allowed by restrictions due to the Covid-19 pandemic. (F3)

Pursuant to Penal Code Section 933.05, the Fresno County Civil Grand Jury required responses to each of the specific findings and recommendations. It is required that responses from elected county officials and public agency/department heads are due within 60 days of the receipt of the report and within 90 days for other governing bodies of a public agency. The Fresno Grand Jury requested responses as follows:

Fresno Madera Continuum of Care (R4 and R6)

City of Fresno (Mayor’s Office of Strategic Initiatives) (R1, R2 R3, R7 and R8)

County of Fresno Department of Social Services (R5)

RESPONDING AGENCY	RECOMMENDATION	RESPONSE TIMELY OR TARDY?	CONTENT RESPONSIVE PURSUANT TO PC SECTION 933.05 (b)?	SUMMARY OF RESPONSES AND 2021-22 CIVIL GRAND JURY ANALYSIS
City of Fresno, Street2Home Fresno Madera Continuum of Care	R1 R1	Tardy Tardy	No No	No legal requirement for centralized coordination of homelessness services No legal requirement for centralized coordination of homelessness services
City of Fresno, Street2Home	R2	Tardy	No	Response did not contain evidence or explanation of organizational meeting requirements being established
City of Fresno, Street2Home	R3	Tardy	No	Response did not contain evidence or explanation of positions mentioned having been filled.

Fresno Madera Continuum of Care	R3	Tardy	Yes	Follow up to determine if implemented
Fresno Madera Continuum of Care	R4	Tardy	Yes	Follow up to determine if implemented
City of Fresno	R5	Tardy (due to Covid-19 pandemic)	No	No response or explanation to R5 found in Response
County of Fresno	R5	Tardy	No	No response or explanation to R5 found in Response
Fresno Madera Continuum of Care	R6	Tardy	Yes	No further analysis or follow up required
City of Fresno, Street2Home	R7	Tardy	Yes , in Part	Follow up to determine if implemented
City of Fresno, Street2Home	R8	Tardy	Yes in Part	Follow up to determine if implemented

WHO IS RUNNING PARLIER?

The 2019-2020 Civil Grand Jury investigated the Parlier City Council's development and maintenance of administrative policies and procedures; hiring of qualified management; budget and finance procedures; and policies about filling unexpected Council vacancies.

Pursuant to Penal Code Section 933.05, the Fresno County Grand Jury required responses to each of the specific findings and recommendations. It is required that responses from elected county officials and public agency/department heads are due within 60 days of the receipt of the report and within 90 days for other governing bodies of a public agency. The report was issued in October 2020, with responses required from the Parlier City Council. The Parlier City Council (City Council) did not respond in compliance with Penal Code Section 933.05.

WHO IS RUNNING PARLIER?

R1-The City Council order the distribution of the updated Personnel Policy Manual containing the travel policy approved by the City Counsel in Resolution No. 2020-09 to all personnel and publish the Manual in the City of Parlier's website for the public's perusal within two months of the publication of this report. (F1)

R2-The City Council educates itself regarding the responsibilities under Government Code Section 36512 regarding filling vacancies on the City Council within two months of the publication of this report. (F3)

R3-The City Council initiate the hiring process to fill the position of City Manager within two months of the publication of this report. (F4)

R4-The City Council contract with a qualified certified public accountant to act as interim Finance Director until a City Manager can hire a permanent Finance Director within two months of the publication of this report. (F5)

R5-The City Council develop a travel policy consistent with Government Code Sections 53232.2 and 53232.3 for members of the City Council and to develop a similar policy for unelected city officials within two months of the publication of this report. (F8)

R6-The City Council develop and utilize a meaningful annual budget process, including, among other things, public budget hearings, within six months of the publication of this report. (F9 and F10)

RESPONDING AGENCY	RECOMMENDATION	RESPONSE TIMELY OR TARDY?	CONTENT RESPONSIVE TO SECTION 933.05 (b)?	SUMMARY OF RESPONSES AND 2021-22 Civil Grand Jury Analysis
Parlier City Council	R1-R6	No response received	No response received	No response received

CONCLUSION

The 2021-2022 Civil Grand Jury appreciates all departments and agencies that responded to the 2019-2020 Civil Grand Jury's Findings and Recommendations. It is important for responses to be complete and responsive so the public can know when to expect actions to be taken to address highlighted issues.

Appendix A

The originals of these replies are unavailable. This is a verbatim copy of the actual text

Revisiting Special District Audits

County of Fresno
Oscar J. Garcia, CPA
Auditor-Controller/Treasurer-Tax Collector

February 4, 2021

The Honorable Arlan L. Harrell, Presiding Judge Fresno County Superior Court 1100 Van Ness Avenue Fresno, CA 93724-0002

Reference: Response to Fresno County Grand Jury Report No.2: Revisiting Special District Audits

Dear Judge Harrell:

We apologize for the delay in the County of Fresno Auditor-Controller/Treasurer-Tax Collector's responses to the Grand Jury's October 2020 Report. The impact of the pandemic and other issues on the ACTTC Office has been critical over the past few months and that resulted in missing the request for responses to the 2020 Report until it was brought to our attention this week. We want to assure the Grand Jury that the ACTTC Office has continued to work on the recommendations from the 2017-18 Report by tracking and assisting non-compliant districts in meeting their audit obligations. As soon as circumstances permit, the ACTTC will be seeking the additional funding to staff a more formal effort to ensure that all special districts subject to its audit oversight come into compliance.

As directed by the Grand Jury, the responses below are provided in accordance with Penal Code, Section 933.05.

Finding Numbers:

F2.

Good progress has been made in reducing the number of non-compliant districts and the number of past due audits; the Fresno County Auditor-Controller/Treasurer-Tax Collector's Office has not completed recommendation R4 from the 2017-18 Grand Jury's Report No. 3 concerning the performance of financial audits from non-compliant special districts.

County's Response:

The County has eight districts that have outstanding audits. We have communicated with the districts to resolve these items. Non-compliance letters were sent to the districts on July 13, 2020. Follow up communications have occurred, with the most recent follow ups dated February 1,

2021. As the Grand Jury was informed the extreme stresses and staff shortages created by the COVID-19 pandemic has delayed the Auditor

February 4, 2021 The Honorable Arlan L. Harrell, Presiding Judge Fresno County Superior Court
Grand Jury Final Report No. 3

Controller/Treasurer-Tax Collector's plan to obtain additional funding from the Board of Supervisors to staff efforts to conduct audits of non-compliant districts.

Recommendation Numbers

R1.

Continue recommendation R4 of the 2017-18 Fresno County's Grand Jury Report No. 3: "Per California Government Code, Section 36929 as amended, Fresno County Auditor Controller/Treasurer-Tax Collector's Office should either perform financial audits on special districts or contract with a certified public accountant to have the missing audits completed." (F2)

County's Response The County has been working with the special districts to resolve the issue of past due/missing audits, as noted in our response to F2. The Auditor-Controller/Treasurer Tax Collector's Office will continue to work closely with County Counsel to improve upon our policies and procedures regarding the timing in which we step in to either perform or contract with a certified public accountant to perform the audits. Due to the vast number of special districts and the limited staffing and resources of both the special districts and the Auditor-Controller/Treasurer-Tax Collector's Office, this will be an ongoing project to ensure compliance.

R2.

Audits not completed in a timely manner by special districts should be referred to Fresno County LAFCo as "potentially inactive" in order that Fresno County LAFCo may commence the dissolution process for chronic non-compliance, if needed. (F2)

me

The County will work closely with LAFCo with regards to potentially inactive districts due to continued non-compliance. Our most recent discussion with LAFCo regarding a potentially inactive district occurred in December 2020.

This concludes the Fresno County Auditor-Controller/Treasurer-Tax Collector's responses to the findings and recommendations of the October 2020 Grand Jury Report No. 2.

