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THE FRESNO COUNTY  
**RAND JURY**



*2004-2005*

**FINAL REPORT**



THE FRESNO COUNTY  
**RAND JURY**



*2004-2005*

**FINAL REPORT**

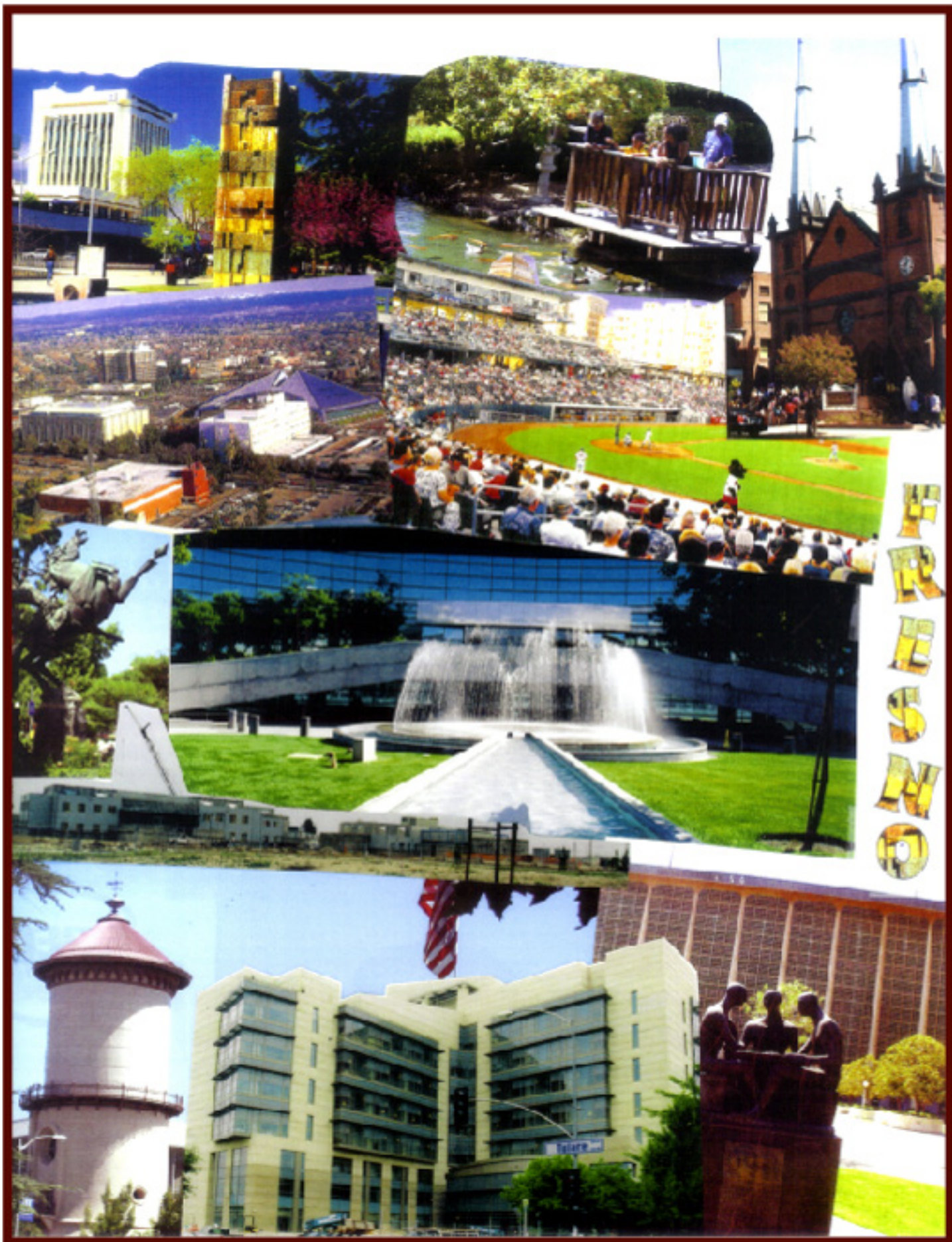
**PRESIDING JUDGE OF THE FRESNO COUNTY SUPERIOR COURTS**

**HON. BRAD R. HILL**

*Presiding Judge 2004*

**HON. EDWARD SARKISIAN, JR.**

*Presiding Judge 2005*



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# *B* THE BOARD OF SUPERVISORS



**SUPERVISOR  
PHIL LARSON**  
*District 1*



**SUPERVISOR  
JUDY CASE**  
*District 4*



**SUPERVISOR  
SUSAN ANDERSON**  
*District 2*



**SUPERVISOR  
BOB WATERSTON**  
*District 5*



**SUPERVISOR  
HENRY PEREA**  
*District 3*



# *G* THE FRESNO COUNTY GRAND JURY



**FIRST ROW** (LEFT TO RIGHT)

*Mary Ann Dews, Adelle Graves, Paula Gugman, Mary La Follete, Patricia White*

**MIDDLE ROW** (LEFT TO RIGHT)

*Robin Baldwin, Tom Miyake, Sam Yelinek, George Knapp, Stanley Ziegler, Victor Takeuchi*

**BACK ROW** (LEFT TO RIGHT)

*Tony Peranick, Alan Galt, John Snyder, Hal Price, Jim Cotton, June Stevens*



## 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.

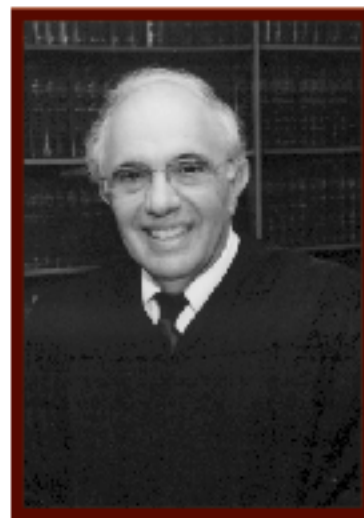
Their responsibilities include receiving and investigating complaints regarding county government and issuing reports. A Grand Jury Final Report is issued in June of each year.

Grand Jurors generally serve for one year although the law provides for holdovers for a second year to assure a smooth transition.

**P** THE  
RESIDING SUPERIOR  
COURT JUDGES



**HON. BRAD R. HILL**  
*Presiding Judge 2004*



**HON. EDWARD SARKISIAN, JR.**  
*Presiding Judge 2005*

**SUPPORT STAFF**



**SHERRY SPEARS**  
*Juror and Public Services Manager*

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## FRESNO COUNTY GRAND JURY



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1100 VAN NESS AVENUE ROOM 102  
FRESNO, CALIFORNIA 93721

June 17, 2005

The Honorable Brad Hill  
Presiding Judge, Superior Court  
1100 Van Ness Avenue  
Fresno, California 93721

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

Dear Judge Hill and Judge Sarkisian:

The 2004-2005 Fresno County Grand Jury has completed its term of service, and it is my honor to submit our Final Report. It has been a challenging and rewarding experience.

Welding a group of men and women with different backgrounds, work experience, talent and skills to work as a cohesive unit was accomplished at the onset. Members were assigned to committees of their individual interest.

During the course of this term, citizen complaints were received and read before the entire Grand Jury. Issues were assigned to the appropriate committee to study and investigate.

Various government facilities were visited and members met with community leaders, City and County Officials. This opportunity allowed members to gain a greater insight and understanding into the workings of our city and county government.

A two-day session sponsored by the California Grand Jury Association afforded the Foreman, and the Foreman Pro Tem valuable informational material and other resources that proved to be invaluable. All members should be encouraged to participate in this two-day training session.

The 19 members of the 2004-2005 Fresno County Grand Jury dedicated a year to this important service. The members worked diligently and gave hundreds of hours of their time on behalf of this civic duty.

Many thanks to you, Judge Hill and Judge Sarkisian, for your guidance, counsel and assistance. Also, thanks to County Counsel Phillip Cronin, Assistant County Counsel Dennis Marshall, and Assistant District Attorney Bob Ellis for the prompt responses to concerns brought before the Grand Jury.

My gratitude to Juror Service Manager Sherry Spears, who has been another invaluable resource person, providing her never-ending patience, knowledge, experience and support.

I wish to express my sincere appreciation for the jurors' cooperation extended during the year. I am proud to have served with this group of dedicated citizens.

Sincerely,

A handwritten signature in cursive script that reads "Paula Guzman". The signature is written in black ink and is positioned above the typed name.

