

The 2012- 2013 Imperial County Civil Grand Jury



Final Report

<http://www.imperial.courts.ca.gov/>
Superior Court of California, County of Imperial



Courthouse
P.O. Box 2011
El Centro, CA 92244

Imperial County Grand Jury

Hon. William D. Lehman, Presiding Judge
Superior Court of California, County of Imperial
El Centro, California

Citizens of Imperial County,
Judge Lehman and Citizens of Imperial County,

In accordance with the California Penal Code, Section 933 (a), and in the name of the 2012-2013 Imperial County Civil Grand Jury, It is my duty and honor to submit our Final Report.

This year nineteen ordinary citizens answered the call for jury service as members of the 2012-2013 Civil Grand Jury panel. These individuals came from different areas of Imperial County bringing various skills to form a cohesive unit to ensure that governmental agencies serve the good of people. The Civil Grand Jury acts as a watchdog for the general public. The jurors created committees to visit and investigate the two State Prisons, the County Jail, County Juvenile Hall, three water districts, the County Airport, and other agencies in the County of Imperial.

Many jurors spent numerous hours traveling around the County meeting officials and managers, conducting interviews, visiting facilities, and researching complaints received from the public. The Civil Grand Jury demonstrated great teamwork and dedication to the purpose for which this organization is charged. I thank them for their service and hard work. This has been quite a learning experience for all of the Civil Grand Jury members.

We also want to thank the Jury Commissioner's Office, Superior Court staff, and County employees who assisted us. We would like to thank the presiding judge, The Honorable William D. Lehman for his guidance and support. Our legal consultants, Count Counsel, Michael L. Rood, Geoffrey P. Holbrook, and Eric R. Havens for reviewing our reports and providing legal assistance. The Court Executive Officer Kristine Kussman and her assistants, Estela Munoz and Analisa Cortez also deserve recognition for their hard work. In the County Executive's Office a special thanks is given to Rosa C. Lopez-Solis and her assistants, Vanessa Salcido and Ivan Pardis for helping with making copies and providing information to assist us in the completion of our duties.

Sincerely,

A handwritten signature in black ink, appearing to read "Lee A. Buckingham".

Lee A. Buckingham, Foreman
2012-2013 Imperial County Civil Grand Jury



Superior Court of California
County of Imperial



Office of County Counsel
County of Imperial

On behalf of our judiciary, jury commissioner staff, and Office of County Counsel, we would like to thank and congratulate the 2012-2013 Civil Grand Jury of Imperial County for its service, commitment, and contributions in making the Grand Jury system a relevant and important part of our local government. It is community members, like the grand jurors and regular trial jurors that help us preserve the principles of democracy in action and public trust in our local government.

The many hours devoted by members of the grand jury have resulted in investigations and recommendations aimed at improving the operations and of services by the agencies audited. Each year, the Court engages in community outreach to promote jury service and ensure that community participation in this important civic duty is not simply seen as a burden or inconvenience, but as an opportunity to participate in our democratic governance process and improve our community.

Demographical data required by Rule 10.625 of the California Rules of Court, for the 2012-2013 Civil Grand Jury reflects the following representation of our community:

By Supervisorial District

District 1 = 2, District 2 = 7, District 3 = 11, District 4 = 2, District 5 = 1

Gender

Males = 13, Females = 10

Age

(18-25) = 1, (26-34) = 4, (35-44) = 4, (45-54) = 6, (55-64) = 3, (65-74) = 5, (75 & over) = 0,
Not Available = 0

Race/Ethnicity

American Indian = 2 Asian American = 0, African American = 0, Hispanic = 7,
Native Hawaiian = 0, White = 13, Not Available = 1

Again, many thanks to each member of the 2012-2013 Civil Grand Jury for their civic duty and for making a difference.

Sincerely yours,

William D. Lehman
Presiding Judge

Kristine S. Kussman
Court Executive Officer
Jury Commissioner

Michael L. Rood
County Counsel



Honorable William D. Lehman

Presiding Judge

2012-2013



Michael L. Rood

County Counsel



Kristine S. Kussman
Court Executive Officer



From left Analisa Cortez, Estela Munoz
Jury Commissioner's Officer

Imperial County Civil Grand Jury

Members – 2012-2013



Rosalie M. Avila

Lee Buckingham (Foreperson)

David Crittendon

Victoria Heine

Jaime Ortiz

Ricardo Solorio

Elizabeth Gonzales

Vanessa Perez

Mary Calderon

James Forrester

Roy Caldwell

Maria Aguayo-Hunt

Gregory Siota

Angela Humes

Thomas Dineley

Pepper Pierce

Salvador Nieblas

The 2012-2013 Imperial County Civil Grand Jury Overview

Purpose

The 2012-2013 Imperial County Civil Grand Jury members were drawn from varied places and walks of life within the county with the combined purpose of serve and civic duty. Our duties included investigating and reporting on county and local government entities as well as our two state prisons. Some of our investigations were routine tours as per established matrix or by law, while others were holdover investigations made by previous Civil Grand Juries, and some were due to complaints or allegations of misconduct by officials or agencies in our jurisdiction. If during any investigation it was determined that a criminal matter may have taken place, the Civil Grand Jury referred that matter to the appropriate authorities. The Civil Grand Jury does not investigate criminal matters. The Grand Jury does not investigate criminal matters. The Grand Jury also has a lesser-known purpose of investigating to see if they may make recommendations of improving government for efficiency or cost savings.

Authority

The Grand Jury is a judicial body of citizens comprised of nineteen (19) members. It acts as an arm of the court and has authority taken from the State Constitution, the California Penal Code, and from the Government Code of California.

History

Grand Juries were empanelled in some forms in history as far back as the beginning of Western Civilization, which included the Greeks, and later on the early British civilizations. The Commonwealth of Massachusetts, also known as the “Bay Colony,” began using grand juries only 15 years after colonists landed at Plymouth. Most of those were to deal with criminal matters. However, the idea of an empanelled body of citizens to aid in the judicial system was precursor to what eventually became the modern grand jury system. Most states do not have both a civil and criminal grand jury, with California being amount the few to have the former. It has been so since the early years of this state. Not all counties within this state have both civil and criminal juries as does Imperial County.

Organization

The 2012-2013 Imperial County Civil Grand Jury was made up of nineteen (19) members and six (6) alternate members, who served from July 1st through June 30th. Its officers included a foreperson and a foreperson pro tempore, which are selected by the presiding judge. Other officers, who were chosen by the members of the Civil Grand Jury, which included secretary, treasurer, sergeant-at-arms, and a chairperson for each committee. During the course of the term,

members were divided into various committees and often have served on several committees. Jurors normally met twice a month for general meetings, and often met several times in a week for specific committee functions. No less than twelve (12) members of the Grand Jury approved all investigations', report's findings and recommendations. All reports are completed and published no later than June 30th of the Grand Jury term. The final reports are published at: <http://www.imperial.courts.ca.gov/>.

Confidentiality

All jury meetings, discussions, decision, complaints, documents, investigations and testimonies received are considered to be confidential, and members may not discuss these matters with others prior to publication of reports.



Imperial County Civil Grand Jury
2012-2013

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Subject of Investigation:

Calipatria State Prison (CAL)

Justification: California State law mandates that the Civil Grand Jury (CGJ) will inspect all prison and jail facilities on a yearly basis.

Background: Calipatria State Prison (CAL) is operated by the California Department of Corrections and Rehabilitation (CDCR). Construction was completed on CAL in late 1991, and the prison began receiving inmates in January of 1992. The original design of the prison was made to house 2,208 inmates. Modifications to the facility took place prior to activation so that the prison could hold over 4,000 inmates. The inmate population is approximately 2400. Nearly 1,900 are serving life terms. Another 500 are serving life without parole. At one time CAL held over 4,000 inmates. This number was reduced as a result of Court rulings and the Prison Realignment Act (AB109). The population was reduced from 4300 to about 3600 as a result of the Court decision. Inmates in Minimum Security Facilities (MSF) have been sent to County facilities. Time off a sentence for good behavior can reduce a prison sentence 50%-80%. Some inmates are granted irrevocable parole. Former inmates are no longer on parole or probation. This means no checks are made by a parole officer, and are no longer on parole or probation. They are simply released into the community

Investigation: A committee of the CGJ inspected the prison in October 2012. The committee was met by the Assistant Warden (AW) and other administrators. Before the tour began, the CGJ had an opportunity to ask many questions about the facility and the inmate population. The Administrative Assistant and Public Information Officer encouraged the CGJ Committee to ask questions. Administrative staff was willing to answer all questions raised. At the time of the CGJ visit the inmate population was on modified lockdown because influenza vaccines were being administered.