Sincerely,

S/ Oscar J. Garcia

Oscar J. Garcia, CPA Auditor-Controller/Treasurer-Tax Collector

cc: Elizabeth Vecchio, Program Technician, County Administrative Office

P.O. Box 1247 / Fresno, California 93715-1247 / (559) 600-3496 / FAX (600) 600-1444

Equal Employment Opportunity Employer

County of Fresno
Oscar J. Garcia, CPA
Auditor-Controller/Treasurer-Tax Collector

July 15, 2021

Fresno County Civil Grand Jury
Continuity Committee
Lanny Larson
P.O. Box 2072
Fresno, CA 93718

Reference: Response to 2019-2020 Fresno County Civil Grand Jury Report #2, Implementation Response Update Request

Dear Fresno County Civil Grand Jury Continuity Committee:

The County of Fresno Auditor-Controller/Treasurer-Tax Collector is providing an update to its response to the Fresno County Grand Jury Report No. 2: Revisiting Special District Audits, dated February 4, 2021. The Auditor's Office agrees that providing transparent financial information to special districts' constituents is valuable and important. The Auditor's Office is working to implement the Grand Jury's recommendations.

As directed by the Grand Jury, the responses below are provided in accordance with Penal Code, Section 933.05.

Recommendation Numbers

R1. Continue recommendation R4 of the 2017-18 Fresno County's Grand Jury Report No. 3: "Per California Government Code, Section 26909 as amended, Fresno County Auditor Controller/Treasurer-Tax Collector's Office should either perform financial audits on special districts or contract with a certified public accountant to have the missing audits completed."

County's Response In an effort to address the Grand Jury's recommendation, the Auditor's Office has discussed with the County Administrative Office and will be allocated \$200,000 during the budget hearings in September for special district audit costs to contract with a private CPA firm for audits of special districts for which audits have not been provided, to the extent the Auditor's Office has authority under Government Code Section 26909. There are currently 84 special districts that have not provided audits, but only six of these special districts did not provide audits in previous years. We are in continuous communication with special districts throughout the year regarding their need to obtain audits and our most recent notification was sent out on July 12, 2021. We anticipate that a majority of these special districts will return to compliance in the next few months. We continue to consult with County Counsel on this matter.

This concludes the Fresno County Auditor-Controller/Treasurer-Tax Collector's update to its response to the Fresno County Grand Jury Report No. 2: Revisiting Special District Audits, dated February 4, 2021.

Sincerely,
Oscar J. Garcia
Oscar J. Garcia, CPA Auditor-Controller/Treasurer-Tax Collector

cc: Elizabeth Vecchio, Program Technician, County Administrative Office

P.O. Box 1247 / Fresno, California 93715-1247 / (559) 600-3496 / FAX (600) 600-1444
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July 15, 2021 Lanny Larson
Fresno County Civil Grand.Jury Grand Jury Report #2

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Appendix B

The originals of these replies are unavailable. This is a verbatim copy of the actual text

Solving The Homeless Challenges Threatened By Too Many Helping Hands

Street2Home

(Street2Home did not provide a separate response provided, but City of Fresno Response indicates it is also responding for Street2Home)

Fresno Madera Continuum of Care

February 12, 2021

The Honorable Arlan L. Harrell, Presiding Judge Fresno County Superior Court 1100 Van Ness Avenue Fresno, CA 93724-0002

RE: Response to Fresno County Grand Jury Report No. 4: Solving Homelessness Challenges Threatened By Too Many "Helping Hands"

Dear Judge Harrell:

The Grand Jury's report reflects findings and recommendations regarding homelessness and the challenge of coordinating services across jurisdictions. The Fresno Madera Continuum of Care (FMCoC) thanks the Grand Jury for its investment in this issue. Below are the responses to the findings and recommendations:

Findings:

Finding #1: There is a lack of robust central coordination in providing homeless services in Fresno County.

Response #1: The FMCoC disagrees with Finding 1. There is no overarching legislative mandate which supports central coordination of homeless services. There are a variety of sources that fund homeless services with each having their own requirements. The FMCoC follows all guidelines and requirements mandated by the funding source.

The FMCoC agrees with Finding #3.

The FMCoC agrees with Finding #3.

Recommendations:

Recommendation #4: The Fresno Madera Continuum of Care should update its website with current member information; meeting agendas and minutes, and current funding opportunities and awards no later than March 31, 2021.

Response 4: The recommendation has been implemented. The FMCoC website is functional and contains the above-mentioned information. www.fresnomaderahomeless.org

Recommendation #6: The Fresno Madera Continuum of Care ought to consider complying with the Brown Act guidelines for posting meeting notices, and also inform the members and the public about the application and ranking process for organizations that apply for HUD awards. This should be ongoing and begin no later than 90 days after the publication of this report.

Response 6: The recommendation has not yet been implemented but will be partially implemented by July 1, 2021. The FMCoC will consider complying with the Brown Act guidelines. Additionally, the FMCoC will post the application and ranking process for the HUD awards on its website during the next cycle of funding.

This concludes the Fresno Madera Continuum of Care comments on the findings and recommendations of the Fresno Grand Jury Report No. 4, October 2020.

Respectfully submitted,
Laura Moreno
Laura Moreno, Chair

C: Elizabeth Vecchio, County Administrative www.fresnomaderahomeless.org

**THOMAS ESQUEDA
CITY MANAGER**

July 30, 2021

The Honorable Arian L. Harrell, Presiding Judge Fresno County Superior Court 1100 Van Ness Avenue Fresno, CA 93724-0002

RE: Response to Fresno County Grand Jury Report No. 4: Solving Homelessness Challenges Threatened By Too Many "Helping Hands," October 2020

Dear Judge Harrell:

The City of Fresno thanks the Grand Jury for its investigation related to the critical issue of homelessness in our community. The Grand Jury's report reflects findings and recommendations regarding the challenge of coordinating services addressing homelessness across jurisdictions.

My apologies for not forwarding to you the City's response to the Grand Jury's request sooner. Our delay is due primarily to the joint challenges associated with preventing the spread of COVID-19 among our homeless population during the pandemic and the turnover in Mayoral administrations here at the City of Fresno at the end of 2020. Nevertheless, we are grateful for the Grand Jury's attention to this most critical issue.

The Fresno Grand Jury requested responses to the following findings and recommendations: F1, F2, F4; R1, R2, R3, R7, R8. The following are responses to those items:

Findings:

F1. There is a lack of robust central coordination in providing homeless services in Fresno County.

The City of Fresno agrees in part with this assessment.

First, there is no overarching legislative mandate which supports central coordination of homeless services. In fact, recent legislative acts at both the State and Federal levels continue to support cities, counties and continuums of care in their separate but coordinated efforts to address homelessness in municipalities across the country, including here in Fresno.

There are a variety of sources that fund homeless services with each having their own requirements. The City follows all guidelines and requirements mandated by the funding source, including the requirement for coordination with other institutions and agencies making up our community wide homeless service delivery system.

Secondly, we appreciate the historic coordinating role that the Fresno Madera Continuum of Care has played in our community. The City has a seat on its Executive Committee. More recently, we also appreciate the “robust central coordination” involved in planning and deploying services addressing homelessness during the pandemic led by Dawan Utecht, Director of Fresno County Behavioral Health, and Sonia De La Rosa, Principal Analyst with the County of Fresno, which was nothing short of spectacular.

Thirdly, there is still a need for an ongoing, “robust central coordination” described in the Street2Home Fresno County: A Framework for Action (www.street2homefresno.org). For more details, please see our response to Recommendations 1-3 below.

F2. Although funding is available, the three positions recommended in the Street2 Home report for the “backbone organization” remains unfilled.

The City of Fresno agrees in part with this assessment.

Although the three positions recommended in the Street2Home report remain unfilled, there was a conscious commitment of significant staff time to fill that gap temporarily from both the Mayor's Office in the City of Fresno and the County Administrator's Office at the County of Fresno amounting to a substantial investment in staffing the collective impact activities outlined in Street2Home. That being said, we believe now that the crisis of the pandemic is subsiding, it is imperative for us to establish a backbone organization as outlined in the Street2Home Report in order to advance community wide efforts to address homelessness.