Paula Guzman  
Foreman

## **INTRODUCTION TO THE GRAND JURY**

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

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

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



**2004-2005 FRESNO COUNTY GRAND JURY ROSTER**

Paula Guzman, Foreman  
Robin Baldwin  
Jim Cotton  
Mary Ann Dews  
Alan Galt  
Adelle Graves

Tony Peranick  
Hal Price  
Terry Sadler  
John Snyder  
June Stevens

Jim Harris  
Geoge Knapp  
Mary La Follette  
Tom Miyake

Victor Takeuchi  
Patricia White  
Sam Yelinek  
Stanley Ziegler

Partial Year Service

Marian Bagdasarian  
Angelina Mehas  
Karen Melikian  
Bob Wiens



## THE COUNTY OF FRESNO

### 2004 – 2005 FRESNO COUNTY GRAND JURY OFFICERS

Foreperson	Paula Guzman
Foreperson Pro Tempore	Victor Takeuchi
Recording Secretary	Stanley Ziegler
Appointment Secretary	Mary Ann Dews
Sergeant-at-Arms	James Harris / Robin Baldwin
Librarian	Patricia White

### EDITING AND PUBLISHING COMMITTEE

Foreperson	Paula Guzman
Member	Mary Ann Dews
Member	Jim Harris
Member	Victor Takeuchi
Member	Stanley Ziegler

**Grand Jury Committees  
2004-2005**

**Boards, Commissions and Districts**

Hal Price                      Chair  
Alan Galt  
Jim Harris  
George Knapp  
Tom Miyake  
Patricia White

**City of Fresno**

Jim Harris                      Chair  
Alan Galt  
George Knapp  
Mary La Follette  
Victor Takeuchi  
Stanley Ziegler

**Community Health**

Sam Yelinek                      Chair  
Hal Price  
John Snyder  
June Stevens  
Patricia White

**Editing/Publishing**

Paula Guzman                      Foreperson  
Mary Ann Dews  
Jim Harris  
Victor Takeuchi  
Stanley Ziegler

**County of Fresno**

Victor Takeuchi                      Chair  
Mary Ann Dews  
Adelle Graves  
Terry Sadler  
June Stevens  
John Snyder

**Education**

Mary La Follette                      Chair  
Robin Baldwin  
Jim Cotton  
Tom Peranick  
Sam Yelinek  
Stanley Ziegler

**Law**

Robin Baldwin                      Chair  
Jim Cotton  
Mary Ann Dews  
Adelle Graves  
Tom Miyake  
Tony Peranick  
Terry Sadler



## **Editing Committee**

California Penal Code section 933(a) requires the Fresno County Grand Jury to provide the Presiding Judge of the Superior Court with a final report of its investigations at the completion of its year of service.

The Editing Committee, comprised of the Foreperson and a representative from each committee, is charged with the responsibility of producing the finalized Fresno County Grand Jury Report. Each committee is responsible for determining its topic(s) of concern, conducting studies and gathering information within its field of interest. Upon completion of the investigation, each committee compiles a report for each area of concern, which is submitted to the Editing Committee for review. This report represents the culmination of the interviews, investigations, and inquiries conducted by the individual committee. After review by the editing committee, the report is returned to the committee for their concurrence and submitted to the entire Grand Jury for its approval. Reports must be approved by a super majority of the nineteen members before being released for publication.

The approved reports are submitted to the County Counsel and the Fresno District Attorney to review for consistency with the law. The Presiding Judge gives the final approval before the report becomes a published document. Once in the published form, the report is given to the Board of Supervisors for distribution to the appropriate department personnel and made available to the public.

Each report must be responded to within 60 days after publication, addressing the recommendations made in the report. The responses are published and made available to the public.



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# *E* THE EDUCATION COMMITTEE

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**Introduction to  
EDUCATION COMMITTEE REPORT**

**The Education Committee of the 2004/2005 Fresno County Grand Jury, as well as the entire community, has been made fully aware of the problems facing the Fresno Unified School District (FUSD). There has been a great deal of publicity as well as the report, “Choosing Our Future”, issued by the Superintendent’s Task Force, that has brought expressed concerns to the general public. Interviews were conducted of all the sitting FUSD Trustees as well as Interim Superintendents and administrators from the District. After the election in March 2005, all Trustees were interviewed.**

**Career Technical (Vocational) Education was discussed in each interview and it quickly became evident that the lack of this training in the public schools was an area of great concern. The County’s double-digit unemployment and the need to provide an adequate workforce to encourage strong economic development in the County made it logical that the several Grand Jury committees join forces to present a comprehensive Workforce Report.**

**The FUSD Trustees must make many crucial decisions. The Education Committee made the decision to investigate the steps that are taken to prepare Trustees to make sound educational and fiscal decisions since they have the final responsibility.**

**The Education Committee also considered investigating student retention policies in the County. In this regard, a survey of thirty-five third grade teachers was conducted. It was decided that a more extensive survey and interviews should be conducted. Student Retention is an issue that merits attention from a future Grand Jury.**

**The Education Committee proceeded with its investigations culminating in the following reports:**

- Board of Education**
- Fresno County Workforce**

# **FRESNO UNIFIED SCHOOL DISTRICT**

## **BOARD OF EDUCATION**

### **INTRODUCTION**

Fresno Unified School District (FUSD) is the fourth largest school district in the State of California with approximately 80,000 students and an annual budget close to \$900 million. The District has the largest workforce in the Central San Joaquin Valley. Why then with these statistics is FUSD on the verge of a State takeover? Over 50% of the schools are in the bottom decile of all California schools tested. FUSD has one of the largest dropout rates in the nation. The District has a serious financial problem as a result of poor fiscal management.

The Trustees of the District have a defined responsibility: to set policy, monitor district performance, adopt an annual budget, approve major capital expenditures, and to hire and evaluate the Superintendent. The 2004/2005 Fresno County Grand Jury has interviewed administrators and Trustees to determine if Trustees are adequately prepared to manage the largest budget in Fresno County.

### **FINDINGS**

1. The candidacy requirements for election to the FUSD Board (Trustees) established by the State Education Code 35107 are that you are at least 18 years of age, a registered voter, a resident of the school district and are not disqualified by the Constitution or laws of the State from holding a civil office.
2. The School Governing Trustees are elected by the community to provide leadership and citizen oversight of the district's schools.
3. The Superintendent works under the direction of the Trustees to fulfill their responsibilities which include:
  - establishing a long-term vision for the district
  - establishing and maintaining a basic organizational structure for the district, including employment of the Superintendent and adoption of policies, curriculum, the budget and the collective bargaining agreements

- ensuring accountability to the local community, including personnel, programmatic and fiscal accountability and service as a judicial and appeals body as needed
  - providing community leadership and advocacy at the local, state and national levels on behalf of children, district programs and public education.
4. FUSD is the fourth largest school district in the State with a student population of approximately 80,000 and an annual budget approaching one billion dollars.
  5. Current FUSD Board membership consists of three former teachers, a retired college counselor, a college professor, a social service employee and an attorney.
  6. Trustees have not always hired Superintendents with strong management skills.
  7. FUSD has a lack of continuity in the Superintendent's office with nine different Superintendents since 1984.
  8. Fresno County Office of Education and FUSD offer orientation and information sessions for Trustee candidates providing them with district policies and information about school programs.
  9. Attendance for School Board candidates is **not mandatory** at orientation and information sessions.
  10. FUSD Board and staff members offer newly elected Trustees training and orientation sessions on the operation of the Board office, Community Relations, the Brown Act, Public Records Act and conflicts-of-interest.
  11. Attendance for newly elected Trustees is **not mandatory** at training and orientation sessions.
  12. Current Trustees indicate they do not receive adequate training and information concerning FUSD issues.
  13. The California School Board Association holds an annual three-day conference and trade show for newly elected and other Trustees. Attendance for FUSD Trustees is funded and is not mandatory.

14. The Eli Broad Foundation offers an expense paid five-day institute for school trustees that covers a broad range of governance issues. The Broad Institute is available to all newly elected school trustees. Attendance is not mandatory.
15. Newly elected Trustees indicate the training on FUSD fiscal matters was only a one-hour session with the District's Chief Financial Officer.
16. Board history indicates prior FUSD Boards made decisions that negatively impacted District fiscal solvency.
17. Previous Trustees did not act on repeated fiscal concerns documented and expressed by the Fresno County Office of Education.
18. Trustees:
  - receive Board Meeting packets the Friday prior to the Wednesday Board meetings
  - may contact district staff with any questions they might have regarding the information included in the Board packet
  - express their desire to have more information regarding district financial matters
  - indicate they would like to receive a line item budget.
19. Some Trustees:
  - do not review Board packets prior to scheduled meetings
  - have full-time jobs in addition to serving on the Board
  - work 20 hours or more per week on FUSD business.
20. Trustees receive compensation of \$1,500 per month for service on the Board.
21. Trustees are eligible for health insurance benefits for themselves and their family and after four full terms or sixteen years of service are entitled to receive lifetime health benefits.