Prison labor has not been used outside the prison since the death of an inmate working with a cleanup crew on Interstate 8 the previous month. OSHA investigated the death and determined all procedures in place were followed and no changes were required to be implemented. The driver was later found to be impaired and charged with DUI. The AW stated that they have plenty of prison labor available, but few outside job opportunities are provided. Those jobs can only be filled by low risk offenders.

.Education for inmates is mandated by the State of California. All inmates should be at the ninth (9th) grade reading level. Those serving four (4) years or less, receive priority for educational programs. CAL has received a three (3) year accreditation from WAASC for adult education. Eleven (11) teachers, certificated by the State of California, are on staff. 400 inmates are on self study working toward a GED. Three (3) inmates in each housing unit tutor other inmates. There is also a program for segregated inmates as teachers go to those cells with educational packets.

College level programs are available. At least two (2) inmates have earned B.A. Degrees. Several others have received A.A. Degrees.

Religious programs are available to inmates in all four (4) yards. The CDCR recognizes and permits Catholic, Protestant, Jewish, Muslim, and Native American leaders to come into the prison and conduct services. The CGJ Committee had an opportunity to meet with several religious leaders during the tour. The Catholic, Jewish and Muslim service leaders were observed working together in the prison chapel. Self help programs abound at Calipatria. All yards have access to Alcoholics Anonymous (AA), Narcotics Anonymous (NA), Positive Parenting, and veteran's group assistance.

Inmates have some recreational diversions. In addition to regular library materials there is a law library. Inmates may purchase additional food items and other sundries from a well stocked canteen. Many inmates have radios and televisions in their cells. Inmates in each of the five (5) facilities have access to some sport or athletic activity, such as basketball, volleyball, and soccer. It was noted by the Committee that portions of the outside walkways had broken asphalt posing a trip and fall hazard. The landscape and lawns, however, were well groomed. Many inmates have radios or television in their cells.

The Assistant Warden told the CGJ Committee about the Family Reunification Liaison through CDCR. This program provides contact with a community based organization. An onsite manager acts as a case manager for family reunification to assist inmates and their families with prerelease preparation.

Medical care for inmates is adequate. Inmates will be seen within twenty four (24) hours of submitting a request for medical care. Routine care is provided by doctors or nursing staff. Telemedicine is a new process whereby the CAL medical staff may access twenty two (22) different specialties. They use a system called Request for Specialty Services. Tuberculosis serious concern and yearly testing is conducted among the inmate population. Emergency medical care is provided in the clinic to stabilize a patient. Life threatening illness or injury patients are taken by ambulance or helicopter to an outside hospital. The AW stressed that inmates are given more than adequate medical and dental care at taxpayer expense. This is in response to the Perez lawsuit in which CAL was placed in receivership with a Federal Judge was assigned to oversee medical treatment in the prison. CAL is no longer under receivership.

Food service and preparation is conducted in a main kitchen. The food is chilled and reheated as needed. The prison follows guidelines for the nutritional needs of the inmates as determined by a State dietician/nutritionist. Special dietary needs for religious or medical reasons are respected. The CGJ Committee toured one of five (5) food serving and preparation areas but did not see the operation in progress as the inmates had already been fed and the kitchen crew was finished for their shift. The Committee visually examined the tables, windows, floors, ventilation and plumbing and found the area was clean and in good repair with two (2) minor exceptions: 1) a

floor tile was missing in the kitchen area and was filled with dirty water; 2) a glass refrigerator door was cracked. This does not appear to be unusual for a facility over twenty one (21) years old.

Smuggling into the prison of cell phones, SIM cards, and illegal drugs continues to be an ongoing problem at Calipatria. The ever vigilant staff intercepts these items on a weekly basis. Some visiting family members continue to attempt to smuggle contraband and are apprehended and turned over to the Imperial County Sheriffs custody. Currently smuggling cell phones is a misdemeanor. Cell phones are used to contact gang members outside the prison for the purpose of conducting criminal acts. This puts other people in danger. CAL does not have the capacity to block outgoing calls on cell phones. Prison officials continue to battle federal restrictions on blocking signals from inmate cell phones. Confiscated phones are refurbished and donated to Family Solutions, Family Justice System, and other victim groups.

The Administrative Segregation Unit (ASU) appeared to be well run. ASU has the highest level of security at CAL. Those inmates whose behaviors indicate a need for close monitoring are housed in ASU. The CGJ Committee observed some very graphic graffiti in one of the cells in the ASU. When this was brought to the attention of the Public Information Officer (PIO), he immediately ordered a cleanup of the cell. Security at the prison is a primary objective for the safety of the community, staff, inmates, and visitors. An electric fence carrying a lethal charge is the first line of defense. In addition to the fence, secure locking doors, sally ports and watch towers are employed.

All staff is provided annual In Service Training (IST). Peace Officer candidates are sent to a sixteen (16) week Correctional Officer Academy prior to beginning work at CAL. Additional training may include First Aid, CPR, prison security, escape prevention, and how to deal with inmates having mental or physical disabilities. Almost all training, including On the Job (OJT), is conducted by CAL Staff on site.

Conclusion: It was determined by the CGJ Committee that CAL is a well run facility with no major problems. The Committee appreciated the willingness of staff to answer questions and provide insights into the issues confronting corrections facilities.

Findings: The Imperial County Civil Grand Jury has found the following:

- F1** CAL has a continuing problem intercepting and confiscating illegal drugs smuggled to inmates.
- F2** CAL has a continuing problem intercepting and confiscating cell phones smuggled to inmates.
- F3** CAL has neglected some maintenance at the facility including: 1) water stained ceilings in some areas, 2) broken asphalt walkways, 3) missing floor tile in the

kitchen area, 4) a cracked glass door in the kitchen area, 5) inmate drawn graphic graffiti.

Recommendations: Calipatria appears to be a well run and secure facility experiencing the same types of issues other prisons have to confront.

- R1** The CGJ recommends that CAL pursue acquisition of a trained narcotic dog for full time use to reduce the entry of drugs into the prison. Failing that, Cal might partner with Centinela Sate Prison to share the costs of a trained narcotic sniffing dog.
- R2** The CGJ recommends that CAL work with local and state officials to seek a change in the laws preventing blockage of inmate cell phone signals from within prison walls.
- R3** The CGJ recommends that CAL complete neglected maintenance, such as: 1) Repair roof leaks and paint over stained ceilings, 2) repair or replace broken asphalt walkways, 3) replace missing floor tile in the kitchen area, 4) repair or replace broken glass panel in kitchen door, 5) immediately erase or paint over graffiti as soon as it appears.

Response Required: No response is required since Calipatria State Prison is a state agency.

Subject of Investigation:

Centinela State Prison (CEN)

Justification: California State Law mandates that the Civil Grand Jury (CGJ) will inspect all prison and jail facilities on a yearly basis.

Background: Centinela State Prison (CEN) is operated by the California Department of Corrections and Rehabilitation. Construction was completed on CEN in mid 1993, and the prison began receiving inmates in October 1993. The original design of the prison was made to house 2,208 inmates. Modifications took place to allow the prison to accommodate 4,000 inmates; however, at one time the prison held a maximum of 5,500 inmates. At the time of the interview, the prison had around 2,500 inmates and approximately 1,350 staff members.

CEN is a Level Three general population custody (mid-level security) prison divided into five facilities; however, one facility is designated for Level Four (highest security) custody inmates and one smaller facility outside of the main prison is designated Level One GP custody (lowest security). Beginning in April 2013, the prison plans to assist its Level Four inmates to transition to Level Three status using an established merit system. The goal will be to return this facility back into a Level Three facility.

A committee of the CGJ inspected the prison using a checklist developed for the prison by the grand jury, as well as additional information requested by the committee making the tour. The check list included, but was not limited to the general safety and security of the facility, fire safety, food services, medical services, job training requirements for staff, escape procedures, law library, inmate treatment, investigations, a housing unit, and staff morale. The jury was met by the prison's acting warden, its community resource manager, and a deputy warden. They were helpful and knowledgeable about CEN, its history and present functions. As with all state facilities, CEN is thoroughly audited and annually inspected by various state agencies to ensure that it complies with all applicable and current mandates, policies and procedures.

Inmate Opportunities and Services: Inmate productivity and self improvement are main components in the prison's efforts to modify behavior and reduce recidivism. Inmate grade levels are assessed upon entry with the goal to achieve above a sixth grade level. As inmates advance beyond that, they may be offered the opportunity to seek their general equivalency diploma (GED). There are vocational classes offered including welding, automotive, small engine repair, office services and building maintenance. A ceremony to honor 57 CEN inmates who received their GED or certificate in vocational training was held in February 2013. Placement assistance once an inmate is released is handled by parole specialist assistants who work with future parolees on job plans, resume development, and housing. Other educational opportunities, including correspondence work, are available.