The Honorable Arian L. Harrell, Presiding Judge Response to Fresno County Grand Jury Report No. 4: Solving Homelessness Challenges Threatened by Too Many "Helping Hands"

July 30, 2021 Page 3 of 4

Please see our response to Recommendations R1-R3 below.

F3. There is a lack of communication with the public at-large regarding services provided for the homeless and the success of efforts to reduce the homeless population.

Please see our response to Recommendations R1-R3 below.

Recommendations:

Please see the joint response to R1, R2 and R3 below.

R1. The Street2Home organization should fill all board vacancies by December 31, 2020. (F1)

R2. The Street2Home organization should operate openly and transparently with community involvement by inviting the public to participate in widely noticed meetings and by allowing time for public comment during board meetings. (F1)

R3. The Street2Home organization positions of executive director, facilitator, and data manager should be filled by no later than March 31, 2021. (F2)

The following is our joint response to Recommendations 1-3 (R1, R2, and R3):

In the report which the City of Fresno co-commissioned in 2018, Street2 Home Fresno County, A Framework for Action (www.street2homefresno.org), it was recommended that the City of Fresno join with the County of Fresno to organize and convene a collective impact initiative of influential community leaders who can deploy human or financial resources and keep track of the big picture.

Prior to the COVID-19 crisis, an initial board of directors of a backbone organization was assembled and met, including multi-sector representatives as recommended in the report. With the COVID-19 emergency homeless response, this work was put on hiatus. We anticipate that the board of the backbone organization will become fully operational in FY 21/22 and will develop a flexible and dynamic structure with clear delineation of

The Honorable Arian L. Harrell, Presiding Judge Response to Fresno County Grand Jury Report No. 4: Solving Homelessness Challenges Threatened by Too Many "Helping Hands"

July 30, 2021 Page 4 of 4

leadership and decision-making roles, as well as opportunities for extensive community engagement and participation with the first task to implement a dynamic staffing structure to support the collective impact structure.

Though in favor of a functional collective impact structure with a board of directors, we are not in favor of calling this backbone organization "Street2Home," as there are some factors that have called this particular name into question.

R7. Street2Home should develop a plan for regular dialogue with the Fresno County community to educate and inform the public about what is being done to resolve homelessness in the community. (F4)

We anticipate that the collective impact structure's board and staff, once operational, will engage the entire community in solutions to addressing homelessness. Working with our robust network of agencies to address homelessness, the collective impact structure will be committed to full community engagement, with all partners, elected officials, and community leaders.

R8. Street2Home meetings should be held at easily accessible venues and at times that encourage public participation, beginning no later than March 31, 2021, or as allowed by restrictions imposed due to the COVID 19 pandemic. (F4)

The City of Fresno fully agrees with this recommendation.

This concludes the City of Fresno's comments on the findings and recommendations of the Fresno Grand Jury Report No. 4, October 2020. H. Spees will be glad to discuss these in depth with you should you have questions. He appreciated the opportunity to provide you with an update to the City of Fresno's homeless initiatives during the Grand Jury's recent meeting with him on Wednesday, July 21, 2021.

Respectfully submitted,
S/ Thomas C. Esqueda
THOMAS C. ESQUEDA,
City Manager

S/ H. Spees
H. SPEES, Director
Housing and Homeless Initiatives

January 4, 2021

The Honorable Arlan L. Harrell,
Presiding Judge Fresno County Superior Court 1100 Van Ness Avenue Fresno, CA 93724-0002

RE: Response to Fresno County Grand Jury Report No. 4: Solving Homelessness Challenges
Threatened By Too Many "Helping Hands"

Dear Judge Harrell:

The Grand Jury's report reflects findings and recommendations regarding Homelessness and the Challenge of coordinating services across jurisdictions. The Fresno County Department of Social Services (DSS) thanks the Grand Jury for its investment in this issue. Below are the responses to the findings and recommendations:

Findings:

The Department agrees with Finding #4.

Finding #1: There is a lack of robust central coordination in providing homeless services in Fresno County.

Response #1: The Department disagrees with Finding 2. There is no overarching legislative mandate which supports central coordination of homeless services. There are a variety of sources that fund homeless services with each having their own requirements. The Department follows all guidelines and requirements mandated by the funding source.

Recommendations:

Recommendation #5: The City of Fresno and the County of Fresno should perform and publish quarterly audits of all homeless grants to ensure that funds are being spent appropriately, services are being provided, and goals are being met. This should be ongoing beginning with Fiscal Year 2020-21 and findings should be posted on their website as well as the CoC website.

Office Location: 205 West Pontiac Way, Clovis, California 93612

Phone: (559) 600-2300 – FAX: (559) 600-2310

Mailing Address: P.O. Box 1912, Fresno, California 93718-1912

www.co.fresno.ca.us

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Response #5: The recommendation has not yet been implemented but will be partially implemented by July 1, 2021. The Department audits monthly invoices and activity reports including outcomes. A more complete audit and site visit are completed annually, and those annual reports will be published.

This concludes the Fresno County Department of Social Services comments on the findings and recommendations of the Fresno Grand Jury Report No. 4, October 2020.

Respectfully submitted,

S/ Delfino E. Neira
Delfino E. Neira, Director

C: Elizabeth Vecchio, County Administrative Office

Office Location: 205 West Pontiac Way, Clovis, California 93612

Phone: (559) 600-2300 – FAX: (559) 600-2310

Mailing Address: P.O. Box 1912, Fresno, California 93718-1912

www.co.fresno.ca.us

The County of Fresno is an Equal Employment Opportunity Employer



RESPONSES #3

Compliance and Continuity Report

NO RESPONSES REQUESTED TO THIS REPORT



REPORT #4

*Clovis Police Department Responds
To Its Diversity Challenges*

2021-2022 Fresno County Civil Grand Jury Report No. 4

Clovis Police Department Responds To Its Diversity Challenges

Summary

The 2021-2022 Fresno County Civil Grand Jury received a citizen complaint requesting the review of the Clovis Police Department and its ethnic diversity to include African American sworn officers within the department. It is the responsibility of the Grand Jury to assure local governments act in the best interest of the citizens they represent.

The Grand Jury's investigation over more than a year concluded the Clovis Police Department has made significant efforts to ethnically diversify the department to include African American and other sworn officers of color. However, to date the results have not met their expectations.

Glossary

CPD	Clovis Police Department
FPD	Fresno Police Department
POST	Peace Officers Standards and Training
FCC	Fresno City College Police Academy
Fresno SMSA	Fresno Standard Metropolitan Statistical Area (Includes Fresno-Madera-Hanford combined)

Background

In late 2020, the Fresno County Civil Grand Jury received a citizen complaint requesting a review of the Clovis Police Department's hiring and staffing practices as they relate to ethnic diversity. The complaint suggested the possibility of systemic racism because there was one African American officer on the force in 1990 and only one in 2020. Further, the complaint alleged, other law enforcement agencies throughout Fresno County, hiring from the same officer-candidate pool, have had greater success in hiring African American officers than Clovis despite CPD's historical superior compensation package.

Fresno has experienced slower growth and has a very different demographic. Incorporated in 1885, Fresno is a city in California's San Joaquin Valley. Fresno

is the fifth largest city by population and the sixth largest city by area in California having an area of 116 square miles. It is the largest municipality and serves as county seat to Fresno County. By comparison, Clovis was incorporated in 1912. It is in Fresno County, at the foot of the Sierra Nevada mountain range. Clovis covers 25.91 square miles and abuts the City of Fresno on the Northeastern edge.