## CONCLUSIONS

1. Trustees have limited knowledge and training preparing them to understand and make decisions on fiscal matters.
2. It is important for the community to elect School Board candidates with knowledge about budgeting and fiscal matters.
3. Trustee attendance at training sessions and conferences to enhance their knowledge of district management is not mandatory.
4. Trustees are not always fully informed or prepared to make decisions on District matters.
5. Previous Trustees:
  - made management decisions that led to the current fiscal crisis
  - did not act on repeated notifications from the Fresno County Office of Education of impending FUSD fiscal problems
  - have not always selected Superintendents that had effective management and organizational skills.
6. There has not been continuity in the Superintendent's position.
7. FUSD has done an inadequate job of developing leadership from within, "Growing its own."
8. Trustees, as employees of FUSD, receive compensation and the same health benefits as other district employees.



## **RECOMMENDATIONS**

The 2004/2005 Fresno County Grand Jury recommends:

1. Community leaders encourage citizens who run for election to the FUSD Board of Trustees:
  - have experience in fiscal matters
  - have management skills
  - have a commitment for the improvement of the district.
2. Trustees hire a Superintendent with a proven record of success who has effective management and organizational skills.
3. FUSD provide Trustees the following:
  - mandatory and comprehensive orientation and training on district issues
  - rigorous training sessions dealing with fiscal matters
  - a detailed budget in order to meet fiscal responsibilities.
4. FUSD develop leadership from within the District.
5. Administrators from FUSD and the Fresno County Office of Education have better communication, cooperation and mutual respect.

## **INTRODUCTION TO FRESNO COUNTY WORKFORCE**

**Early in the year, committees of the 2004/2005 Fresno County Grand Jury (FCGJ) carried out investigations involving career technical education, Fresno County unemployment, issues in the Fresno Unified School District (FUSD) and drug-related problems. It was evident these issues were interrelated and crucial to economic development in the County. Since each FCGJ member serves on two committees, it was decided that a report needed to be a joint effort of several committees. As additional expert testimony was received, it became evident this was a compelling and overarching issue in the County. The findings, conclusions and recommendations in this report come from the entire Grand Jury. The FCGJ requested special attention be given to this report for early approval and release.**

# FRESNO COUNTY WORKFORCE

## INTRODUCTION

Acting on the concerns of Fresno County business, education and government leaders, the 2004/2005 Fresno County Grand Jury has researched the adequacy of our local workforce. These community leaders have specific concerns regarding the lack of skilled workers and the limited local training facilities in the applied technical areas. These concerns are expressed in a recent report prepared for the Grand Jury by the Fresno County Office of Education on “Vocational Training and Workforce Needs, Now and in the Future” (the background/history is attached as an appendix to this report and the entire report is available from the FCOE).

Over thirty community business, education and government leaders gave Grand Jury testimony relating serious concerns about the lack of an adequately prepared workforce and their strong desire to reinstate Career Technical (Vocational) Education into K-12 schools. The FUSD Task Force Report, “Choosing Our Future”, reports “Best Practice” says “If a school needs seven periods to accomplish vocational training, that’s what it gets.”

Our findings show if the Fresno County business, education and government leaders work for the return of Career Technical Education programs to the K-12 schools, this will have a positive impact on several problems in Fresno County including economic development, school dropout rate, drugs, crime and our double-digit unemployment.

## FINDINGS

1. Statewide, 80% of high school graduates do not complete college.
2. Statewide, 11% of high school graduates are University of California eligible.
3. University of California/California State University a – g college-prep track\* admission requirements control the high school curriculum.

\*University of California Subject Requirement (“A-G” Coursework) (see attached)

4. Educators and employers who advocate a Career Technical Education curriculum in the schools do not recommend elimination of the a – g admission requirements.
5. The goal of the Fresno County’s Regional Jobs Initiative (FCRJI) is to provide 30,000 new jobs paying greater than \$29,500 yearly in Fresno County over the next five years.
6. A recent audit completed by the FCRJI indicates that in 57.8% of the unemployment claims during 2003, the claimants did not complete high school or have a Graduate Equivalency Diploma (GED).
7. Fresno County employers indicate problems hiring an adequately educated and trained workforce to meet their needs.
8. Employers indicate potential employees lack basic knowledge in reading, mathematics and communication skills.
9. Duncan Polytechnic High School in Fresno Unified School District (FUSD):
  - emphasizes vocational education
  - integrates a-g course requirements into their vocational program, satisfying University of California admission requirements
  - utilizes a lottery system to select students to their program because of limited facilities and budget
10. The drop out rate at Duncan Polytechnic High School in 2003/2004 was 6.9% compared to the FUSD drop out rate of 23.1% in 2002/2003 (comparative data unavailable).
11. Most schools in FUSD and Fresno County do not offer vocational courses such as: woodshop, auto shop, metal shop, drafting, nursing and healthcare as part of their regular educational program.
12. The original objective of the federally funded Regional Occupational Program (ROP) was to offer advanced training to 11<sup>th</sup> and 12<sup>th</sup> grade students.
13. Elimination of basic Career Technical Education in K-12 forces ROP to modify its goal to include introductory vocational training, thus limiting enrollment in ROP programs.

14. Presently, 2,142 students are enrolled in ROP programs in Fresno, Madera and Mariposa counties.
15. Administrators not participating in the ROP program resist because of the requirement to:
  - complete additional reports
  - revise the student school day to schedule Career Technical Education courses
  - hire qualified certified staff
  - document the federal program
16. State Center Community College District (SCCCD) offers a comprehensive selection of Career Technical Education courses for general career technical training or to allow students to obtain an Associate of Arts degree in one of the applied technologies.
17. Approximately 5,000 students are enrolled in the Applied Technology programs at SCCC.
18. SCCC could accommodate additional students in their Applied Technology programs if introductory courses were taught at the high school level.
19. California State University, Fresno does not offer a teaching credential for Career Technical Education.
20. The lack of adequate Career Technical courses limits the number of qualified applicants for positions in the trades.
21. Community business, education and government leaders agree Career Technical Education programs should be offered to middle and high school students.
22. Career Technical Education programs may reduce the dropout rate.
23. Most businesses in Fresno County do drug testing before hiring an employee and continue random drug testing.
24. Many citizens in Fresno County are unemployable because they are unable to pass a drug test.

## CONCLUSIONS

1. Lack of an adequately trained workforce directly impacts economic development in Fresno County.
2. The available workforce in Fresno County is negatively impacted by the severe drug problem in the County.
3. Fresno County Regional Jobs Initiative will encounter difficulty in reaching its stated goals.
4. There is unanimity in our community that a comprehensive career technical education program be offered in the public schools.
5. The trend in Fresno County K-12 schools has been to eliminate Career Technical Educational programs.
6. The requirements of the a – g college prep courses prevent schools from meeting the needs of students who do not plan to attend college.
7. Career Technical Educational programs in the K-12 schools would lower the dropout rate and increase the opportunity to be employed.
8. School administrators indicate there is insufficient time in the current school schedule to add Career Technical Education to the existing curriculum.
9. Duncan Polytechnic High School has demonstrated it is possible to satisfy the UC/CSU a – g entrance requirements while maintaining the existing curriculum.
10. SCCCED would be able to increase enrollment in Applied Technology programs if County schools reinstated Career Technical Education programs.

## **RECOMMENDATIONS**

### **The 2004/2005 Fresno County Grand Jury recommends:**

6. Reinstating Career Technical Educational programs into the regular K-12 curriculum.
7. School Board members take the lead to see that Career Technical Education programs be reinstated.
8. City, County and State elected officials and business leaders focus their support to initiate legislative action at the local and state levels to provide resources to reinstate Career Technical Education into the high school curriculum.
9. Rescheduling the school day for Career Technical Education as “Best Practices” dictate.
10. School Boards establish committees of business leaders and employers to address the specific technical areas that are necessary to provide for future economic development of Fresno County.
11. Including basic academic courses in Career Technical Education programs to ensure student employability.
12. Stressing at all grade levels the importance of being drug free to be employable.
13. Offering a teaching credential program for Career Technical Education at California State University, Fresno.



THE  
*F*RESNO COUNTY  
COMMITTEE



# **FRESNO COUNTY COMMITTEE**

## **INTRODUCTION**

The County Committee of the 2004/2005 Fresno County Grand Jury considered several areas of concern in the course of its investigation.

The County committee is charged with overseeing governmental agencies within the cities of Fresno County, the prison system, including the Fresno County Jail and problems that have a direct impact on the citizens of Fresno County. Concerns were expressed by members of the media, County staff, various citizens and correspondence received from individuals incarcerated in the Fresno County Jail and the state prison system.