Self-help programs including those that deal with alcohol/substance abuse, anger management and violence issues and improving social skills are available.

Inmates may have paying employment opportunities offered during their incarceration. These may include work in the kitchen or on a road crew.

Inmates on all facilities may participate in sports such as soccer, basketball or volleyball. They have access to a law library and a conventional library which checks out book to inmates similar to public libraries. Each facility has its own chapel for religious services of many faiths. Inmates on the Level One and Level Three facilities are permitted to be out in the yards for additional recreation evenings up to a set time. Volunteer chaplains assist with inmate religious services.

Food Preparation/Service: The CEN jury tour included a visit to the Central Kitchen which prepares approximately 3,600 meals per day. Each facility has a satellite food kitchen to reheat, as necessary, food prepared in the Central Kitchen. The committee observed that it was clean and appeared to be well maintained. Inmates are permitted to purchase their own food to supplement their meals. Inmates receive two hot meals per day, plus one boxed lunch each. Meals are planned by a staff nutritionist. There have been no reports of food borne illness from the prison kitchen system.

Training: All peace officers assigned to CEN are required to complete a 16-week Correctional Peace Officer Academy before beginning work. There is mandatory annual In Service Training (IST) for all staff. Classes include, but not limited to, firearms and chemical agents, emergency response, First Aid/CPR, report writing, and inmate transportation.

Contraband and Security Measures: CEN is troubled by inmate usage of both illegal narcotics and illegal cell phones, as are all modern prisons. One death at the prison in 2012 was determined to be a narcotics overdose. Statewide, prison guards confiscated over 15,000 contraband phones during 2011. CEN staff remains vigilant to intercept these items. At the time of the visit, the jury was informed that a trial program of a managed access use system, (blocking contraband cell phone signals) inside a prison had been launched in October 2012 at the California Corrections Facility at Avenal. CEN expects to begin some phase of this program in 2013.

Policies and procedures to check identification are in place at all points where staff or inmates go from one area to another. CEN has armed officers in towers at important checkpoints, outside patrol staff members, and a lethal electrified fence in place for escape prevention. CEN has a policy of checking identifications on all areas of the prison on a regular basis.

Medical Care: CEN has an expanded Outpatient Housing Unit (OHU). The staff at CEN provides for many medical needs including emergency procedures. Several of the OHU beds were occupied at the time of the tour. If inmates need to be taken to outside emergency care, the prison has a contract with Pioneer's Memorial Hospital (PMH) in Brawley. Preventive care is stressed. Hepatitis C and tuberculosis reports are high frequency among inmates. Vaccinations, testing, and management of airborne illness are the most effective tool CEN staff uses to control the spread within the prison population. On the rare case that advanced care beyond that available at PMH is needed, an inmate may be sent to a San Diego hospital by emergency helicopter or a medical transportation bus (in non-emergency cases). There are 13 beds in the facility for end-of life care. There is a marked increased number of both staff and treatment options largely due to a federal order for all California prisons. Audits are conducted on a routine

basis to ensure compliance with the order. In fact, such an inspection had occurred shortly before this jury's visit encompassing 18 components of medical delivery. CEN received 88 percent of the total points possible-a 13 percentage point improvement over the previous scored visit in 2011.

General and Housekeeping: Not surprisingly, prisoners occasionally have grievances against prison procedures and staff. These may manifest themselves in the form of aggressive and antagonistic acts against staff, other inmates and even upon their own persons (hunger strikes, for example). Either through prison communications or through family members, these grievances are often covered through local media and websites devoted to inmate rights. Serious incidents will follow the standard protocol of investigation. Attempts to resolve less complicated grievances are attempted on a case-by-case basis. During the tenure of this jury up to the time of this report, there had been no reports of noteworthy inmate rioting.

It was the general observation of the jury that cleanliness of the cells could be improved and many are in need of paint and paint touch-up. No significant graffiti was observed. Most general access areas, except for the medical facilities, could use additional housekeeping efforts. One parole cell was full of what appeared to be empty boxes.

Conclusion: It was determined by CGJ committee members that the CEN is a well-run prison with no major issues uncovered. Efforts to make the best of an inmate's time of incarceration are in place. The medical facilities appear impressive by the lay-person's standards.

Findings: The Imperial County Civil Grand Jury has found the following:

- F1** CEN continues to have ongoing problem of smuggled contraband most significantly narcotics and cell phones.
- F2** CEN could improve its cleanliness in general access and cell areas.

Recommendations: The Imperial County Civil Grand Jury recommends the following:

- R1** It is recommended that the prison administration promote the implementation of the proposed managed access system for cell phones.
- R2** It is recommended that CEN utilize one or more employees, preferably those with little experience in the general access areas and cell areas, to tour and note down all housekeeping issues, large and small. Use this list to address and prioritize these issues to ensure maximum points in future audits.

Response Required: No response is required as Centinela State Prison is a state agency.

Subject of Investigations;

Imperial County Jail (ICJ)

Justification: California State Law mandates that the Civil Grand Jury (CGJ) will inspect all prison and jail facilities on a yearly basis.

Background: The (ICJ) is operated by the Corrections Division of the Imperial County Sheriff's Office (ICSO). There are approximately one hundred thirty seven (137) staff members who work at the two (2) facilities adjoining the main ICSO building. The jail consists of two main sections. The Herbert Hughes Correctional Center (HHCC) which was built in the 1960's. The HHCC houses up to 324 inmates, both male and female, in six (6) separate dormitories. These inmates include sentenced and non-sentenced inmates as well as inmate workers and federal detainees. The Regional Adult Detention Facility (RADF) was built in the 1970's. The RADF houses up to 288 inmates, separating male from female in twelve (12) modules consisting of ten (10) to twenty (20) cells per module. The RADF inmates are housed in cells alone or with one other inmate.

Findings: A (CGJ) inspected the jail using a checklist recommended by previous Civil Grand Juries, as well as additional information requested by the committee. The checklist included, but was not limited to the general safety and security of the facility, fire safety, food services, medical services, job training requirements for staff, escape procedures, key and tool control, inmate treatment and staff morale. The committee toured all areas in both portions of the jail facilities.

The facility is currently in the process of expansion due to changes in the state regarding housing of inmates under Prison Realignment Act (AB109). The county has been awarded thirty three (33) million dollars, of which the county will match with 1.6 million dollars from its own budget, for this project. The plans call for construction of a building on the west side of the existing structure. This addition will add 228 beds along with support offices, which include medical, educational and vocational classrooms and offices. There will be a need to hire 50 new employees to staff this addition. Projected completion date for is 2015.

The tour was led by two high ranking jail staff members that encouraged questions and were open in their answers. The committee members spoke to members of the staff of all ranks and found them to be professional and well suited for the facility. Some members of the staff speak Spanish, a desirable skill for communicating with many inmates who don't speak English. The inmate count was 507 on the day of the tour.

The committee members were shown both sections of the jail that appeared to be in fair condition despite its age. It was observed while touring, that inmate visits are done behind a glass partition, making the introduction of drugs and contraband more difficult. There are numerous types of surveillance and monitoring cameras in use, including stationary cameras and those capable of panning, tilting and zooming in on different areas and inmates. These security measures go a long way to enhance the overall safety and security of the facilities.

Medical staff members are on duty 24 hours a day to treat inmate illnesses and injuries. There are medical isolation units for inmates with specific medical conditions or ailments. Padded rooms

provide a safe location for inmates experiencing mental health issues. The expansion project should meet the current and future demands of the inmate population once it is completed.

CGJ Committee members were advised of the need for safe and secure transport of the growing inmate population. The jail transportation unit provides transport to and from court, as well as medical appointments, for both convicted and non-convicted inmates. The vehicles used by the transportation unit must be well equipped and maintained, to provide the safest and most secure manner possible.

Conclusion: It was determined by the committee members that the ICJ is a well-run facility with no major issues discovered. Staff was very positive and optimistic toward the facilities where they are assigned and morale seemed very good. Inmates seemed to be well treated.

Findings: The Imperial County Civil Grand Jury has found the following:

- F1** It was observed that some of the vehicles used for transportation would be better suited for this task if given upgrades in order to provide staff and inmates, as well as the public, with a more secure mode of transport.
- F2** The medical unit of the facility appears to be providing adequate care, despite a lack of space, to the inmate population. There is a need for equipment upgrades.
- F3** Plans for adding two community crews along with new hires will be available for contracting out to local cities.
- F4** Staff does a good job keeping up with maintenance issues that accompany an older facility.