Comparative Demographics Clovis/Fresno/Fresno Standard Metropolitan Statistical Area, 2020						
Category	Clovis Pop.	CPD	Fresno Pop.	FPD	Fresno SMSA ***	FCC Police Academy Graduates* ***
Population	120,124	99	542,107	771	1,008,654	138
White (non Hispanic)%	52	74	26.9	45.26	37	38.4
African American%	2.9	2	7.4	5.7	5	7.2
Native American/Alaskan%	1.2	0	1.2	0	2	0.7
Asian%	10.9	3	13.8	5.57	11	11
Native Hawaiian/Pac Islander%	0.3	0	0.1	2.07	0.17	n/a
Other	0	0	0	0	28	0
Two or more races%	5.5	0	4.2	n/a	16	n/a
Hispanic or Latino%	30.6	21	49.6	41.37	---	45.6
Total%	103.2*	100	103.2*	100**	100	100

*Hispanics may be of any race so are also included in applicable race categories
** Current data as provided by FPD, 03/25/2022
*** SMSA Data source was City Population and cited statistics shown in above chart were by race only
When listed by ethnicity, Hispanic or Latino numbered 540,743 or 53.61%. Other ethnicities were numbered at 467,911 or 46.38%
**** FCC Police Academy percentages show combined classes of 159,160, 161 and 162 for 2020
Clovis and Fresno population/demographics sources taken from US Census Bureau 2020

Methodology

The Grand Jury interviewed both the City of Clovis and Clovis Police Department leadership as well as general employees. The Grand Jury additionally interviewed personnel of neighboring law enforcement agencies, including Fresno City College Police Academy (FCC Police Academy) to better understand hiring practices and diversity efforts.

The Grand Jury also reviewed census data, relevant hiring information and other material about the Clovis and Fresno communities as well as the state's Peace Officers Standards and Training (POST) guidelines.

The Grand Jury's research found no online information about the Clovis Police Department's diversity recruitment efforts.

Discussion

The primary focus of this investigation is on the diversity of African American sworn officers for the Clovis Police Department (CPD). The number of African American sworn officers (2%) is not reflective of the demographics of the Clovis community.

The CPD's percentage of sworn officers is even less reflective of the demographics of its larger community, the Fresno Metropolitan area, especially falling short for the number of African American sworn officers. In contrast, the Fresno Police Department (FPD) has 5.7% African American sworn officers, as does its larger community, suggesting African American candidates are available. The local police academy graduates include about 6% African Americans and all local police departments sponsor candidates in the academy and hire from their classes, including the CPD.

The Grand Jury was told that the City of Clovis and CPD leadership acknowledge the need to continue to do more to address diversity. The majority were not aware of any objectives to increase the diversity among sworn officers. However, a few interviewees indicated increasing diversity would be beneficial to CPD. None of the interviewees indicated there were any incidents of disrespect or discrimination for people of color within the CPD, although, they did indicate they experience such in the Clovis community.

Many interviewees said there is a perception that the CPD does not welcome candidates of color, especially African Americans. This perception has had

significant impact, as such candidates typically were not enticed to apply for the higher compensation previously offered by the CPD. Recently CPD hired 10 sworn police officers, none of which are African American.

The CPD has primarily focused on the early development of candidates and young people who may aspire to be a police officer in the Clovis community. The Grand Jury found minimal information regarding the CPD recruiting African American lateral transfer officers or cadets from police academies outside California's Central Valley. This has limited their opportunity to recruit more African American candidates.

The CPD leadership established a Citizens Diversity Committee in 2019. The stated goals of the Committee are to:

- Engage a diverse group of community leaders to generate strategies and ideas that will increase the number of applicants who represent a wide range of cultures, ethnicities, and who have a wide range of skills.
- Meet 2 to 3 times per year with subgroups meeting and communicating as needed.

CPD provided the Grand Jury the current demographic makeup of the Citizens Diversity Committee:

	Male	Female
African American	4	1
Asian	0	1
Hispanic	2	0
Indian	0	0
White	0	3

In 2018, CPD leadership went on to formulate a Diversity Strategic Plan, which was developed as a means to insure the CPD hire the most-diverse, well-trained,

professional police officers and staff. This Plan and its administrators are also charged with developing and implementing a methodology to continually monitor the state of diversity within the department as it relates to ethnic/racial and gender make-up. The Plan attempts to engage every employee in the CPD to understand that providing exceptional services to the citizens of Clovis will only occur with a diverse, highly qualified police department.

The CPD provided the Grand Jury with the following Strategic Objectives (Goals) of the Diversity Strategic Plan:

1. CPD adopted the following goals to improve diversity: Facilitate multiple discussions with the Command Staff to fully develop the Diversity Strategic plan and ultimately gain consensus as to the importance and viability of the plan prior to implementation.
2. Utilize Equal Employment Opportunity (EEO) Summary Reports for Police Officers, the EEO Summary Reports for professional Staff, the current Clovis Police Department Ethnic/Racial Report, the current Clovis Police Department Gender Report, the City of Clovis census data and the Fresno County census data to evaluate both the recruitment and hiring of people from a diverse ethnic/racial and gender groups.
3. Identify and request participation from a diversified group of citizens to attend a number of meetings throughout the year to provide input about the Diversity Strategic Plan and other ideas about how to get employment information to people from all racial/ethnic populations and women.
4. Communicate the Vision of this Strategic Plan to Sergeants, Corporals, Police Officers and Professional Staff within the department.
5. The Police Command Staff will identify and recruit at least three officers that represent different ethnic/racial groups to participate in the recruitment and hiring of new staff.
6. The Clovis Police Department will increase the number of applicants who are women and the number of applicants who represent various ethnic/racial groups.
7. The Police Command Staff will identify at least four new methods to

advertise employment opportunities to people from various ethnic/racial groups and women.

8. Review the progress toward achieving the established goals annually.
9. The Clovis Police Department will demonstrate an increase of 25% in the number of applicants who are from racial/ethnic groups and women.

The CPD has stated they have achieved 1, 3, 4, 5, and 7 of the above listed objectives and goals. For numbers 2, 6, 8, and 9, CPD is committed to continually analyze their efforts to achieve these goals.

While the Citizens Diversity Committee and the Diversity Strategic Plan are excellent initial steps for the CPD in minimizing an applicant's perception that CPD has a bias against recruiting African American officers, the fact is that in the past five years the CPD has only been successful with hiring one African American sworn officer. While extensive efforts and action items have come from the Citizens Diversity Committee and the Diversity Strategic Plan, the results presented to the Grand Jury indicate that more needs to be done to achieve their goals.

The CPD follows the guidelines of POST regarding implicit bias. Such training is designed to help leadership in the CPD build on the culture of value of diversity. The Grand Jury was told that the CPD trains its officers in "Principled Policing" which is required training by POST at least once every five years per California Penal Code section 13519.4. The last time CPD officers were trained on this topic was in June and July of 2020 and 2017 prior to that.

The Grand Jury was told a substantial challenge exists for the CPD in hiring more officers of color, especially African Americans, as the perception is CPD does not welcome them. The interviewees indicated the CPD did not seek outside professional advice on how to develop a strategy and plan to overcome this hurdle.

The 2021-2022 Fresno County Civil Grand Jury finds:

- F1** There is a perception among police officer candidates of color that the CPD would not be a welcoming department for them.
- F2** The demographics for diversity among police officers in the CPD is nearly reflective of the Clovis community, however, much less diverse than its

larger community as stated in the Fresno SMSA.

- F3** There is presently no evidence or reports of explicit discrimination or disrespectful treatment of police officers of color at CPD.
- F4** CPD purports to hire candidates at a higher standard than other agencies.
- F5** Until recently compensation packages for CPD new hire officers were higher than other agencies.
- F6** The CPD is implementing programs to make it more diverse (examples include the Citizens Diversity Committee and their Strategic Plan).
- F7** The CPD follows POST standards for the training of officers in issues regarding implicit bias.
- F8** The FCC Police Academy graduates classes with diversity that reflects the entire Fresno/Clovis metropolitan area.
- F9** The CPD command staff established a diversity strategic plan in January 2018, which has been partially completed to date.
- F10** The CPD does not publicly share information on their diversity efforts.