The following areas were reviewed:

- County Plaza security issues
- Fresno County water issues
- Fresno County jails and prisons
- Thefts of agricultural equipment and graffiti damage
- Fresno County Records Management Program
- Fresno County workforce

Some of the concerns were being resolved as the investigation began and were not pursued further, and some areas were beyond our purview and were referred to the proper authorities.

Concerns relating to the causes of double-digit unemployment in Fresno County were shared by the County, City and Education committees, which resulted in issuing a joint report on the Fresno County Workforce.

In the course of its investigation, the committee interviewed:

- officials from surrounding cities
- County Supervisors
- members of the media
- Fresno County department heads and officials
- experts in areas related to the investigations.

The committee toured several facilities related to its investigations and chose to study and report on the following areas:

- present and future Fresno County water shortage problems
- compliance with Fresno County Records Management Program
- Fresno County Workforce.

## **FRESNO COUNTY RECORDS MANAGEMENT**

### **INTRODUCTION**

**The 2004/2005 Fresno County Grand Jury, as well as prior Grand Juries found methods of storage used by many of the departments within the County of Fresno were inefficient or inappropriate. The Report of the 1997/1998 Grand Jury recommended a Fresno County Records Management Program (FCRMP) be developed. In 1998, the Fresno County Board of Supervisors established this program.**

**The Program is voluntary rather than required by the Board of Supervisors and to date only a small number of departments have completed all phases of the program. Some departments continue to rent off-site storage space and in many cases continue to store documents that could otherwise be destroyed or replaced with electronic records.**

**This practice is both expensive and inefficient. It has been estimated that the County is spending at least \$350,000.00 yearly for off-site rental space and this will escalate each year because of lack of participation.**

**Photos have been enclosed that illustrate storage problems encountered and the improvements made by applying FCRMP techniques.**

**This report will specifically address only departments within Fresno County and the services provided to them by the Records Management Program.**

## FINDINGS

- A. The Fresno County Records Management Program (FCRMP) established by the Fresno County Board of Supervisors in 1998, has proven to be cost effective.
- B. The FCRMP benefits Fresno County departments in their record keeping, providing record storage, destroying outdated documents, developing electronic records and timely retrieval of records.
- C. Each department determines the length of time their documents need to be stored (retention schedule).
- D. Proper record management through retention schedules and electronic record keeping saves a vast amount of filing, storage and staff hours required to perform these tasks.
- E. Centralized records management eliminates the need for departments to lease off-site warehouses and frees existing county owned space for other county use.
- F. The FCRMP is capable of and can be equipped to scan documents for county departments.
- G. Centralized scanning of records is not presently available.
- H. Records that are not properly managed may not be located and used in a timely manner.
- I. The FCRMP can shred and destroy outdated documents, thereby saving storage space.
- J. Implementation of this program in a department is achieved in two phases:
  - Completion of retention schedules
  - Storage of documents in the FCRMP facility

- K. The Fresno County Auditor-Controller/Tax Collector and Public Defenders Office have completed all applicable retention schedules and store their documents in the FCRMP facility.
- L. Currently, the Agriculture Department and County Library have finished their retention schedules, but have not begun to implement the storage of documents phase.
- M. Not all departments in the county currently participate in the FCRMP.
- N. Prior to this program, records were frequently stored in an inefficient or inappropriate manner.
- O. Some departments' methods of storage create serious physical safety hazards for staff and can result in financial liability to the county.
- P. Some storage facilities create fire hazards.
- Q. Not all of the county historical documents have been identified and protected.
- R. FCRMP primarily utilizes a county owned facility for its services.

## **CONCLUSIONS**

- A. The FCRMP has proven to be cost effective and an efficient approach to centralized County records management.
- B. Departments within Fresno County are not required to use FCRMP.
- C. Not all departments have developed retention schedules.
- D. The FCRMP requires equipment to provide centralized scanning of documents for all departments. Circumstances dictate the type of equipment needed.
- E. Use of a county owned facility by FCRMP is both cost efficient and practical.
- F. The FCRMP will assist departments and agencies with:
  - Establishing retention schedules

- Destroying outdated documents
  - Retrieving of documents with speed and ease
  - Developing electronic records
  - Centralizing storage
  - Reducing storage space and accompanying costs
  - Identifying and protecting historical documents
- G. Four departments have completed all applicable retention schedules:
- Auditor-Controller/Tax Collector
  - Public Defenders Office
  - Agriculture Department
  - County Library
- H. Two departments have completed storage of documents in the FCRMP storage facility:
- Auditor-Controller/Tax Collector
  - Public Defenders Office
- I. Inappropriate storage of records results in:
- Inefficiency
  - Physical safety hazards for staff resulting in financial liability to the county.
  - Fire hazards
  - Unnecessary rental expense for off-site storage
  - Damage or loss of historical documents



## **RECOMMENDATIONS**

**The 2004/2005 Fresno County Grand Jury recommends that:**

14. The Records Management Program:
  - Develop a compliance timetable for all departments to establish retention schedules
  - Create a compliance timetable for all departments to complete storage of documents within the FCRMP facility
  - Acquire the scanning equipment needed for centralized electronic record keeping
  
15. The County Board of Supervisors mandate and enforce:
  - All departments in Fresno County complete retention schedules by date established by FCRMP compliance timetable
  - All departments in Fresno County complete storage phase in program facility by date established by FCRMP
  - All departments are in full compliance by 2010
  
16. County Board of Supervisors fund the acquisition by FCRMP of scanning equipment for centralized electronic record keeping.



**Storage of files at Seaport building prior to records management program**



**Storage of files at Seaport building after initiation of records management program**

## **COMMUNITY HEALTH**

### **INTRODUCTION:**

The health of a community is paramount in the quality of life for its population. Fresno County is currently confronted with two major health issues; one involving illegal drugs and an equally important issue regarding the mental health of adolescents incarcerated in Juvenile Hall. The 2004/2005 Fresno County Grand Jury Community Health Committee became aware of the relevance of the services needed. During the course of our examination, we interviewed health experts in both areas.

## **COMMUNITY HEALTH**

### **MENTAL HEALTH IN THE JUVENILE JUSTICE SYSTEM**

#### **INTRODUCTION:**

Many incarcerated adolescents with mental health conditions are kept in Fresno's Juvenile Hall for weeks without mental health treatment. Other than being evaluated for psychotropic medication, few of these children receive any mental health care while in Juvenile Hall. This report examines the limited services that are available. The committee visited the Juvenile Hall site and interviewed County experts in the fields of

adolescent mental health and juvenile probation. The committee also reviewed information dealing with the mental health needs of youth while in a detention facility. Newspapers and other publications contributed to our investigation.

## **FINDINGS:**

- A. The Department of Health and Human Services report, *Mental Health: A Report of the Surgeon General, (1999)* states: “The U. S. Surgeon General has determined that one in twenty American youth ages 9 to 17 suffers from a serious mental health problem such as major depression, a disruptive disorder, bipolar disorder, or schizophrenia. Effective therapy exists to treat all of these conditions.”
- B. *The Fresno Bee’s (2-18-01)* report on the *Hall of Shame* describes Fresno County Juvenile Hall “as an overcrowded maze of crumbling cells and dingy dorms where 300 or so boys and girls from ages 9 to 17 live in chaotic conditions that leave ample opportunity for the strong to prey on the weak.”
- C. Annually, over 4000 adolescents are booked into Juvenile Hall.
  - The hall’s capacity is 265 minors, but the number often exceeds 300
  - When filled to capacity, Juvenile Hall assigns the overflow of male adolescents to the pod at the County Jail
  - The average stay in Juvenile Hall is 30 days.
- D. Youth booked into Juvenile Hall are assessed by the Probation Department (Probation) using a questionnaire that does address mental health needs.