Recommendations: The Imperial County Civil Grand Jury recommends the following:

- R1** Upgrade transportation vehicles with security measures to protect the public, as well as staff and inmates.
- R2** Upgrade medical unit and housing area as planned.
- R3** Add more inmate community crews to serve more cities and agencies as planned.
- R4** Monitor and keep up with maintenance issues in order to provide for the safety and security of the facility and public.

Response Required: The Imperial County Civil Grand Jury expects consideration of these recommendations and a written response from the Imperial County Sheriff's Office within ninety (90) days.

Subject of Investigation:

Imperial County Juvenile Hall (ICJH)

Justification: The Civil Grand Jury (CGJ) is authorized and required to inspect the Imperial County Juvenile Hall (ICJH) annually, as specified by the State of California.

Background: The ICJH operates under the regulations of the California Standards Authority. The Juvenile Hall detention facility is located directly behind the main building of the Imperial County Probation Department (IVPD). The IVPD administers the Juvenile Division and employs a Chief Deputy to oversee the Juvenile Hall and staff. The Facility Manager conducted a complete tour of the installation for the CGJ committee.

Findings: The ICJH is managed by the Facility Manager who maintains a staff of six (6) supervisors, seventeen (17) full time staff and five (5) extra help. Turnover is minimal with good cohesion and morale among staff. Staff is well trained for the many different functions necessary to provide the county with a safe and efficient Juvenile Hall.

The ICJH is a large facility that can house a total of seventy two (72) minors. On the day of the tour ten (10) wards were detained. Seven (7) male and three (3) female were housed in ICJH. The average daily population for 2012 was sixteen (16) with an average stay of eight (8) days. The facility is divided into two (2) main sections; the thirty two (32) bed front section and the forty (40) bed rear section. Each section has a command and control center with closed circuit monitors used for security and safety purposes. The command and control center was recently updated and now includes new touch screen controls and upgraded security measures. The front section has three (3) dormitories. Each dormitory has a day room with couches, books, new large screen television, and at least one collect call telephone. Dormitories have communal showers, which have been provided with partitions or modesty panels for privacy. For logistical reasons, the front section of the building is primarily used to house the wards except for the occasional times when the population swells and the rear section is needed. In the front section, sixteen (16) of the thirty (32) rooms do not have toilets or sinks. These rooms are called dry rooms, and are used sparingly to house wards. The front section has staff offices, a medical office, a staff break area and an Imperial County Behavioral Health office. The front section also has a dining hall with an attached service bay food distribution area. Three hot meals and snacks are prepared each day in the old California Youth Authority building. It has a well equipped and stocked kitchen. The food is rolled over to the facility in tall heated catering carts. Outdoor fenced areas are used for recreational activities such as basketball, soccer and volleyball.

Safety of the wards and the staff at ICJH is a prime concern. Each dorm has a security officer assigned who physically checks the occupied beds every fifteen (15) minutes throughout the day. Wards who reach eighteen (18) years of age are segregated from the general population as they wait for processing into the adult judicial system. Fighting among the wards is the main source of injuries for both inmates and staff. The use of pepper spray has greatly reduced fighting. Management reported to this year's CGJ committee that only eight (8) fights occurred in 2012. Wards are thoroughly briefed on the consequences of fighting. With the warning, "pepper spray," each juvenile must get down into a prone position and cover their faces. Pepper spray is

only used when minors refuse to comply with the order to stop fighting. Violations of the rules will result in loss of privileges.

Staff also uses a positive reinforcement program to control behavior. Each minor can get positive points for cooperation such as helping with cleaning, food service or other extra duties. These points can be exchanged for items at the institution store for modest amounts of snacks or other items. These procedures have improved the safety, general physical and emotional well being of the minors and staff.

ICJH has a kitchen manager who ensures that the diet for the population is in compliance with the student nutritional guidelines of the Federal Government and the State of California. Meals and snacks are closely monitored to ensure that each ward is eating a healthy diet. In case of emergency, the kitchen maintains at least a three month supply of food. The kitchen facilities are routinely inspected by the Imperial County Health and Fire Departments.

ICJH must be in compliance with the State of California to maintain educational standards for all wards in their care. ICJH is well equipped with two classrooms for daily morning and afternoon classes. High School Diploma and GED educational studies are available. For segregated wards independent programs are implemented.

ICJH uses the computerized Detention Risk Assessment Instrument (D.R.A.I.) to evaluate incoming juveniles. This system greatly reduced the need for internment for many alleged and convicted offenders. The D.R.A.I. System evaluates the juvenile offender based on convictions and offenses. The System determines whether that minor can be released to their guardians prior to their court dates or placed on probation without internment. The Juvenile Court system has a no bail system.

ICJH has also started using the computerized Massachusetts Adolescent Youth Screening Instrument (M.A.Y.S.I.) to evaluate the mental health status of all admitted wards into Juvenile Hall. This instrument assesses and indicates whether additional screening or care by a mental health professional. Wards that make suicidal statements are handled with seriousness. The ward is put on suicide watch and Behavioral Health is contacted. The subject is required to occupy a special room wearing self protective clothing, until cleared by mental health professionals.

Volunteers are a vital component for the well being of the juveniles at ICJH. Many religious organizations conduct group studies and activities, or one on one counseling. The Grandparents Program is especially productive in helping the wards with tutoring and life skill mentoring, as well as being role models and someone to look up to, or just talk to.

Conclusion: It was determined by the committee members that the ICJH is a very well-run facility with no major issues discovered.

Findings: The Imperial County Civil Grand Jury has found the following:

- F1** The areas used for basketball and volleyball are in need of resurfacing.
- F2** Medical staff is not on grounds around the clock. Closest assistance for medical issues during off hours is from nursing staff at the Imperial County Jail.

Recommendations: The Imperial County Civil Grand Jury recommends the following:

- R1** The basketball court should be resurfaced.
- R2** Purchase an Automated External Defibrillator (AED) and provide training for all staff.

Response Required: The Imperial County Civil Grand Jury expects consideration of these recommendations and a written response from the Imperial County Probation Department (Imperial County Juvenile Hall) no later than ninety (90) days after receipt of this report.

Subject of Investigation:

City of El Centro/Water & Wastewater Departments

Justification: The 2012-13 Imperial County Civil Grand Jury conducted an investigation into the water and wastewater (sewer) operations of the City of El Centro. The investigation was in response to appeals by citizens concerned about increasing water and sewer rates. All information in this report is based on the last completed fiscal year, 2011-12, which ran from July 1, 2011 through June 30, 2012.

Background: In September 2012, the El Centro city council approved a five-year program of annual water and sewer rate increases to begin in November 2012. This was done in response to a rate study completed in February 2012 by Dynamic Consulting Engineers of Imperial, CA. Under the plan, water rates will increase an average of 4.4% each year and sewer rates will increase 5.8% each year through 2016 for a total five-year increase of 24.3% and 29% respectively. This follows a series of rate increases between 2006 and 2009; a period in which residents saw a total increase of 36% and 72% in sewer and water rates respectively. During the period of early 2012, the City conducted various public meetings, in accordance with applicable rules and regulations, inviting citizen comment. Information on the rate increase was provided in both English and Spanish.

In the first year of the rate increase, the average residential user in a single family dwelling in El Centro will pay a flat monthly service charge of \$3.14 plus \$3.31 per unit (1000 gallons) of water used. (Rates for other customers may vary based upon the customer's meter size.) The same customer will pay a flat \$46.92 sewer charge. Businesses have a tiered rating system based on units used.

A comparison of water rates for the average single family residence in El Centro was made with those in two nearby cities: Imperial, CA and Coachella, CA. Imperial charges \$.0039/gallon (plus a \$12 flat monthly fee) and Coachella charges \$.0018/gallon (plus a \$12.52 monthly flat fee). Both of these cities implement a tiered water rate system so customers who use less water pay a lower rate. These listed rates are based on the lowest tier. El Centro does not use a tiered system.

Imperial Irrigation District: The City purchases water directly from the Imperial Irrigation District for \$68 per acre foot. Last year, the City purchased 7,862 AF for a total cost of \$534,602. The IID sells the same, untreated water to agriculture customers for \$20 per acre foot. A City representative stated that the City has not, in recent memory, ever tried to negotiate a more equitable rate with the IID.

Debt & Capital Improvements: The City strongly uses debt to finance capital improvements and currently pays on the following bonds: Water and Wastewater Revenue Bond Refinance (2012) \$7.8 million; Wastewater Revenue Bonds (2006) \$32.5 million; and, Water Revenue Bonds (2006) \$33.2 million. These Last year, the City paid a total of \$2.24 million and \$2.99 million in water and wastewater bond principal and interest respectively. This does not include the bank fees associated with this debt. Regulations require revenues to exceed debt service by a minimum of 115%.