Based on its findings, the 2021-2022 Fresno Civil Grand Jury recommends:

- R1** The CPD should commit to a 1, 3, and 5 year incremental plan to reach the level of diversity that resembles the demographics of the Fresno metropolitan area, no later than March 31, 2023. (F2, F6, F9)
- R2** The CPD should identify diversity-value training tools and require it biennially (every other year) for leaders in the Clovis Police Department no later than March 31, 2023. (F2, F6, F9)
- R3** The CPD should expand their reach for recruiting purposes no later than March 31, 2023. This would encourage recruiting cadets from areas with a higher percentage of persons of color and African Americans in particular. Lateral transfers can be encouraged from those same areas such as Los Angeles, East Bay (Oakland) and San Francisco, for example. (F4, F6, F9)
- R4** The CPD leadership should develop and implement a marketing/recruiting

plan to overcome the perception that the Clovis Police Department does not welcome police officer candidates of color no later than March 31, 2023. (F1, F2, F6, F9)

R5 The CPD should seek outside professional advice on developing a strategy and plan to overcome the perception that the CPD does not welcome officers of color, including African Americans no later than March 31, 2023. (F6)

R6 The CPD should make their Diversity Strategic Plan available to the public via CPD website and within the City of Clovis' mobile application by March 31, 2023. (F10)

Request for Responses

Pursuant to California Penal Code Section 933.05, the 2021-2022 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 a governing body of a public agency.

Respondents:

Clovis Chief of Police

Clovis City Council

Clovis City Manager

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.



RESPONSE #4

*Clovis Police Department Responds
To Its Diversity Challenges*



CITY *of* CLOVIS

POLICE DEPARTMENT

1233 FIFTH STREET • CLOVIS, CA 93612

August 24, 2022

The Honorable Arlan L. Harrell, Presiding Judge
Fresno County Superior Court
1100 Van Ness Avenue
Fresno, CA 93724-0002

RE: Response to the 2021/22 Grand Jury Report entitled “Clovis Police Department Responds To Its Diversity Challenges”

Dear Honorable Presiding Judge Harrell:

Pursuant to California Penal Code sections 933 and 933.05, this letter addresses the findings and recommendations in the Grand Jury’s above-referenced report, which address subjects under control of the Clovis Police Department (the “CPD”).

The following are the Grand Jury’s findings and recommendations and the CPD’s response.

FINDINGS:

Finding 1:

There is a perception among police officer candidates of color that the CPD would not be a welcoming department for them.

Response:

Respondent disagrees with the finding. The Grand Jury’s report does not identify a source for this finding. However, the finding is not reflected in the demographics of CPD’s recent hires, including the fact that over the past two years, fifty percent (50%) of officers hired were non-whites, and of the last fourteen officers hired, seventy-one percent (71%) were non-whites.

Finding 2:

The demographics for diversity among police officers in the CPD is nearly reflective of the Clovis community, however, much less diverse than its larger community as stated in the Fresno SMSA.

Response:

Respondent agrees that diversity demographics among police officers in the CPD is reflective of the Clovis community. Respondent disagrees that the demographic among its officers is much less

diverse than that of the larger community, particularly when comparing nearby police departments. For example, the Grand Jury's report (citing the 2020 SMSA) indicates 2.9% of Clovis' population is African American compared to 2% of CPD officers – a difference of only .9%. By comparison, the report indicates 7.4% of Fresno's population is African American compared to 5.7% of Fresno Police Department – a difference of 1.7%, or nearly twice the discrepancy of the CPD.

Finding 3:

There is presently no evidence of reports of explicit discrimination or disrespectful treatment of police officers of color at CPD.

Response:

Respondent agrees with the finding.

Finding 4:

CPD purports to hire candidates at a higher standard than other agencies.

Response:

Respondent agrees with the finding.

Finding 5:

Until recently compensation packages for CPD new hire officers were higher than other agencies.

Response:

Respondent agrees with the finding.

Finding 6:

The CPD is implementing programs to make it more diverse (examples include the Citizens Diversity Committee and their Strategic Plan).

Response:

Respondent agrees with the finding.

Finding 7:

The CPD follows POST standards for the training of officers in issues regarding implicit bias.

Response:

Respondent agrees with the finding.

Finding 8:

The FCC Police Academy graduates classes with diversity that reflects the entire Fresno/Clovis metropolitan area.

Response:

Respondent partially disagrees with the finding. The report's data is limited to Academy classes

159, 160, 161 and 162. Examination of a larger range of classes – i.e., 151 through 166 – shows a greater disparity between some demographics of graduates and the larger population than is indicated in the report. For example, 6.1% of African American candidates graduated over that class range, compared to 7.4% of African Americans in the total Fresno population (according to the 2020 SMSA).

Finding 9:

The CPD command staff established a diversity strategic plan in January 2018, which has been partially completed to date.

Response:

Respondent agrees with the finding.

Finding 10:

The CPD does not publicly share information on their diversity efforts.

Response:

Respondent agrees with the finding.

RECOMMENDATIONS:

Recommendation 1:

The CPD should commit to a 1, 3, and 5 year incremental plan to reach the level of diversity that resembles the demographics of the Fresno metropolitan area, no later than March 31, 2023. (F2, F6, F9)

Response:

Respondent is not planning to implement this recommendation, as it is unwarranted. The leadership of the CPD understands the value of a diverse workforce and is already working toward fully accomplishing the goals identified in its Strategic Plan at the earliest opportunity.

Recommendation 2:

The CPD should identify diversity-value training tools and require it biennially (every other year) for leaders in the Clovis Police Department no later than March 31, 2023. (F2, F6, F9)

Response:

Respondent is not planning to implement this recommendation, as it is unwarranted. The leadership of the CPD understands the value of a diverse workforce and is already working toward fully accomplishing the goals identified in its Strategic Plan at the earliest opportunity.

Recommendation 3:

The CPD should expand their reach for recruiting purposes no later than March 31, 2023. This would encourage recruiting cadets from areas with a higher percentage of persons of color and

African Americans in particular. Lateral transfers can be encouraged from those same areas such as Los Angeles, East Bay (Oakland) and San Francisco, for example. (F4, F6, F9)

Response:

Respondent plans to implement this recommendation as soon as reasonably possible.

Recommendation 4:

The CPD leadership should develop and implement a marketing/recruiting plan to overcome the perception that the CPD does not welcome police officer candidates of color no later than March 31, 2023. (F1, F2, F6, F9)

Response:

Respondent has implemented this recommendation.

Recommendation 5:

The CPD should seek outside professional advice on developing a strategy and plan to overcome the perception that the CPD does not welcome officers of color, including African Americans no later than March 31, 2023. (F6)

Response:

Respondent had implemented this recommendation through consultation with knowledgeable local citizens and volunteer advisors.

Recommendation 6:

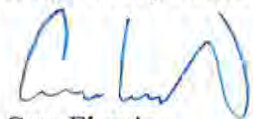
The CPD should make their Diversity Strategic Plan available to the public via CPD website and within the City of Clovis' mobile application by March 31, 2023. (F10)

Response:

Respondent is not planning to implement this recommendation, as it is unwarranted. CPD is not required to publish its recruiting strategies and/or objectives, and to do so could potentially place it at a competitive disadvantage with other law enforcement agencies that are competing for the same pool of candidates. CPD also notes that we are not aware of any other local agencies who have a Diversity Strategic Plan, nor a published one.

This concludes the Clovis Police Department's comments on the findings and recommendations of the Fresno Grand Jury Report No. 4, entitled "Clovis Police Department Responds To Its Diversity Challenges."

Respectfully submitted,



Curt Fleming
Chief of Police



REPORT #5

*Purchasing Policies and Procedures Within
Public Works and Planning, and Internal Services*

County Purchasing Requires Insurance for All Vendors Fresno County Civil Grand Jury Report No. 5

June 23, 2022

PURCHASING POLICIES AND PROCEDURES WITHIN PUBLIC WORKS AND PLANNING, AND INTERNAL SERVICES

INTRODUCTION

California Penal Code 925 gives the Grand Jury the responsibility of investigating and reporting on County government.