- E. Probation officers can send a minor in crisis to the University Medical Center or Children's Crisis Assessment Intervention Resolution (CCAIR) unit.
- F. Juvenile Hall has four to five suicide watches per day.
- G. Regardless of the youth's status, Probation will hold a minor in Juvenile Hall until a placement can be made.
- H. Ninety-two percent of incarcerated juveniles have a drug problem.
  - Incarcerated minors on psychotropic drugs are seen by a psychiatrist to evaluate the medication
  - Only twenty-four beds are allotted in the substance abuse unit, twelve beds are for boys and twelve are for girls.
- I. Incarcerated minors receive mental health care only in crisis situations and only minimal one to one therapy.
- J. Juvenile Hall is staffed for mental health treatment:
  - Monday-Friday, 8am-6pm
  - Saturday, 8am-12noon
  - Sunday, none
  - Holiday, none
- K. Psychological counseling occurs in close proximity of others with limited privacy.
- L. Dysfunctional families, physical abuse, substance abuse and parents who are incarcerated contribute to the problem of adolescent mental health in Juvenile Hall.
- M. The new Juvenile Justice campus:
  - Initially, will have a bed capacity of 330 with annual incremental increases to 480

- Will have 240 beds for juveniles waiting for their day in court
  - Will have 240 beds for minors sentenced up to one year.
- N. The current limited staff at Juvenile Hall takes care of the mental health needs of approximately 320 minors.
- O. There will be no additional mental health staffing at the new Juvenile Justice campus.
- P. The mental health staff at Juvenile Hall is comprised of:
- Three licensed clinical social workers
  - Three unlicensed clinical social workers
  - One clinical supervisor social worker
  - One psychiatrist for 8 hours a week
  - Two community mental health specialists with Bachelor Degrees
  - One office assistant.
- Q. Juvenile Hall mental health funds are limited:
- Not one dollar from Fresno County's General Fund has been dedicated to address adolescent mental health in Juvenile Hall
  - Juvenile Hall's mental health staff receives Federal Substance Abuse and Mental Health Services (SAMSHA) grant in the amount of \$293,244
  - Mental Health Realignment funds derived from the California State sales tax revenues and vehicle license fees are used for mental health staff
  - Proposition 63, passed in 2004, will generate money for mental health by the year 2007.
- R. Fresno County has not developed an organized system of care for adolescent mental health.



## CONCLUSIONS:

- A. Fresno County does not adequately address the mental health issues at Juvenile Hall.
- B. Inadequate mental health staffing and funding prevent adolescents in Juvenile Hall from receiving appropriate mental health treatment.
- C. Juvenile Hall has no mental health staff available nights, Sundays, and holidays to evaluate mental health emergencies. In the absence of mental health staff, Probation evaluates the mental health needs of the adolescents in custody.
- D. Multiple family problems contribute to minors needing mental health treatment in Juvenile Hall.
- E. Substance abuse is a major issue with most incarcerated adolescents.
- F. The new Juvenile Justice campus will be able to accommodate more minors; however, there will be no increase in mental health staffing at the new campus.
- G. Placement of adolescents needing mental care, either pre or post adjudication is difficult.

## RECOMMENDATIONS:

The 2004/2005 Fresno County Grand Jury recommends that:

- 17. Fresno County find additional sources of funding and increase mental health staffing at Juvenile Hall and at the new Juvenile Justice campus to accommodate minors twenty-four hours a day, seven days a week, and all holidays.
- 18. Fresno County provide mental health and substance abuse evaluation for minors incarcerated in the Juvenile Justice system.
- 19. Fresno County takes leadership in supporting the proposal by Kaweah Delta Hospital to open a new psychiatric inpatient program serving all children and teens in the Central Valley.

## **NEEDLE AND SYRINGE EXCHANGE AND PURCHASE PROGRAMS**

### **Introduction**

Fresno has the highest number of illegal injection drug users per capita in the United States. The sharing and reuse of needles and syringes are well-established causes for the spread of HIV/AIDS and Hepatitis C. In recent years, Hepatitis C has become the most common blood borne infection in the United States and one of the most important causes of chronic liver disease. A current study by the Fresno County Department of Community Health reveals a very high number of intravenous drug users with Hepatitis C in the County. In September 2004, the County Alcohol and Drug Advisory Board recommended that the Board of Supervisors approve a proclamation in support of AB2871 that dealt with legalization of needle and syringe exchanges. The Board of Supervisors unanimously approved the motion. AB2871 did not become law. California has two other laws permitting cities and counties to establish needle and syringe exchange and purchase programs; and the County needs to establish them. The Community Health Committee of the 2004/2005 Fresno County Grand Jury interviewed members of the Fresno medical community and County Health Services. Also reviewed were local, state, and national publications on the topic.

### **Findings**

- A. A recent national study (Journal of Urban Health, 2004) stated “Fresno has the highest number of users of illegal injection drugs per capita of any large U.S. metropolitan area”:
  - Indicating 173 users per 10,000 Fresno residents compared to a 96 city median of 60 users per 10,000 residents
  - Implying Fresno County has approximately 14,700 users at risk for HIV/AIDS and/or Hepatitis C if dirty needles and syringes are shared (based on an extrapolation from a U.S. Census 2003 population estimate).
- B. Nationwide, according to the Centers for Disease Control and Prevention (CDC), 15% of HIV/AIDS cases and an estimated 60% of Hepatitis C cases are associated with intravenous drug use.
- C. In California each year, according to the California Department of Health and CDC estimates, the sharing of dirty needles and syringes is associated with:
  - Over 1,000 people infected with HIV
  - Over 3,000 new Hepatitis C infections reported.

- D. In Fresno County, according to the Department of Community Health:
- 25% of AIDS cases from February 1983, to March 31, 2005, involved intravenous drug users (IDUs)
  - In preliminary data from a current ongoing study of IDUs, 90% tested positive for Hepatitis C.
- E. The numbers cited in B, C and D above do not reflect the hundreds of additional transmitted infections from drug injectors to others.
- F. Reputable published investigations concur that clean needle and syringe exchange programs:
- Reduce incidence and transmission of HIV/AIDS among IDUs, their sexual partners, and their children
  - Reduce incidence of Hepatitis C among IDUs
  - Encourage drug users to enter detoxification and drug treatment programs
  - Do not increase rates of drug use, drug injection, or crime.
  - Reduce the number of circulating and discarded contaminated needles and syringes in a community.
- G. Costs to the County compared to the estimated \$1 cost per distributed syringe are:
- \$200,000 to treat one HIV/AIDS infected person for a lifetime
  - \$15,000 - \$20,000 annual expense for treatment of one patient with Hepatitis C; and an additional \$300,000 for a liver transplant.
- H. The Fresno County Alcohol and Advisory Board, in a resolution supporting AB2871 dated Sept 1, 2004, acknowledged the importance of a clean needle and syringe exchange program.
- I. The following state, local and national organizations advocate the use of needle and syringe programs:
- UCSF Fresno Medical Education Program
  - Fresno-Madera Medical Society
  - California Medical Association
  - California Nurses Association
  - School of Public Health of the University of California

- American Medical Association
  - Centers for Disease Control and Prevention.
- J. A volunteer “underground tolerated” needle exchange program has been functioning in Fresno County for ten years:
- Reaches approximately 500-600 intravenous drug users each week
  - Receives 4,000-5,000 dirty needles and syringes for disposal in biohazard containers each week
  - Has limited funds and cannot advertise
  - Only meets at one site a week for one hour.
- K. California State laws allow localities to legalize needle exchanges and purchases:
- AB136 (effective Jan. 1, 2000) protects local entities, their agents, and employees from criminal prosecution for distributing syringes as part of a needle exchange program authorized pursuant to the declaration of a local emergency due to existence of a critical public health crises which, once adopted, can be regularly renewed on the Board of Supervisors “consent calendar”
  - SB1159 (effective Jan. 1, 2005) allows cities and counties to authorize pharmacies within their borders to sell ten or fewer hypodermic needles or syringes at any one time to a person 18 years of age or older, as long as the pharmacist agrees to certain conditions, including providing information on drug treatment and disease control, participating in a program to insure safe disposal of used syringes, and registering with the approval of local governments.
- L. Charitable foundations and a State agency have funded legal needle exchange programs:
- The Comer Foundation
  - Syringe Access Fund supported by Levi Strauss Foundation and Tides Foundation
  - California State Office of AIDS.

## **Conclusions**

- A. Fresno County has a large number of intravenous drug users who are at risk for acquiring HIV and, especially, Hepatitis C infections.
- B. Needle and syringe exchange and purchase programs are an important public health measure and a cost effective way to reduce the spread of HIV/ AIDS and Hepatitis C.
- C. Needle and syringe exchange programs do not encourage the use of illegal drugs and do not enhance criminal activity.
- D. California State laws AB136 and SB1159 permit localities to legalize needle exchange and purchase programs.
- E. A legal needle and syringe exchange program in Fresno County will:
  - Be eligible to receive funding from charitable foundations
  - Be able to establish several needle and syringe exchange sites with reasonable hours of operation
  - Reach more intravenous drug users
  - Reduce haphazard elimination of contaminated needles
  - Reduce incidence of HIV/AIDS and Hepatitis C in Fresno County.

## **Recommendations**

The 2004/2005 Fresno County Grand Jury recommends that The County of Fresno:

- 20. Establish needle and syringe exchange and purchase programs in accordance with State laws AB136 and SB1159.
- 21. Establish a relationship with one or more charitable organizations that fund legal needle and syringe exchange programs.