The City has a planned program of capital improvements. Some are necessary to meet state mandates while others are to maintain system integrity or to accommodate past growth within the City. Residents have expressed concern about certain named projects and this portion is an effort to address those concerns. That being said, there is no single place for a resident to easily access information about planned improvements and not understanding the need or reasoning behind some of these improvements did cause concern among citizens during at least one hearing. The “current” update on the City’s public works website link informed citizens about projects through 2009.

One such project is the City’s plan to replace all conventional water meters to an electronic version often called the “smart meter”. Already 300 meters in the city have been replaced with an additional \$1.2 million allocated to continue the project. The City embarked on this project, in part, to meet California’s 20x2020 Water Conservation Plan in which municipalities are compelled to reduce their water consumption by 20 percent by the year 2020. Smart meters can detect leaks within a few days, saving residents money and saving a municipality on lost water. A City official stated that not complying with this effort would put the City at risk to forfeit future grant money—a move the City feels is extremely unwise.

Construction on another project, a \$1 million water line from Ross Ave. to Dannenberg Road will begin in the first quarter of 2013. This project completes a loop line allowing water to circulate chlorine and is necessary to maintain water quality. Additionally, two million dollars has been allocated for the rehabilitation of water tanks.

Construction of a regional pumping station at Farnsworth and Dannenberg Roads will replace three sewer pumping stations in the Buena Vista, Countryside, and Legacy Ranch housing developments. These pumping stations are at risk of a greater load capacity than they can bear. Of said stations, Countryside and Legacy Ranch were installed by developers. It was revealed that, from the onset, these pumping stations were not adequate to meet future long term demands; admittedly, the Legacy Ranch station was only projected to last between 5-10 years. When asked why the City Council would make a concession for a developer to build without adequately securing for future needs, a City representative replied, “The City really wanted those new homes.” The City approved a bond sale in part to pay for the new pumping station which is estimated at \$7.5 million. Developer fees collected from these three projects to offset such expenses totaled just over \$2.8 million. City estimates 6-18 months to begin construction; will take one year to complete.

After the south Pumping Station is complete and other planned capital improvements are completed, at least \$5 million will remain for undesignated projects. These include “sewer and manhole rehabilitation and other miscellaneous projects” according to the Public Works Department. This committee requested, but did not receive, a list of planned expenses for additional bond monies.

Wastewater Treatment Facility: Currently the wastewater plant, located on La Brucherie Road at the border between El Centro and Imperial, is at half capacity. The plant is located a short distance from housing developments. And El Centro retail businesses located downwind of the plant continue to experience episodes of increased foul odor. A representative from the city admitted that they are “baffled” by the odor indicating that all procedures and protocols are being followed and that the interior of the plant doesn’t experience the same level of odor as does the

outside premises. Admittedly, by the nature of the facility, occasional odors would be present; however, the City did express a sensitivity and assurance of monitoring of the issue. The City keeps the facility landscaped at an annual expense of \$22,406 which includes the mowing contract for a vast expanse of lush turf; annual seeding with ryegrass and irrigation supplies.

Employees: Employee costs which can be set by the City include salaries, retirement plans and group health (hereinafter referred to as “salary package”). Mandated expenses, not set by the City, are unemployment insurance, workers compensation, disability insurance, and Medicare. The following table was developed to enable a reader to form an estimation of City employee compensation levels. This was based upon dividing total salary package expenses by the number of departmental employees then by 2,080 annual working hours.

Water Department	# of Employees	Average hourly rate
System Maintenance	5.05	\$31.90
Treatment Plant	11	\$35.95
Treatment Plant Administrative	2.52	\$47.36
Customer Service	2.10	\$28.45
Wastewater Department		
System Maintenance	5.45	\$27.76
Treatment Plant	14	\$37.85
Treatment Administrative	2.75	\$32
Customer Service	0.9	\$32.22

Bad Debt: Non-payment is a large financial burden for the City’s finances according to a City official. Last year, the City wrote off \$295,941 and \$273,960 in sewer and water receivables as uncollectible expenses. (This debt is regularly turned over to a collections agency; since 2010, the agency has recouped \$22,548 for the city.) While the City states these write-off figures are a culmination of several years of non-payments, each year it sees an average of \$60,000 in unpaid accounts receivables. The City does not use a lien process to collect unpaid bills nor does it require a valid Social Security Number/Federal ID number to open an account. Other cities do require such reporting. For example, Imperial has about half the number of accounts; they have roughly \$3,000 in delinquent accounts per year; have never, in memory, written off accounts receivable as uncollectible debt expense; and use social security numbers to actively pursue outstanding debt.

The city handles delinquencies in the following manner: Water bills are issued for water used in the previous month. Bills are issued on the 25th of the month to be received in mail boxes around the first part of the month. The bill is due on the 15th of that month and the final deadline to pay

is the 30th/31st of that month; however, shut off will not normally occur until a full 15 days later. As a courtesy to customers, a delinquent notice/reminder is mailed to that customer. This policy is comparable to other municipalities; however, some have a slightly shorter cut-off period; don't mail reminder notices; and clearly state and enforce a 10% late fee for balances not paid before the last day of the month. The city sees between 350-400 shut offs per month.

Payment Options: A customer may pay their bill in the following ways: At the City office counter; through the mail; in a drop box at the city offices; electronic funds transfer, and on-line. The City incurs bank charges for online payments (\$23,674 last year). These fees are not directly passed on to the customers using the online option but are rather included on the expense report.

Public Information: While, as stated earlier, the City was diligent in holding meetings of public comment and distributing information in both English and Spanish regarding its rate increase, there are areas in which the City and its representatives have failed to communicate openly/fully/dependably.

One instance was noted during the very meeting in which the rate increase was voted upon when a detailed presentation was made by the City's finance department to the Council outlining the impact the rate increase would have on its average customer. The report stated single-family customers use an average of 13,000 gallons per month and under the rate increase, this average single family customer would see a monthly increase of just \$4.36 in their water/sewer/trash bill during the first year to \$111.24. This committee was quite surprised by these numbers and, since the finance department could not clearly outline how they determined this number, wanted to duplicate it ourselves. Using information provided by the city, we found an average monthly use of 17,111 gallons and that, after the rate increase, this "average customer" will pay \$124.85 monthly—12 percent more monthly than the City finance department suggested.

In addition, during this investigation process civil grand jury members have been met with a range of reactions from City employees. Initial requests made "man-off-the-street" were handled with a genuine attempt at helpfulness by City "front-desk" employees. However, second layer employees displayed resistance. Namely, Public Works Department employees questioned grand jury identities and requested the reason public information was desired. Most egregious, a high ranking city finance employee disputed the authenticity of Grand Jury member's credentials.

Another instance centers on the City's charge of a monthly, flat fee (not based on usage) to each active account. The fee was enacted by City Council in the 1990s. Since the fee is, in no way, listed or itemized on bill it is difficult for a resident to calculate their bill. This fee ranges from \$3.14 to \$3.83 for the average single family user all the way up to \$39.46 for accounts with larger meter size.

Findings: The Imperial County Civil Grand Jury has found the following:

- F1** The City, along with all Imperial County municipalities, pays significantly more for the same water, delivered through the same gates, than do agricultural users. Last year's savings, if it paid the agricultural rate, would have been \$377,362. The

IID has new board members which campaigned on public trust and may be responsive to a plea for equitability.

- F2** Debt service is, by far, the largest single expense the City manages. The City has made attempts to manage those costs by refinancing bonds when appropriate. Detailed rate studies have been made to ensure revenues (and therefore customer rates) adequately exceed debt service—a bond regulation. Much public outcry is heard over rate increases; yet, citizens seem to forget there is an expense to borrow money and when they approve a bond measure, they are likely giving a nod to future rate increase for themselves as well. In light of the fact that bonds have been issued, it seems that some project benefits are wide spread allowing the City to comply with safe water standards (i.e. loop lines) and state conservation measures (i.e. smart meters). However others, given unfortunate management decisions, seem to benefit certain parts of the city (i.e. the regional pumping station) while their costs are passed on to every rate payer.
- F3** Excess funds from the bond measure do not have a clear determination for use. There is no easily accessible information for a resident to understand the city’s future capital improvement plans.
- F4** Human resource costs are the second largest expense the city manages. Average employee compensation in both departments well exceeds El Centro’s median income of \$43,900, a city in which over one-quarter of its customers live below the poverty line (\$23,050/family of four).
- F5** The City’s wastewater plant will serve the city’s needs far into the future. An ironic finding is that the City maintains a lush expanse of grass at the wastewater facility at expense to the ratepayer; yet, suggests city residents remove turf at their own residences to conserve resources. There is room to debate the necessity of these types of expenses. El Centro residents and tax payer groups might want to hold their council representatives accountable for these expenses--if finding them were not so difficult.
- F6** Non-payment of bills is acknowledged by all as a significant liability to the City and one that they have no plans to address other than following the status quo. Non-payment is borne by every other rate payer when the City, by including it on the expense report, “inflates” expenses which factor in to what every rate payer can be legally charged for water/sewer. Evidence indicates that El Centro’s high level of bad debt can’t be directly linked to a failure to shut off delinquent accounts promptly--both Imperial and El Centro have an approximate 4% monthly shut off rate; yet, Imperial is far more successful in minimizing bad debt (\$4,000 in Imperial versus El Centro’s \$60,000 per year).
- F7** The City’s delinquencies can’t be linked to a lack of opportunity to pay bills. In addition to conventional payment methods, the city offers electronic methods which are more convenient, yet does not pass the resulting bank charges onto the customers who use the service.