An investigation by the 2021-2022 Fresno County Civil Grand Jury (Grand Jury) found that purchasing policies and procedures within the County of Fresno (County) are generally well conceived, written and enforced.

However, the Grand Jury learned that mandatory insurance requirements can discourage some small, local or out-of-state vendors from seeking contracts with Fresno County.

GLOSSARY (the following definitions were used by the Grand Jury for this investigation)

Attachment E: The County mandates minimum insurance coverage for any person or company who intends to work for the County under a public contract. (See Appendix 1) (<https://www.co.fresno.ca.us/home/showpublisheddocument/41600>)

Consulting contract: An agreement between a private professional engineering or architectural company and Fresno County that specifies services, duration, and rate of compensation, to supplement the skills and capacity of the County staff. The terms and scope of work of the agreement range from simple to very complex.

On-call contract: An agreement with a company with a particular construction discipline (e.g.: electrical, mechanical, environmental, structural engineering, etc.) to be available to perform the required service, usually for routine requirements. On-call contracts allow the County to mobilize professional services quickly and easily under pre-negotiated terms and conditions, when services are required due to an urgent matter, or because the County is unable to provide or perform those services internally. The contracts are not funded when awarded, have no guaranteed work, and are intended to engage professionals on short notice.

Public Purchase: Any expenditure of publicly sourced funds spent to support a County Department, Agency, or Special District.

Risk Management: The forecasting and evaluation of financial risks together with the identification of procedures to avoid or minimize their negative impact.

HISTORY

The 2021-2022 Grand Jury received a citizen complaint that led to an investigation and publication of the report: *CONFLICT-OF-INTEREST WITHIN COUNTY CONTRACTING UNDERMINES PUBLIC TRUST*.

(<https://www.fresno.courts.ca.gov/sites/default/files/fresno/default/2022-04/REPORT%201.pdf>)

In the course of its investigation, the Grand Jury reviewed the County purchasing function and decided to issue a report on that as well.

In its review of the County purchasing policies and procedures, the Grand Jury learned that the County mandatory insurance requirements (Attachment E; Appendix 1) for contractors could limit the number of qualified companies willing to offer their services to the County.

METHODOLOGY

During its investigation, the Grand Jury inquired about and reviewed the County's primary purchasing offices (Departments of Internal Services and Public Works and Planning), (see Appendix 2), purchasing policies, training, processes and enforcement within the County. The Grand Jury researched relevant California laws, California Attorney General Opinions, the Fresno County Charter, policies of other California counties, and guidelines governing ethics and standards of several professional associations.

DISCUSSION: COUNTY PURCHASING-GENERALLY

The Grand Jury reviewed the information available to guide County employees regarding purchasing for the County of Fresno including:

- Purchasing Manual (11/3/2020);
- Purchasing 101, A Microsoft PowerPoint presentation that explains the County purchasing process;
- Purchasing Process-at-a-glance (4/8/2021)(See Appendix 3)(Document provided by the County);
- County of Fresno Regulations and Procedures for the Implementation of the California Environmental Quality Act, PWP (2/24/2015); and
- An expansive volume of policies, procedures and County ordinances (all available to the public on various County web pages) that was provided by the Department of Public Works and Planning (5/18/2021).

The Grand Jury found the processes and procedures utilized by Fresno County were substantial and demonstrated many "best practices" for Governmental purchasing. For example, the County segregates the three principal functions (requisitioning, ordering, certify of completion/approval for payment) of the purchasing process and does not allow them to overlap. Each of these functions is performed independently by different individuals.

DISCUSSION: MANDATORY INSURANCE

Amongst the many aspects of County purchasing, the Grand Jury learned of the County's mandatory insurance requirements for all County contractors. These requirements are contained in Attachment E (detailed in Appendix 1). The basic requirements are:

- **Commercial General Liability**: \$2 million (per occurrence) and \$4 million (annual aggregate) for commercial general liability;
- **Automobile Liability**: \$1 million per accident to cover bodily injury and property damage in automobile liability;
- **Professional Liability**: \$1 million (per occurrence)) and \$3 million (annual aggregate) for professional liability; and
- **Worker's Compensation**: A policy as required by the California Labor Code.

According to Attachment E, any contractor wishing to work for the county, regardless of expected risk of loss, must show proof of the mandatory liability insurance limits. The Grand Jury was also told that many on-call contracts are small with commensurately small price tags. These factors can make an on-call contract cost prohibitive for many small and local businesses.

The Grand Jury learned that the County currently has an appeal process to the County Board of Supervisors. However, this appeal process can be time consuming and prohibitive for purchasing requirements where contractors have limited time to make bids.

The Grand Jury learned that the professional liability insurance requirement was an impediment that would have prevented one prospective contractor from offering a bid on a software development requirement. The contractor was concerned that the cyber liability for them would be cost prohibitive for developing the framework for a data retrieval system. County officials told the Grand Jury the contract would make the contractor liable for future “hacks and data breaches” even though the data would be stored on a cloud environment developed and maintained by others. The Grand Jury was told that the professional liability requirement was significantly abated and the contractor successfully competed for the contract.

Other concerns were noted where an out-of-state contractor would be compelled to obtain automobile and worker’s compensation insurance, even though it would be wholly unnecessary.

The Grand Jury learned that the Office of Risk Management was discussing with County Counsel and the principal County purchasing officials, a procedure that would put more flexibility in the hands of County purchasing agents. County officials are discussing the development of a matrix of liability in relation to the size, complexity and difficulty of the requirement.

FINDINGS

- F1.** The Departments of Internal Services and Public Works and Planning are meeting the needs and requirements for the County with the maximum efficiency and minimum disruption to County programs while maintaining maximum integrity in the purchasing process.
- F2.** County risk management officials have listened to the concerns of contractors about the mandatory insurance minimums and have taken prompt action to provide needed flexibility in a difficult situation.
- F3.** County risk management works with County purchasing agents to tailor insurance minimums to the needs of the job requirements, the County and the contracting community.
- F4.** The County risk managers, in cooperation with County purchasing managers are developing a matrix for general liability and professional liability insurance requirements, to determine what limits of liability are appropriate for each contract.
- F5.** The County purchasing process operates commendably in the best interest of Fresno County, its citizens, and the contracting community to ensure the broadest possible pool of potential contractors from which to choose.

RECOMMENDATIONS

- R1.** The Fresno County Board of Supervisors should encourage the continued development of a risk management matrix for mandatory liability insurance requirements and utilize the risk matrix to determine what limits of liability are adequate for each contract. (Not later than November 2023) (See F3 and F4, and R1 and R2)
- R2.** Purchasing Managers should be given the flexibility to abate all or part of the mandatory insurance requirements, in consultation with County Risk Management, to maximize the participation of local and small businesses. (Not later than November 2023) (See F2, F3 and F4)

REQUEST FOR RESPONSES

Pursuant to California Penal Code, Section 933(c), the Fresno County Grand Jury requests responses to each of the specific findings and recommendations. It is required that responses from governing bodies of public agencies are due within 90 days of the receipt of this report and 60 days for elected county officers or agency heads.

The Fresno Grand Jury requests responses as follows:

- Fresno County Board of Supervisors and County Administrative Officer (CAO) (F3 and F4, and R1 and R2).

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 1

Attachment E: Insurance

INSURANCE REQUIREMENTS

Below are the County of Fresno standard insurance requirements. They do not have to be submitted with the application, but your organization should be able to provide such documentation within 30 days of an executed contract if you are selected for an award.