THE  
*F*RESNO CITY  
COMMITTEE



## **CITY COMMITTEE**

### **INTRODUCTION**

The City Committee reviewed the traffic flow/congestion within the city of Fresno. Motorists experience repeated delays in traffic flow and congestion throughout the city. Traveling on east-west or north-south streets, one experiences traffic signals that fail to be synchronized resulting in inefficient, wasteful and frustrating driving conditions that need fixing. This stood out as the most urgent issue needing our attention. The committee interviewed city officials, city department heads and obtained information from the media to obtain its findings and make recommendations.

The City Committee further investigated these possible areas of fact finding:

- No Neighborhood Left Behind.
- Calwa/Malaga Water District.
- City Beautification Issues
- Review Little Hoover Commission Report on the City of Fresno.
- Traffic Flow, Congestion and Air Quality on City Streets
- After School programs offered by the City in conjunction with FUSD.
- Fresno County workforce

After conferring with other committees, a decision was made to combine the efforts of the County, City and Education Committees in a joint report to address a most pressing issue of double digit unemployment in Fresno County with the Workforce Report. The City Committee proceeded with its investigation culminating in these reports:

- Traffic Flow/Congestion
- Fresno County Workforce

## **FRESNO COUNTY WATER ISSUES**

### **INTRODUCTION**

**The 2004/2005 Fresno County Grand Jury (FCGJ), realizing the critical nature of the water shortage situation, studied the issue of water within Fresno County. The FCGJ examined the impact of surface and ground water on the economy and welfare of the communities. Segments of northeast Fresno County have water problems due to lack of water in the underground rock fissures. This area lacks subterranean rivers known as aquifers.**

**Experts in the field of geology, hydrology and engineering, along with government leaders and concerned citizens were interviewed. Documents including the Fresno County Ordinance Code and Public Review Draft Environmental Impact Report were researched to finalize this report. Fresno County depends on the affordability and availability of water for its existence. Without a regional oversight of water use and sales, the rapid growth in Fresno County is a potential disaster.**

### **FINDINGS**

- A. Fresno County is facing a severe water shortage problem.
- B. Water supply and delivery is essential to the quality of life in Fresno County. This has a direct environmental and economic impact on the County.
- C. Agriculture and dependent businesses are sustained in Fresno County by affordable and reliable water supply through the use of stored surface and ground water.
- D. For at least the last 20 years, throughout much of Fresno County, groundwater is in an overdraft (removing more than is replaced).
- E. Geologists and water experts encourage an increase in the development of recharge basins.
- F. Experts estimate that a minimum of 2,000 acres for recharge basins will be needed to provide water for present and future growth.



- G. Surface water and recharge basins add a substantial amount of water to aquifers.
- H. Proposed reservoirs such as Temperance Flat are a means to prevent losing run-off water from foothills and mountain snow pack.
- I. Developers are not being sufficiently assessed for developing sufficient water sources and recharge basins.
- J. Water meter use is not required in most parts of Fresno County.
- K. By 2006, the City of Fresno must comply with federal standards for water meter usage. Installation and reading of water meters in all neighborhoods must be completed by 2013.
- L. Double water meters for household and yard watering, with tiered usage pricing, would create incentives for efficient water use.
- M. There has been no scientific basis that agriculture requires more water per acre than subdivisions.
- N. Water, originating in Fresno County, is being sold for use in other counties even though there is a need for water in Fresno County.
- O. More three-stage water treatment plants are needed. The three stages are:
  - potable water for households
  - gray water for agriculture
  - tertiary water for landscape
- P. The use of purple pipe identifies tertiary water.
- Q. Prior land usage is a direct source of water contamination.
- R. The County requires tests to identify potential soil and groundwater contamination.

- S. For individual wells, the requirements for a draw-down test (pump test) has changed from .5 to 1.0 gallons per minute, under pressure. Wells, yielding less than 5 gallons per minute, require use of a 2,000 gallon storage tank.
- T. Most County Planning personnel are not knowledgeable in long-term water issues and potential water shortages.
- U. An Environmental Impact Report (EIR) is a valuable tool to preserve and protect water resources.
- V. Running water to obtain hot water is a costly waste of energy and millions of gallons of water each year.

## **CONCLUSIONS**

- A. Availability of water is a major issue. Experts in the field concur that lack of water is a great concern.
- B. The development of future water supplies will require additional means of water treatment, storage and delivery systems.
- C. Residential, commercial and public use of water should be balanced.
- D. Agriculture requires less water per acre consumption than subdivisions and provides recharge for aquifers.
- E. The long-term impact of preserving agricultural land may require constraints on urban growth.
- F. Fresno County Zoning Ordinances pertaining to water use should be reviewed since forty-year-old plans are still in use.
- G. Fresno County currently has a Water Advisory Committee overseeing water issues.
- H. Development of additional recharge basins will assist in the replenishment of aquifers.
- I. Pre-existing water contamination is a concern for redevelopment or in-fill projects.

- J. Additional water reservoirs are necessary to store mountain water run-off.
- K. The implementation of meters and tiered pricing of water usage will encourage conservation.
- L. Water treatment plants with three stages would assist recharge and the purification of potable, tertiary and gray water.
- M. A knowledge of water planning is necessary for Planning Department personnel.
- N. Environmental Impact Reports (EIR) are useful and necessary tools to preserve and protect water resources.
- O. The present test standards for minimum gallons per minute is an insufficient volume for water supply requirements of a residence.
- P. The use of on-demand hot water recirculation systems would save millions of gallons of water and reduce costs.
- Q. The current Residential Building Code does not require on-demand hot water recirculation systems.

## **RECOMMENDATIONS**

### **The 2004/2005 Fresno County Grand Jury recommends that:**

- 22. The Fresno County Board of Supervisors:
  - direct the Water Advisory Committee to be more diligent in overseeing the sale and use of water
  - develop and implement a tiered system of water pricing for the use of potable, tertiary and gray water
  - require the installation of double water meters in all future developments
  - require developers to demonstrate availability of an adequate water supply for all future developments
  - require performance bonds from developers for the assurance of future water supplies to their projects
  - require developers to set aside land to be used for re-charge basins

23. The Fresno County Planning Commission require documented evidence of availability of water supply that complies with County policy before approving any new development.
24. Temperance Flat be developed as a reservoir for snowmelt and foothill run-off.
25. Tertiary water from all water treatment plants be used.
26. Draw-down test (pump test) standards be raised to a minimum of 5 gallons per minute, not under pressure, for 48 hours.
27. An immediate building moratorium be implemented until proven water sources are located, developed and preserved.
28. The County Residential Building Code require an on-demand hot water recirculating system be installed in all new residential construction.
29. The Fresno County Zoning Ordinances pertaining to water use be reviewed

## **TRAFFIC FLOW/CONGESTION INTRODUCTION**

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

## **TRAFFIC FLOW/CONGESTION FINDINGS**

1. There is considerable traffic congestion on the streets of Fresno near freeway intersections and during rush hours.
2. Traffic signals on most high traffic city streets are not synchronized for efficient flow of traffic.
3. Traffic flow problems are the most serious in areas of the city where there are no effective expressways or freeway systems designed to move heavy traffic.
4. Fresno is currently installing a centrally controlled, synchronized traffic system along major arteries.
5. The synchronized traffic system is being installed in six phases. The first three phases are funded.
6. The synchronized traffic system is being installed on streets with significant traffic flow.
7. Fresno has over four hundred traffic signals within the city and maintains another 200 in other Fresno County cities.
8. Only forty of the over four hundred city traffic signals are connected to the Traffic Operation Center (TOC):
  - not all traffic signals will be connected to the TOC
  - the TOC is currently not fully operational

9. The majority of the signaled intersections in Fresno have programming capability:
  - sixty-five percent of signals are activated and capable of detecting traffic at the intersection
  - approximately twenty percent of signals are technologically advanced and programmable and are designed to be coordinated with other intersections
  - fifteen percent are incapable of being programmed (fixed time/electromechanical)
  - the cost to upgrade the specific functions of signals is \$250,000 per signal
10. The City Traffic Engineering Section will respond to citizen suggestions on improving traffic flow at “problem” intersections.
11. The City Traffic Operations Center is currently composed of a manager and two 0.80 full-time equivalent staff.
12. The City Traffic Engineering Section has one quarter-time position that works on timing of signals.
13. The City Traffic Engineering Section spends two-thirds or more of its time responding to new development projects as opposed to traffic infrastructure projects:
  - developers may request traffic signals to enhance traffic flow into their businesses and developments
  - developers are required to pay for new signals they request be installed
  - a new signal that does not meet the requirements of the Traffic Engineering Section must be approved by the City Council
14. Traffic signals in Fresno are currently under two different divisions. The Traffic Engineering Section implements the planning, placement and timing of signals. The Street Maintenance Division installs and maintains signals.
15. The City of Fresno is conducting a search to employ a licensed Traffic Engineer to manage the TOC.