F8 The City is generally responsive to requests for information. While there may be initial inadequacies in their communication, they appear to have an open attitude and make attempts to correct those situations.

Recommendations: The Imperial County Civil Grand Jury recommends the following:

R1 It is recommended that the City Council, in good faith, attempt to negotiate a more equitable rate with the IID.

R2 It is recommended that hereinafter, the City plans for and passes on actual costs associated with new developments, both residential and commercial, to the developers.

R3 It is also recommended that the City develop a clearer sense of their capital improvement plans for citizens seeking that information. An outline on their web site would likely be adequate.

R4 It is recommended that the City's human resources department conduct an informal survey among other cities with similar socioeconomics (including poverty levels and costs of living) to ensure that its compensation packages are in alignment with those offered by other similar cities.

R5 It is recommended that the City annually publish their water and wastewater expense reports on their website.

R6 It is recommended that the City revisit its policies for delinquencies. Policies which should be implemented include requiring a valid Social Security/Federal ID number to open an account; actually enforcing a late fee after the last day of the month; having this late fee based upon a percentage of the total bill (recommended 10%); requiring a deposit before re-establishing service on a disconnected account; using the lien process to cover expenses on foreclosed homes; increasing reconnection fees to actually match the resource expense to the city.

R7 It is recommended that the City implement a program to pass on bank fees directly to those customers who choose electronic payment options.

R8 It is recommended that City employees be admonished to make every attempt to provide citizens with public information and make every effort towards transparency including reformatting their billing statement to include the monthly maintenance fee (or at least a reference to it) in a good faith disclosure to ratepayers.

Response Required: The Imperial County Civil Grand Jury requires that the City of El Centro respond to the recommendations within ninety (90) days of the issuance of this report.

Subject of Investigation: City of Imperial Water and Wastewater Departments

Justification: The 2012-2013 Imperial County Civil Grand Jury conducted an investigation into the water and wastewater operations of the City of Imperial. The investigation was in response to appeals by citizens concerned about significant increases in water and sewer rates which began in November 2009. In completing this report the committee investigated issues specifically raised by citizens and, in doing so, uncovered other information we felt pertinent and of enough public benefit to include in this report.

Background: In July 2009, PMC of Rancho Cordova, CA, a privately owned corporation established in 1995, published a rate study commissioned by the City of Imperial. The cost to the city for the study was just over \$32,000. At the time of the study, residents were paying a water rate of \$1.56 per hcf used, a monthly \$12.49 water availability charge (a flat monthly service fee unrelated to usage) and a flat rate of \$30.40 for sewage. (hcf: hundred cubic feet or 748 gallons). The study recommended and the City implement a tiered water rate system based upon usage. Tier 1: 0-30 hcf; Tier 2: 31-35 hcf; Tier 3: in excess of 36 hcf. These tier levels will be constrained in fiscal year 2012-13 to Tier 1: 0-20 hcf; Tier 2: 20-30 hcf; and, Tier 3: in excess of 31 hcf.

The study also recommended an increase in the flat rate for wastewater plus an additional conservation surcharge for use in excess of 36 hcf (residential) and 21 hcf (commercial). Residential surcharge will be constrained in fiscal year 2012-13 to use in excess of 31 hcf.

Between the years 2009 and 2012, Tier 1 rates increased 86%; Tier 2 rates increased 104%; Tier 3 rates increased 139%. However, the monthly flat Water Availability Charge dropped from \$12.49 to \$12.00, a 4% decrease.

Findings: Operating Profitably: During Fiscal Year 2011-12, City water revenues were \$4,157,168 and water expenses were \$3,782,139; a gain of \$375,029. Wastewater revenues were \$3,021,464; wastewater expenses were \$2,586,750; a gain of \$434,714. In addition, the City reported water capacity revenues at \$168,798. An acceptable industry standard is to retain a 10% reserve to fund emergencies and replace aging capital. As such, the 10% contingency goal for the water division was not quite met; the 10% contingency for wastewater was exceeded. According to PMC, prior to the rate study only in two years, 2002 and 2005, was there a surplus of revenue over expenses with differences made up from the general fund.

The City of Imperial receives water from the Imperial Irrigation District (IID), through the Dahlia canal and New-side canal. During fiscal year 2011-12, the City of Imperial purchased the delivery of 3,887.5 acre-feet of water from the Imperial Irrigation District for a total of \$264,353. They paid the standard municipal rate of \$68 per acre-foot. One hundred acre foot equals 748,051 gallons.

The IID sells the delivery of untreated water to agriculture customers for \$20 per acre foot. If the City paid the same agricultural rate, the city would have saved \$186,802. Within the past five years, the Public Services Manager (PSM) made an appeal to the IID to reduce their municipal water rate. Their request was rejected. The City Manager and the PSM indicate that since there

have been changes to the IID board, they have considered making a renewed appeal and are hopeful that they may have more success.

A subsequent meeting was held with the Head of the Water Department of the IID and this is the information received relevant to this inquiry. The IID charges for the delivery and related costs of water to the County and all the customers within. This IID charge is based upon the rate study completed in 2009 and voted on by those within the county limits. The Water Manager stated that persons within a municipality would not have voted on this measure. A check with the Registrar of Voters for Imperial County also indicates that the vast majority of citizens with in the county were unable to vote on the Water rate increase. This one single fact shows that the power of a minority within the valley, control the rates over the majority. This is a situation that needs to be rectified and brought to the public's attention.

Water Availability Charge: The City charges a \$12.00 "Water Availability Charge". This is a monthly flat for the benefit of metered water service. It is charged to each water account every month and is not related to usage. This charge was implemented by the city under the California Water code, Section 31031 and California government code, 54984 Uniform Standby Charge Procedures Act. This fee is set by each municipality and is also covered under U.S. Government code 153A-284,160A-312 through 160A-317. This city of Imperial charge is higher than any other in the county. The City's rate sheet does show the charge, but this committee noted that it is not listed on customer's bills making it challenging for an account holder to reconcile their water bill. The city manager noted that the city's current bill, a postcard-type format, does not allow them to itemize any charges other than those already on the bill. According to Ms. Best this is the cheapest billing format; however, they are aware of the omission and should they switch to a paper format, will include notation this and any other itemizations.

Human Resources: The City employs 14 people within their Public Services Department. However, as in many smaller cities, employees from one department crossover to others to fill human resources needs. So, while the PSM concedes that you may see a Public Services employee at, for example, a Parks & Recreation event, the employee costs for those hours are billed back to the requesting department. During FY 2011-12, the water division spent \$413,497 in salaries and overtime; \$70,158 in retirement contributions; and \$40,923 in group health. The wastewater division spent \$277, 559 in salaries and overtime; \$47,292 in retirement contributions; and, \$20,751 in group health.

Economies of scale: The City maintains a seven million gallon capacity per day, three water reservoir tanks and associated distribution system. Currently the wastewater treatment plant is operating at approximately 60% capacity. As of January 2013, the City had 4,697 billable water accounts and 4,579 billable wastewater accounts. In fiscal year 2011-12 they delivered 2,908,081 gallons of water to these accounts. This is in contrast to El Centro, CA, their immediate neighbor to the south with 8,612 residential accounts and 2,433,265,119 gallons delivered to consumers. A comparison shows that El Centro charges \$.00331/gallon whereas Imperial charges between \$.00394a gallon and \$.005a gallon depending upon tier usage.