Without limiting the County's right to obtain indemnification from contractor or any third parties, contractor, at its sole expense, shall maintain in full force and effect, the following insurance policies or a program of self- insurance, including but not limited to, an insurance pooling arrangement or Joint Powers Agreement (JPA) throughout the term of the Agreement:

- A. Commercial General Liability: Commercial General Liability Insurance with limits of not less than Two Million Dollars (\$2,000,000.00) per occurrence and an annual aggregate of Four Million Dollars (\$4,000,000.00). This policy shall be issued on a per occurrence basis. County may require specific coverage including completed operations, product liability, contractual liability, Explosion-Collapse- Underground, fire legal liability or any other liability insurance deemed necessary because of the nature of the contract.
- B. Automobile Liability: Comprehensive Automobile Liability Insurance with limits of not less than One Million Dollars (\$1,000,000.00) per accident for bodily injury and for property damages. Coverage should include any auto used in connection with this Agreement.
- C. Professional Liability: If Contractor employs licensed professional staff, (e.g., Ph.D., R.N., L.C.S.W., M.F.C.C.) in providing services, Professional Liability Insurance with limits of not less than One Million Dollars (\$1,000,000.00) per occurrence, Three Million Dollars (\$3,000,000.00) annual aggregate.

This coverage shall be issued on a per claim basis. Contractor agrees that it shall maintain, at its sole expense, in full force and effect for a period of three years following the termination of this Agreement, one or more policies of professional liability insurance with limits of coverage as specified herein.

- D. Worker's Compensation: A policy of Worker's Compensation insurance as may be required by the California Labor Code.

Additional Requirements Relating to Insurance:

Contractor shall obtain endorsements to the Commercial General Liability insurance naming the County of Fresno, its officers, agents, and employees, individually and collectively, as additional insured, but only insofar as the operations under this Agreement are concerned. Such coverage for additional insured shall apply as primary insurance and any other insurance, or self-insurance, maintained by County, its officers, agents and employees shall be excess only and not contributing with insurance provided under Contractor's policies herein. This insurance shall not be cancelled or changed without a minimum of thirty (30) days advance written notice given to County.

Contractor hereby waives its right to recover from County, its officers, agents, and employees any amounts paid by the policy of worker's compensation insurance required by this Agreement. Contractor is solely responsible to obtain any endorsement to such policy that may be necessary to accomplish such waiver of subrogation, but Contractor's waiver of subrogation under this paragraph is effective whether or not Contractor obtains such an endorsement.

Within thirty (30) days from the date Contractor executes this Agreement, Contractor shall provide certificates of insurance and endorsement as stated above for all of the foregoing policies, as required herein, to the **County of Fresno, Department of Public Health Attn: Susanna Alvarez, 1221 Fulton Street, Fresno CA 93721**. stating that such insurance coverage have been obtained and are in full force; that the County of Fresno, its officers, agents and employees will not be responsible for any premiums on the policies; that such Commercial General Liability insurance names the County of Fresno, its officers, agents and employees, individually and collectively, as additional insured, but only insofar as the operations under this Agreement are concerned; that such coverage for additional insured shall apply as primary insurance and any other insurance, or self-insurance, maintained by County, its officers, agents and employees, shall be excess only and not contributing with insurance provided under Contractor's policies herein; and that this insurance shall not be cancelled or changed without a minimum of thirty (30) days advance, written notice given to County.

In the event Contractor fails to keep in effect at all times insurance coverage as herein provided, the County may, in addition to other remedies it may have, suspend or terminate this Agreement upon the occurrence of such event. All policies shall be with admitted insurers licensed to do business in the State of California. Insurance purchased shall be purchased from companies possessing a current A.M. Best, Inc. rating of A FSC VII or better.

APPENDIX #2 REFERENCES

Department of Internal Services (ISD)

Assists County departments with the tools and facilities needed to accomplish their goals, by ensuring that other County departments have the necessary services to accomplish their own business missions and objectives. The Department is divided into five divisions:

Facility Services;

Fleet Services;

Information Technology;

Purchasing Services; and

Security.

These services range from real estate leasing to graphic design; from networking solutions to facility maintenance; from mail services to printing solutions; from security management to vehicle acquisition; and from computer support to fleet maintenance.

Department of Public Works and Planning (PWP) - is a multi-disciplinary department of over 400 employees providing public services in the areas of: public infrastructure/building design and construction, road maintenance, housing and community development, building permitting and inspections, land use planning, natural resource conservation, landfill and recycling, water and sewer services, park services, geographic information systems services, and tourism. The Department is organized into seven divisions:

- Community Development;
- Construction Management;
- Design;
- Development Services and Capital Projects;
- Resources (Household Hazardous Waste, Landfill, Parks and Recreation, Recycling and Solid Waste Disposal, and Special Districts);
- Road Maintenance and Operations; and
- Water and Natural Resources.

CALIFORNIA STATUTES

CALIFORNIA PENAL CODE 925

The grand jury shall investigate and report on the operations, accounts, and records of the officers, departments, or functions of the county including those operations, accounts, and records of any special legislative district or other district in the county created pursuant to state law for which the officers of the county are serving in their ex officio capacity as officers of the districts. The investigations may be conducted on some selective basis each year, but the grand jury shall not duplicate any examination of financial statements which has been performed by or for the board of supervisors pursuant to Section 25250 of the Government Code; this provision shall not be construed to limit the power of the grand jury to investigate and report on the operations, accounts, and records of the officers, departments, or functions of the county. The grand jury may enter into a joint contract with the board of supervisors to employ the services of an expert as provided for in Section 926.

APPENDIX 3

Document provided to the Grand Jury by the County

PROCUREMENT PROCESS – AT-A-GLANCE (TYPES OF PURCHASING)

Type of Purchase	Bidding Threshold	Bidding Requirement (check eServices for existing contract)	Bid Required	Purchase Order, LPO, Contract Required	Board Approval Required
Goods, Materials, Supplies, Equipment	< \$2,500 * *Includes taxes & delivery	No bidding required. Get written quote from vendor.	No	LPO, P-Card	No
	> \$2,500 - \$20,000 * *Includes taxes & delivery	3 bids required or Before bidding, talk to Purchasing about: Req w/ 3 Quotes or Informal Quote, Suspension or Sole Source form	Maybe	PO [Contact Purchasing]	No
	> \$20,000	Before bidding talk to Purchasing about: RFQ/RFP Formal-Competitive Bid Process	Yes	PO, Contract [Contact Purchasing]	No
Services	< \$2,500 * *Includes taxes & delivery	No bidding required. Get written quote from vendor.	No	LPO	No
	> \$2,500 - \$199,999 * *Includes taxes & delivery	3 bids required Talk to Purchasing about: Req w/ 3 Quotes or RFQ/RFP Formal-Competitive Bid	Maybe	PO, Contract [Contact Purchasing]	No
	> \$200,000	Talk to Purchasing about: Formal-Competitive Bid Process (RFQ/RFP)	Yes	Contract [Contact Purchasing]	Yes

PURCHASE ORDER (PO) PROCESS: (> \$2,500)

Please provide Purchasing (hard copy & email) with the following:

- 1) Completed and signed Purchasing Requisition (PD-001) * with at least 3 Quotes
OR Sole Source form (PD-047) * -- only one vendor of product or service, include quote/invoice with req
OR Suspension of Competition form (PD-048) * -- more than one vendor w/ product or service, but one vendor has unique quality or capability offering an advantage to the County, include quote/invoice
- 2) Include the vendor's current email address on the PD-01
- 3) Department sets up new vendor number or amends vendor information from W-9 and CA 590 or CA 589 in PeopleSoft
- 4) Purchasing will email the PO to the vendor and the department's PO inbox when complete.
- 5) Timeframe for completing PO process depends of various factors. Please plan ahead with completed, current supporting documents and/or valid quotes.

Blanket Purchase Orders – if \$15,000 or over (including tax and delivery) provide signed PD-048 with Requisition.

Fixed Asset – Any single item \$5,000 or over, including tax and delivery, must have Program Code.