## **TRAFFIC FLOW/CONGESTION CONCLUSIONS**

1. Fresno has a traffic congestion problem on highly traveled city streets. Congestion will increase as the city grows.
2. The City Traffic Engineering Section does not have an adequate staff to proactively improve traffic flow.
3. The resolution of traffic problems is being addressed only with traffic signal upgrading. Alternate solutions are not being aggressively studied.
4. The concerns dealing with traffic flow and congestion are fragmented and lack commitment by the City.
5. There are no incremental progress/completion dates to implement the full use of the TOC.
6. Congestion on city streets creates problems including pollution, increased fuel costs, time management and road rage.

## **TRAFFIC FLOW/RECOMMENDATIONS**

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

30. Hire additional personnel to accomplish its responsibilities.
31. Require developers to mitigate traffic problems caused by their development projects.
32. Address current and future traffic flow and congestion problems on streets not included in the current synchronized traffic system program.
33. Install and upgrade technically advanced signals capable of being coordinated with those at other intersections.
34. Devise and implement a definitive plan for the completion of the TOC.
35. Request funding be provided by the Fresno City Council for the remaining phases of the synchronized traffic control system.

**B** THE  
BOARDS, COMMISSIONS  
AND DISTRICTS COMMITTEE





# **BOARDS, COMMISSIONS, AND DISTRICTS COMMITTEES**

## **INTRODUCTION**

The 2004/2005 Fresno County Grand Jury gathered information about the various City and County Boards, Commissions, and Districts. Past Grand Jury reports were also reviewed.

Citizens' complaints prompted this Committee to concentrate its time and efforts on the Lighting and Maintenance Districts of the City of Fresno.

For many years an issue regarding common landscaping in some neighborhoods and the problem of keeping pace with the rising costs of needed maintenance has existed. To date no solution has emerged to accommodate those neighborhoods caught in the dilemma. Sprinklers are not working, weeds are not being sprayed or removed. Many complaints from the affected homeowners have resulted and continue to be a bone of contention because services paid for are not performed or not completed in a timely manner.

Our goal has been to first sort out the various historical issues. Secondly, to make recommendations for the work and funding of these special maintenance districts to keep pace with the maintenance needs of the homeowners.

## MAINTENANCE DISTRICTS

### INTRODUCTION

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

### FINDINGS

- A. Fresno has two landscaping maintenance districts – Landscaping, Lighting and Maintenance District 1 (LLMD#1) and Community Facilities District 2 (CFD#2):
- California State laws empower cities to form these districts
  - These districts are located throughout the city, totaling 160.8 acres of common landscaping
  - The homeowners in these districts pay a special yearly maintenance fee that is included in the County property tax statement
  - Most homes and businesses in the city are not located in the districts
- B. Landscaping, Lighting and Maintenance District 1 (LLMD#1):
- Was implemented in 1983 and stopped adding new tracts in 1997
  - Consists of 145 tracts, totaling 78.8 acres of common landscaping
  - Is an assessment district in which the fee is fixed at 19 cents per square foot of common landscaping
  - Has no practical means for increasing the fee as maintenance costs rise
- C. Community Facilities District 2 (CFD#2):
- Implemented in 1997, consists of 131 tracts, totaling 82.0 acres of common landscaping

- A tax district initiated by Proposition 218 that has a current annual fee of 22.4 cents per square foot
  - This fee can be adjusted by an annual escalator clause
  - The City Council approves annexation of new tracts to this district
- D. The City Parks and Recreation Department was responsible for maintaining the landscape districts until August 2, 2004:
- Retained the monies collected from LLMD#1 and CFD#2 in separate accounts
  - Did not track money spent for specific housing tracts
  - Claimed maintenance was performed “once a month,” but, in reality, it was done “once every ninety days” or longer
  - Poor quality of maintenance in LLMD#1 led to numerous homeowner complaints about improper watering and failure to remove and replace dead trees and shrubs
  - Twenty-three maintenance workers were to be available every week; vacancies often reduced this number to as few as eighteen
  - Tree Fresno, and sometimes jail inmates, provided additional labor until one year ago
  - Additionally, maintenance workers were required to maintain all median islands with various buffer zones, bicycle paths, and temporary ponding basins
- E. The City Council approved transfer of the maintenance districts to Public Works Department on August 2, 2004. Given these new responsibilities, the Public Works Department has:
- Established special accounts for each tract with all costs specifically documented
  - Required workers to document work performed and hours worked
  - Planned to have a detailed audit of each tract performed and provide a projection of future costs
  - Included the transfer of the Parks and Recreation maintenance crew
  - Contracted for four crews from the local Conservation Corps

- F. According to a report to City Council by the interim directors of Parks and Recreation Department and the Public Works Department on September 11, 2004:
- The lack of an escalator clause in the LLMD#1 has resulted in annual revenues approximately \$100,000 less than the cost of providing services
  - A special election complying with Proposition 218, requiring a two-thirds majority of favorable ballots is necessary to increase the annual assessment in LLMD#1
  - The ballot should include a provision for an automatic escalator similar to CFD#2
  - The cost to conduct the election is estimated at \$60,000, and requires holding special hearings and mailing ballots to 14,900 property owners by certified mail
- G. According to legal and political opinions, landscape setbacks of the tracts in LLMD#1 are public right-of-ways and the increased maintenance costs could be included as a budget item and paid out of City's General Fund.

## CONCLUSIONS

- A. The City of Fresno has two landscaping and lighting maintenance districts; an assessment district, LLMD#1, with no practical provisions for increasing fees; and a tax district, CFD#2, with the ability to raise taxes to meet rising maintenance costs.
- B. Rising labor and supply costs, coupled with poor management and cost accounting by Parks and Recreation Department resulted in many years of deteriorating maintenance. The City has defaulted in its responsibility to maintain the districts.
- C. In response to poor maintenance, the City Council approved transfer of the management of LLMD#1 and CFD#2 districts to the Public Works Department on August 2, 2004.

- D. The Public Works Department has reorganized accounting functions to analyze actual expenses incurred in each housing tract in the districts and correlate this information with revenues received. With this audit, the Public Works Department will be able to provide a detailed cost projection.
- E. CFD#2 costs are subject to increase. The fixed assessment in LLMD#1 will have to be supplemented either by a special election or monies from the General Fund.

## **RECOMMENDATIONS**

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

- 36. Use General Fund monies to bring neglected tracts in the maintenance districts up to required standards, including the replacement of defective watering systems, dead trees and shrubs.
- 37. Budget General Fund monies to cover future revenue shortfalls in LLMD#1, using cost projections of the Public Works Department as a guide.
- 38. Review the faulty management and accounting practices employed by the Parks and Recreation Department in dealing with the maintenance districts to provide insight into other maintenance practices needing revision in that department.
- 39. Evaluate the feasibility of privatizing the maintenance of LLMD#1 and CFD#2 districts.

*L* THE  
LAW COMMITTEE



## INTRODUCTION TO THE LAW COMMITTEE REPORT

The Law Committee of the 2004/2005 Fresno County Grand Jury investigated several areas of interest and letters from citizens of cities within Fresno County.

The areas considered for investigation included:

- Continued investigation of I.H.S.S. fraud
- Numerous complaints from incarcerated individuals in Fresno County Jails
- Coalinga City Management
- Other Cities within Fresno County

In the course of its investigation, the Law Committee interviewed:

- Department heads in Fresno County agencies
- City Officials from various cities in Fresno County including:

Coalinga  
Firebaugh  
Kingsburg  
Orange Cove  
Mendota

Committee members toured the I.H.S.S. offices and the Fresno County Jail.

A number of complaints from citizens incarcerated in various prison systems were given to the Law Committee for their consideration. It was decided that several issues were beyond the purview of the Grand Jury. Some complaints were referred to the proper agencies for further consideration.

After investigating complaints and concerns brought to the committee's attention, it was decided to focus our investigation on the I.H.S.S. Personal Care Services program.

This report does not reflect changes in the law or events that transpired after completion of the investigation.

## **THE IN-HOME SUPPORTIVE SERVICES PROGRAM**

### **INTRODUCTION**

The 2004/2005 Fresno County Grand Jury, at the suggestion of the 2003/2004 Grand Jury, continued the investigation of fraud in the In-Home Supportive Services (IHSS) program. IHSS implemented many of the recommendations made by last year's Grand Jury, but the opportunity for fraud to be committed still is prevalent.

This year's investigation focused on the Personal Care Services Program (PCSP). The PCSP began in 1994 and is funded with 51% Federal, 32% State and 17% County funds. Until recently the Residual Program does not receive federal funds. A person receiving care in the PCSP must qualify for Medi-Cal and have a debilitating condition that will last for more than twelve months or is terminal.