Sewer Charges: Imperial's 2011-2012 flat rate sewage charge of \$47.73 compares with El Centro's \$44.35 for a single-family residential sewage account. The monthly flat access fee charged by Imperial is \$12 compared to El Centro's flat rate charge which ranged between \$3.01

and \$3.67 (due to size of water pipe) for most single family homes. Noting the lower rates available in El Centro, the PSM points

out that Imperial does not have enough accounts (water demand) to spread costs and generate the more favorable economy of scale which a larger city such as El Centro has achieved. As Imperial is one of the fastest growing cities in the state and the PMC rate study projected a 71% increase in the number of water accounts between 2008 and 2020, considering the PSM's words and given the city's system, with its room to grow, a per gallon cost through efficiencies should result. Imperial's sewer system has a daily capacity of 2.4 million gallons and is currently running at 1.5 million gallons a day. The city does not expect to run anywhere near capacity in the near future.

Bond Debt: On March 3, 1995, the city officially purchased a municipal bond for Water system and Wastewater project improvements. The Subordinate Certificate (1995 Water System Project-Series 1995A) cost to the city was listed at \$935,000. The Subordinate Certificate (1995 Wastewater System Project-Series1995B) cost to the city was listed at \$870,000. The proceeds of these bonds were for the following.

Water System: extending the existing Water System Facilities, by constructing and installing approximately 2,000 linear feet of 27-inch raw water gravity line from Newside Canal gate 98 to the city's water plant site. The city also constructed and installed approximately 12,700 linear feet of pipe from a 2 million gallon reservoir located at Clark Road to an existing waterline located in Aten Road. This project provided water service to the Southeast quadrant of the city not served at the time by the water system.

The Wastewater System: The city extended the existing Wastewater System Facilities by constructing and installing approximately 8,000 feet of 24-inch and 18-inch inceptor sewer line, located in Clark road. The alignment of the new wastewater line began at the city's wastewater facility site and extended south of Clark Road, and provides additional sewer service to a portion of the southeast quadrant of the city not serviced before by the wastewater system. These projects were deemed necessary for an expanding community and are detailed in the adopted 1995 bond measure.

According to the city manager, the city recently refinanced the bonds to realize noteworthy savings; not enough, according to the city manager, to lower rates, but enough to purchase a piece of equipment to which fulfilled a State mandate. According to Best, there are no bond measures in the foreseeable future. That being said, the water and wastewater divisions spent \$688,681 and \$1,213,324 respectively in debt service in FY 2011-12 alone. This is a reminder that there is a cost to borrow money and that when citizens go to the polls and approve a bond issue, they may, in fact, be giving the nod to a rate increase for themselves later on.

Delinquencies: The City maintains four ways for citizens to pay their bills: conventional payments (check, cash, and money order) as well as online payments, pre-arranged electronic funds transfers, and credit card payments by phone. The city does incur bank charges for some of these services; however, at this time they do not pass them on to the customer. The city manager and the PSM admit that the City is very prompt to address delinquent accounts with late fees and shut offs (about 200 per month) to preserve the City's accounts receivable position. According to the PSM, the city has will see between \$4-5,000 in uncollectable accounts per year and does

not write-off these debts; instead, they aggressively pursue debtors using a collections agency (Valley Creditors Service). Their balance sheet shows \$18,676 in non-sufficient funds (NSF) receivables. This committee did note that dates and terms are clearly spelled out for customers. By incorporating these and other judicious policies, such as requiring a Social Security Number to open an account, the city is able to better track and manage its creditors. The PSM also noted that the City does have a policy which provides for a one-time only waiver of delinquent fees and an account holder may appeal by calling directly to the City.

State Mandates: In addition to being charged with meeting clean-water standards, the City is challenged with meeting other state mandates related to usage, notably the 2020 mandate which requires municipalities to reduce water usage by 20% by the year 2020. While good in theory, mandates usually represent expense for a city. One method cities are using to address such mandates as the electronic meter which, among other things, detects leaks before thousands of gallons are wasted. According to the PSM, approximately 90% of the Imperial's meters have been converted to such meters, putting Imperial in a proactive position relative to other Valley cities in meter conversion. The city also has irrigation system requirements for new developers to enhance water conservation efforts. However, concedes Mr. Loper, usually the best way to compel residents to conserve is through pricing. Ms. Best says the council is aware of the impacts self-imposed conservation. As water rates have increased, both Best and Loper have noted increased "brown-landscaping" (the term this committee has coined for residents letting their lawns and total landscaping die, without attempting to replace with other drought tolerant landscaping). In response to a request for an official response, the city manager stated, "The council is not happy about it, but we have to find a medium to comply with state standards." The City does post an informational page on their web site giving extensive information on ways to conserve water. They have considered including information on landscaping ideas as well.

Findings: The city is committed to providing clean and dependable water services and meeting state mandates all while controlling costs and being responsive to its customer's needs and concerns. Proposition 218 essentially ensures residents that their water/wastewater rates cannot surpass costs incurred to provide those services. Imperial has shown that it has priced to operate accordingly. While, in the past they did rely on the general fund meet expenses, continuing to do so would not be a wise decision especially in an era of state mandated conversation. Longtime residents remember times of abundant water and low rates; and, while water allotments may still stand, our state legislation has determined a course of change for which only voters, not municipalities, can dispute.

This Committee wishes to acknowledge the City of Imperial's Personal in assisting this committee with its investigation and meeting the requirements of the Public Records Act and maintaining transparency in city functions and actions that directly affect the public it serves.

The Imperial County Civil Grand Jury has found the following:

- F1** There is an inequity in how the Water Rates are voted on and the charges that are set for different consumers (Agriculture, Municipalities, etc.). Water providers must show documented proof of costs to deliver water to consumers and this committee has not been provided actual financial documents that show a specific difference in delivering water that would provide for an increase in rates to municipalities, from the rate other

consumers are charged. The rate studies provided do not show a monetary break down or specific reason for this imbalance in charge.

- F2** The city has to deal with charges from the banking institutions and therefore must acknowledge that some fees must be passed on to the consumer as a standard part of business.
- F3** The current bill that is received by the consumer does not adequately explain the charge for Water availability. A review of this fee should be completed and make appropriate reductions to this fee. This charge is the highest this committee found throughout its investigation of County Water Districts.
- F4** The tier water system is utilized to curb excess water use; it is still important that the community make sure that the properties of the residents are maintained and kept in reasonable order. A blighted residence, brings down property value and community pride.
- F5** The city finances show a contingency fund for the Water Department that is within the industry standard. This fund should be monitored and adjusted to keep the city functioning without placing additional monetary burden on the residents.
- F6** The city of Imperial has shown itself to be an entity that strives for open transparency in all of its actions and maintain an on-line availability for all citizens to check on the status of all events and situations pertaining to the city and its departments.

Recommendations: The Imperial County Civil Grand Jury recommends the following:

- R1** Attempt to renegotiate a municipal water rate with IID to a rate closer to the agricultural rate.
- R2** Implement measures to pass on bank fees associated with enhanced payment options to the customers who actually use these services.
- R3** Include Water Availability Charge fee to itemization when new bill format is adopted. Review all government and state codes regarding Water Availability charges and consider a reduction in rates that reflect the industry average pricing and assessment of fees.
- R4** Develop an official policy and take a proactive stance to enforce codes for blight created by lack of maintained lawns to require removal of dead trees and shrubbery, sprouted grass/weeds, and trash, to protect values surrounding properties. Include information on zeriscape and brown-scape on the city's website and newsletters.
- R5** Continue to use reserves and realized savings to forestall future rate increases and maintain water delivery systems and related items.
- R6** Promote the use of the city's Internet web site for access to the water rate study and any other inquires that the public may have. The City of Imperial maintains a comprehensive website at: www.cityofimperial.org.

Response required: The Imperial Civil Grand Jury requires that the City of Imperial respond to the recommendations within (90) ninety days from the issuance of this report. Please submit this official response.

Subject of Investigation:

Heber Public Utility District

Justification: “The Grand Jury’s civil powers and duties include examining the books and records of any special purpose assessing or taxing district located wholly or partly in the county and to investigate and report on the method and System of performing the duties of such district.”(Imperial County Civil Grand Jury Procedures Manual 2012 edition, and Penal Code Sections 925(a) and 933.5) It is the function of the Imperial County Civil Grand Jury (CGJ) to examine local government and the conduct of public officials. The CGJ is charged with the duty of examining conduct of county and city governments, their boards, commissions, departments, and bureaus and in reviewing the conduct of any elected official or appointed official, to assure the public of competent and ethical stewardship of the public agencies in Imperial County. It is the duty of the CGJ to think at all times in terms of the public interest. The Imperial County Civil Grand Jury investigates various agencies throughout Imperial County based on a rotating five year cycle. Heber Public Utilities District (HPUD) was added to the matrix this year, and therefore an investigation was warranted.