* see Purchasing eServices under COUNTYWIDE FORMS tab

FORMAL BID PROCESS: (RFQ or RFP or RFSQ or LOI)

Please provide Purchasing (hard copy & email) with the following:

- 1) Completed and signed Purchasing Requisition (PD-001) * note the estimated annual total dollar amount and preferred length of contract
- 2) Projected length of new contract in years
- 3) Current contract # & expiration date (if available)
- 4) Vendor List Form ** & any applicable docs
- 5) RFQ - Request for Quotation ** Bid Specifications, Annual Usage, Requirements, Scope of Work, Delivery Requirements, Quotation Schedule (in Word) OR
RFP - Request for Proposal ** Overview, Scope of Work, Scope of Work Proposal Requirements, Cost Proposal, Award Criteria, Evaluation Tool (in Word) OR
LOI - Letter of Interest ** Pre-bid form released to determine bidder interest/availability in specific service or product OR
RFSQ - Request for Statement of Qualifications ** Pre-bid form released to qualify vendor capability for specific service or product usually resulting in master agreement.

Also consider:

- Local Vendor Preference required in RFQ's (not RFP's)
- Prevailing Wage requirement for SERVICES on County property
- Utilizing other Agency or Cooperative Agreements/Contracts
- Requirements for utilizing Federal funds for contract

** see Purchasing section in eServices

SEE NEXT PAGE

General Purchasing Question?

Each Purchasing team member is assigned different departments and/or divisions. Please keep in mind that the buyer on this list will not necessarily be processing the work sent over by your department. However, they should be your first point of contact with any process questions.

<i>Gary Cornuelle</i>	<i>Dept. of Social Services, Clerk to the Board, CAO Office</i>
<i>Carolyn Flores</i>	<i>Dept. of Public Health</i>
<i>Bryan Hernandez</i>	<i>Dept. of Behavioral Health, Facilities</i>
<i>Yvette Jamison</i>	<i>Sheriff/Coroner</i>
<i>Erin Jones</i>	<i>Public Defender, District Attorney, Human Resources</i>
<i>Louann Jones</i>	<i>Library, IT</i>
<i>Chanvathei (Chan) Lonh</i>	<i>Child Support, Assessor/Recorder, Probation</i>
<i>Crystal Nino</i>	<i>Ag Dept., County Counsel, Security</i>
<i>Debbie Scharnick</i>	<i>Fleet, Auditor</i>
<i>Heather Stevens</i>	<i>Graphics, Elections, Public Works</i>

Contact Purchasing to schedule training for:

- **Purchasing 101**
- **RFPs and RFQs**
- **RFI Process**

PURCHASING CONTACTS			
Purchasing Manager:		Purchasing Technicians:	
Gary Cornuelle	600-7114	gcornuelle@fresnocountyca.gov	Yvette Jamison 07116 jamisy@fresnocountyca.gov
Purchasing Analysts:		Erin Jones 07120 ejones@fresnocountyca.gov	Chanvathei (Chan) Lonh 07119 clonh@fresnocountyca.gov
Carolyn Flores	07112	cflores@fresnocountyca.gov	Crystal Nino 07113 cnino@fresnocountyca.gov
Bryan Hernandez	07117	bhernandez@fresnocountyca.gov	Debbie Scharnick 07111 dschamick@fresnocountyca.gov
Louann Jones	07118	ljones@fresnocountyca.gov	Heather Stevens 07115 heastevens@fresnocountyca.gov
Main Line:		Surplus & Cal-Card:	
Susan Terry	600-7110 or 07121	sterry@fresnocountyca.gov	Crystal Nino (Coordinates Surplus) 07113 cnino@fresnocountyca.gov
			Heather Stevens (Coordinates Cal-Card) 07115 heastevens@fresnocountyca.gov



RESPONSES #5

*Purchasing Policies and Procedures Within
Public Works and Planning, and Internal Services*

County of Fresno
Board of Supervisors
RESPONSE TO THE
2021-22
FRESNO COUNTY GRAND JURY
FINAL REPORT #5



COUNTY PURCHASING POLICIES & PROCEDURES

Please find below the Fresno County Board of Supervisors' response to the 2021-22 Grand Jury Final Report #5.

The County thanks the Grand Jury for its investigation and recommendations related to the County Purchasing Policies & Procedures including mandatory insurance requirements. The Board of Supervisors thanks the Grand Jury for their diligence and, as requested by the Grand Jury, is responding to Findings F3 & F4 and Recommendations R1 & R2 below:

Findings

- F3. County Risk Management works with County purchasing agents to tailor insurance minimums to the needs of the job requirements, the County, and the contracting community.**

The Board of Supervisors agrees with the finding.

- F4. The County risk manager, in cooperation with County purchasing managers are developing a matrix for general liability and professional liability insurance requirements, to determine what limits of liability are appropriate for each contract.**

The Board of Supervisors agrees with the finding.

Recommendations

- R1. The Fresno County Board of Supervisors should encourage the continued development of a risk management matrix for mandatory liability insurance requirements and utilize the risk matrix to determine what limits of liability are adequate for each contract. (Not later than November 2023) (See F3 and F4, and R1 and R2)**

The recommendation requires further analysis, which will be completed through coordination by the County Administrative Office with the Human Resources – Risk Management Division and the Internal Services Department – Purchasing Division, the resulting matrix(ces) would be shared with departments prior to December 31, 2022.

- R2. Purchasing Managers should be given the flexibility to abate all or part of the mandatory insurance requirements, in consultation with County Risk Management, to maximize the participation of local and small businesses. (Not later than November 2023) (See F2, F3 and F4)**

The recommendation has been implemented in part as: (1) the Risk Management Division is working through mandatory insurance requirement issues with departments; (2) Training related to Insurance Requirements in Contracts was conducted in June 2022; and (3) the Risk Management Division has developed a resource that is pending review, which will be shared with departments prior to December 31, 2022.



County of Fresno

COUNTY ADMINISTRATIVE OFFICE
PAUL NERLAND
COUNTY ADMINISTRATIVE OFFICER

September 12, 2022

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

**RE: Fresno County Grand Jury Report No. 5, June 2022
County Purchasing Policies & Procedures**

Dear Judge Kalemkarian:

The Grand Jury's report reflects findings and recommendations regarding County Purchasing Policies & Procedures including mandatory insurance requirements. The County Administrative Officer thanks the Grand Jury for their diligence and, as requested by the Grand Jury, is responding to Findings F3 & F4 and Recommendations R1 & R2 below:

Findings

F3. County Risk Management works with County purchasing agents to tailor insurance minimums to the needs of the job requirements, the County, and the contracting community.

The County Administrative Officer agrees with the finding.

F4. The County risk manager, in cooperation with County purchasing managers are developing a matrix for general liability and professional liability insurance requirements, to determine what limits of liability are appropriate for each contract.

The County Administrative Officer agrees with the finding.

Recommendations

R1. The Fresno County Board of Supervisors should encourage the continued development of a risk management matrix for mandatory liability insurance requirements and utilize the risk matrix to determine what limits of liability are adequate for each contract. (Not later than November 2023) (See F3 and F4, and R1 and R2)

The recommendation requires further analysis, and the Human Resources – Risk Management Division has developed draft matrices for Goods & Services and Construction &

The Honorable David Kalemkarian, Presiding Judge
Fresno County Superior Court
September 12, 2022
Page Two

Design. These drafts will be reviewed by the Internal Services Department – Purchasing Division and the County Administrative Office, to be shared with departments prior to December 31, 2022.

- R2. Purchasing Managers should be given the flexibility to abate all or part of the mandatory insurance requirements, in consultation with County Risk Management, to maximize the participation of local and small businesses. (Not later than November 2023) (See F2, F3 and F4)**

The recommendation has been implemented in part as: (1) the Human Resources - Risk Management Division assigned a staff member to work closely with departments regarding questions or issues about mandatory insurance requirements; (2) training related to Insurance Requirements in Contracts was provided to County staff in June of 2022; and, (3) the Risk Management Division has developed a draft Insurance Frequently Asked Questions resource to assist departments with issues regarding insurance, which will be shared with departments prior to December 31, 2022.

This concludes the County Administrative Officer's comments on the Findings and Recommendations of the Fresno County Grand Jury Report No. 5, June 2022.

Sincerely,



Paul Nerland
County Administrative Office
County of Fresno