The IHSS program is designed to be a cost effective way to avoid out-of-home placement. It is designed to provide domestic and personal care services to the aged, blind or disabled persons who cannot otherwise perform these services for themselves and who cannot remain safely in their own homes unless such services are provided. The focus of the program is personal care services.

The PCSP is a vital program in IHSS and provides valuable services. However, it has inherent problems which need addressing. One of the most important is that the social workers are overloaded with an average of 300 cases assigned to each.

August 1, 2004 both the state and federal government passed the Independence Plus Waiver (IPW). The IPW allows for federal financial participation for the vast majority of IHSS Residual Program recipients who had been previously denied this funding.

Currently there are 9,995 active providers and 11,839 active recipients in the PCSP program. The recipient is the employer of record and may hire a relative, friend or anyone of his/her choosing. This opens the door for fraud to be committed by the provider, the recipient or collusion between the two parties.

In July 2003, a fraud investigation unit was created in the District Attorney's Office, consisting of one prosecutor and two investigators. Since its inception, it has had 401 referrals for investigation with 166 investigations completed. Of these, 113 cases were referred for prosecution with 60 convictions for restitution. This department of the District Attorney's Office will pay for itself with the monies it is able to recover in restitution from those convicted of fraud. It is a valuable asset to the county.

### **FINDINGS**

- A. Fresno County utilizes the Individual Provider mode of delivering services in the IHSS.



- B. An expanded program that includes all of the domestic services provided in the former Residual Care Program (RP), the PCSP includes personal care services. Some services provided include:
- Sweeping, dishwashing, changing bed linens
  - Meal preparation, laundry, grocery shopping
  - Paramedical services ordered by a licensed health care professional
  - Non-medical personal care
  - Assistance with transportation
  - Protective supervision
- C. Services IHSS does not pay for:
- 24-Hour care and supervision
  - Routine outdoor work or gardening
  - Clean-up after pets, visitors and family members
  - Moving or lifting heavy furniture, etc.
  - Mileage
- D. Until the formation of the IPW, RP services could be domestic only and performed only by a parent of a minor child or a spouse. PCSP services could not be domestic only nor performed by the parent of a minor child or a spouse
- E. With the passage of the IPW, the PCSP will now cover domestic services only and/or protective supervision services only when these services are **not** provided by a parent of a minor child or a spouse.
- F. There are numerous serious problems with the PCSP program which need addressing.
- The number of hours worked by providers; as reported on the time card, cannot be verified by IHSS
  - Social worker approved services performed by the provider cannot be verified
  - Providers and recipients may not fully understand the consequences of fraud

- IHSS time cards do not address fraud and its consequences
  - There is no county registry of providers or recipients convicted of fraud
  - Providers convicted of fraud are removed from the program, whereas recipients are allowed to remain in the program with no consequences
  - There has been limited training of social workers to detect fraud
  - The commission of fraud is still unchecked in the PCSP within IHSS system
- G. Since its inception in July 2003, the newly formed fraud unit in the District Attorney's Office has had 401 cases referred for investigation for fraud, with 166 cases completed. Of these, 113 cases were referred for prosecution resulting in 60 convictions for restitution.
- H. In this same time frame:
- There has been an estimated \$713,219 in losses resulting from fraud
  - \$432,205 has been ordered to be paid in restitution
- I. There are only two investigators assigned to handle IHSS fraud.
- J. Investigators lack adequate surveillance equipment.
- K. The first training session for social workers to better detect fraud, held in March of this year, had an immediate result of 85 cases being referred to the fraud unit of the District Attorney's Office.
- L. The doctor's referral/evaluation form does not address the specific needs of the recipient.
- M. There are 55 social workers in the PCSP. Of these, 42 are assigned to monitor the 11,839 recipients and 13 social workers are assigned to intake services.
- N. Social workers are only required to visit assigned recipients once a year according to state regulations.
- O. Social worker's ability to make unannounced visits is limited by a heavy caseload
- P. The cost of providing in-home services is projected to increase 21% annually in Fresno County.
- Q. The statewide cost of IHSS for PCSP's initial year (1993/1994) was \$232 million. The cost for PCSP in 2003/2004 was \$1.4 billion.

- R. The cost in Fresno County for the first six months of the current fiscal year was budgeted for \$52 million and the actual money spent was \$63 million. An increase of 21% over budget.
- S. Fresno County authorities estimate that fraud is committed by 30% to 35% of the recipients/providers in the program.
- T. Providers are not required to be trained to meet the specific needs of the recipient.
- U. The Fresno County Board of Supervisors established the Public Authority in 2002, in accordance with Assembly Bill 1682 passed in 1999. The purpose of the Public Authority is to:
- Serve as the provider's employer of record for wage negotiations and benefits
  - Furnish a provider registry
  - Offer provider and recipient access to training
  - Perform provider background checks
- V. Recipients are not required to use Public Authority trained providers. Providers are not required to be registered with the Public Authority.
- W. Recipients select and employ the provider of their choice, making them the employer of record.
- X. There are approximately 10,000 IHSS providers in Fresno County with less than 10% having been hired through the Public Authority process.
- Y. The State of California's primary function is to disburse payments to the providers for services rendered.
- Z. According to IHSS statistics, over 60% of care providers are relatives.
- AA. Neither the State of California nor Fresno County require criminal background checks for providers.
- BB. The Public Authority is the only entity that performs background checks on providers, and does so without State funding.
- CC. A medical doctor's statement of the medical and/or physical needs of a recipient is not required for a social worker's assessment of the recipient.

- DD. Many of the recommendations made by the 2003/2004 Fresno County Grand Jury, relative to fraud, were not adopted by Fresno County on the premise that they were not required by the State of California.

## **CONCLUSIONS**

- A. The use of timecards in the In-Home Supportive Services (IHSS) program lacks adequate oversight and leads to fraud.
- B. IHSS forms, including time cards, are not specific to enable the detection of fraud.
- C. There is no admonition on the time cards relative to the consequences of fraud.
- D. Social workers only recently have received training to better detect fraud.
- E. The first training session for social workers to detect fraud had immediate positive results with 85 referrals being made to the fraud unit.
- F. Providers and recipients need to be given training addressing fraud and its consequences.
- G. Until tighter controls are implemented in the PCSP, fraud will continue at the expense of the taxpayers.
- H. Social worker's heavy caseloads limit their ability to visit recipients more than once each year and to properly monitor recipients continuing and changing needs.
- I. Social workers are limited in their ability to make unannounced visits to recipients.
- J. There is an insufficient number of fraud investigators assigned to the IHSS.
- K. Fraud investigators lack sufficient surveillance equipment to carry out fraud investigations.
- L. The commission of fraud continues to be prevalent in Fresno County.
- M. Specialized training of care providers is not required by State law and County ordinance.
- N. Recipients are not required to employ Public Authority trained providers.

- O. The State of California and Fresno County does not require background checks of providers.
- P. The Public Authority is the only public entity that requires and provides criminal background checks on all registered providers.
- Q. There needs to be a County master registry of IHSS providers or recipients convicted of fraud.
- R. The medical doctor's referral/evaluation form needs to address the specific needs of the recipient to be performed by the provider.
- S. The fraud unit in the District Attorney's Office is a valuable tool that will begin to pay for itself and the monies recovered in restitution.

## **RECOMMENDATIONS**

The Law Committee of the 2004/2005 Fresno County Grand Jury recommends:

- 40. In-Home Supportive Services time cards be revised to indicate each specific service provided.
- 41. Time cards include an admonishment citing the penalties for committing fraud and perjury.
- 42. Fresno County establish an approved list of physicians who would make medical evaluations of recipients.
- 43. A standard medical form be created to provide detailed information to be used by the social workers for evaluation of the recipient's needs.
- 44. Only a medical doctor sign and approve the medical assessment form of the recipient.
- 45. The District Attorney's Fraud Unit continue ongoing training for social workers to detect and report fraud.
- 46. The fraud investigation staff in the District Attorney's office be increased.
- 47. In-Home Supportive Services officials investigate the increasing costs of the program in Fresno County.
- 48. Require providers to utilize the Public Authority training programs.

49. Fresno County establish and maintain a master registry of all providers and recipients convicted of In-Home Supportive Services fraud.
50. In-Home Supportive Services continue to encourage the State Legislature to improve and tighten controls on the program statewide.
51. County Board of Supervisors provide funding to:
  - Hire more Personal Care Services Program social workers
  - Purchase additional surveillance equipment for the In-Home Supportive Services Fraud Unit of the District Attorney's Office
  - Encourage State Legislature to improve and tighten controls of the In-Home Supportive Services program
52. Fresno County Work with our local State Legislators to change State regulations to allow counties to establish more control over their In-Home Supportive Services program.