Background: The town of Heber is a small community uniquely situated between the two most populous cities within Imperial County, El Centro and Calexico. Heber is an unincorporated community partially serviced by the County of Imperial and other public agencies, including a school district and public utility districts. Prior to 1968, sewage was managed in Heber by use of septic tanks. The first sewage treatment plant was built in 1968 with a design capacity of 150,000 gallons per day. In 1981 a new sewage treatment plant was built which more than doubled the processing capacity of the previous plant.

Investigation: The Imperial County Civil Grand Jury (CGJ) formed a committee to visit and investigate operations at the HPUD. The CGJ investigating Committee attended a monthly meeting at the end of October to observe how business was conducted. The committee found a readily available agenda along with the monthly financial statement which included an expense sheet. The agenda items included standard meeting items: Call to Order, Roll Call, Pledge of Allegiance, Public Comments, and Consent Agenda, which were quickly completed. There was no evidence of Brown Act violations. A lengthy, but well detailed presentation was given by the waste water treatment project engineer. The CGJ toured the waste water treatment plant and the drinking water plant at the end of November.

In addition the committee also interviewed the General Manager of the HPUD in mid December. The visit with the General Manager (GM) was not very productive at first. The GM was accompanied by legal counsel. We advised them both the HPUD attorney could remain in the interview room but only the General Manager would be responding.

After the interview began the CGJ committee learned that the GM was a new hire. She had only been on the job for three weeks and did not have the time to gather and learn the information to answer all of our questions. That is why legal counsel was in attendance. It was decided by the committee to submit questions in writing and give the General Manager thirty (30) days to gather the information and documents the CGJ requested. This request was honored early as the GM gave a satisfactory response to the CGJ committee before thirty days had passed.

Raw water is supplied to Heber by the Imperial Irrigation District (IID) through a canal system. IID provides untreated water from the Central Main Canal via the Dogwood Canal. Raw water is stored in ponds until it is cleaned and chemically treated before it is pumped into storage tanks. The storage ponds are routinely cleaned by scraping, scrubbing, and power washing. They are then allowed to air dry before new water is brought into the facility. The storage ponds have the capacity to hold six (6) million gallons of water. Three storage tanks have a capacity to hold over five (5) million gallons of drinking water. The drinking water is frequently tested for impurities and contaminants.

Heber Public Utility District is nearing completion of a new addition to their waste water treatment plant. When completed the eleven million (\$11 million) dollar project will process 1.2 million gallons of waste water each day. Financing comes from State Revolving Funds (SRF) and the Environmental Protection Agency (EPA) The expansion work will include: new ESTM aerators, two concrete settling basins, secondary clarifiers, a new head works building, and an unlined 0.75 million gallon emergency overflow pond.

Construction began in November of 2011. Construction was delayed for approximately two months due to heavy rains and county permits processing. The proposed date of completion was to be in February of 2013. Completion is now scheduled for April 2013. The waste water facility encompasses 6.7 acres with areas dedicated to equipment storage. An overflow pond may be used for future expansion.

Currently wastewater sludge enters the treatment plant through sewer lines. Sludge is pumped through two sludge ditches and rapidly agitated by oxygen rotors to separate solids from water. The separated material moved to a chlorine bath where the sludge settles to the bottom. The water is treated with sodium bisulfate to remove the chlorine. After treatment the water is sent to the Alamo River and flows to the Salton Sea. A new solid waste handling building is nearly complete. The new facility will dewater the sludge in an enclosed system. The solids will be trucked to the Imperial County Landfill on Dogwood Road by two local trucking companies. Currently solids are dumped into outdoor drying beds to air dry.

Findings: The Imperial County Civil Grand Jury has found the following:

F1 Heber Public Utilities conducts open meetings in compliance with state law and follows good business practices.

F2 HPUD water treatment employees and waste water workers were helpful on the tour and open and helpful in answering CGJ committee questions.

F3 HPUD has developed and completed a modern waste water facility.

F4 The General Manager of HPUD quickly responded to the CGJ committee request for information and documents.

Recommendations: The Imperial County Civil Grand Jury recommends the following:

R1 Heber Public Utilities District should continue the good business practices it has demonstrated throughout this investigation.

R2 The rank and file employees who the CGJ Committee met while on tour of the HPUD facilities should be recognized for their efforts.

R3 The HPUD should take pride in their new waste water treatment plant.

R4 The General Manager should be congratulated for getting up to speed so quickly and providing the information requested by the CGJ committee.

Response required: No response is required as Heber Public Utility District provided satisfactory answers and documentation in a prompt, professional fashion.

Subject of Investigation:

Imperial County Airport

Justification: The 2012-2013 Imperial County Civil Grand Jury conducted an investigation into the Imperial County Airport on a periodic basis and due to interest from the public regarding recent changes.

Background: The Imperial County Airport is located next to State Highway 86 in the southern section of the City of Imperial. It is a publicly owned airport with commercial airline providing passenger service to San Diego. Previously, service was provided by another carrier that flew to Los Angeles. Commercial carriers such as FED-EX and United Parcel Services also operate out of the airport as well as a local crop-dusting service. According to the Federal Aviation Administration (FAA) records, there are four operational run ways at the airport and currently there are forty-seven (47) aircraft based there. There are also four (4) helicopters based at the field. According to FAA information, there are approximately two thousand and eighty scheduled aircraft operations per year at the airport. The military and visiting militaries (British) also utilize the airfield, accounting for seventeen percent (17%) of the traffic. The Airport is currently overseen by the County Executive Officer and has an (Acting {A}) Airport Manager, an Airport finance person and a county Maintenance person assigned to the Airport.

The Civil Grand Jury interviewed the Acting Airport Manager and the County Executive Officer in regards to this inquiry.

Findings: The Imperial County Civil Grand Jury has found the following:

During the Investigations, the committee utilized the previous investigation from 2008 as a reference for comparison as well as issues that are currently before the public.

- F1** The Second floor of the Airport was previously not in compliance with the American Disabilities Act (ADA) requirements for persons with a handicap. As of our inspection in March 2013, the Facility was now in compliance and has a new elevator to the second floor. The second floor of the main terminal is now open and available to any prospective persons or company wishing to lease this area. This area has not been utilized since approximately 1995. The Airport has a website for the public to view and get information relative to the airport.
- F2** In the previous report (2008), the runways were listed in poor condition. Currently the runways are in good condition. The run ways were evaluated by a contractor, C&H Engineering, in December 2011 and given a rating of 83%. The (A) Airport Manager stated to the committee that the FAA deems a runway to be in good operational standard if it is above the eighty percentile (80%). If the condition falls below the seventy percentile (70%), then repairs will need to be made. During this inspection, it was noted by the committee that there were some issue of unkempt and unmaintained grounds on the west side of the property near the Fire Department, with abandoned buildings and debris that may be a problem in the future.

- F3** The Airport rents Hangar space to the public for aviation related needs. There is a current waiting list of thirteen (13) requests for a hangar. Previously, the hangars were not all being utilized for aviation purposes and had a waiting list of twenty eight (28). This has been corrected and all hangars now are utilized for aviation uses only, according to the (A) Airport Manager.
- F4** The Airport collects fees and lease/rental agreement for office space, hangar space, outdoor hangars and leased property as well as receiving federal grants that are based on passenger usage at this facility. The Airport has an Adopted budget of \$566,557.00 for the fiscal year 2012-2013. The Airport is currently exceeding their budget by \$57, 367.65, at the time of this investigation. The final figure will not be available until the end of the fiscal year in June of 2013.
- F5** The Airport will have a new Passenger Airline (SeaPort Airlines) servicing the County for the next two years. The Previous Carrier (Sky West) lost the contract with the Department of Transportation due to Seaport's lower bid and no negative input from the community at the time of the bid process. It has come to this committee's attention that the general public favored the flight service to Los Angeles as provided by Sky West rather than the new service to San Diego. During this investigation, record obtained showed no preference for any route by any group, council or city government. Records provided by the County and the Department of Transportation indicate that the Choice of carrier was due to financial reasons. As of this April, Sea Port has agreed to add flights to Burbank Airport at no additional cost. This has been agreed upon by the FAA/DOT, per the agreed contract

Recommendations: The Imperial County Civil Grand Jury recommends the following:

- R1** The County and the Airport should aggressively pursue a tenant for the newly renovated space available on the second floor of the Airport terminal and seek income for the Airport budget. The County should update and maintain the airport website.
- R2** The County should do a clean-up of the west side of the Airport property and maintain a vigil on the run ways condition.
- R3** No recommendation as the airport has effectively utilized the hangar space.
- R4** The Airport should do an assessment on the rental and lease agreements that are currently in place and adjust the fees accordingly (Compare to other rural airports) if necessary.
- R5** The County should make every effort to notify the citizens of the Imperial County prior to the next Airport carrier contract in two years, so that the public may have a chance to voice their opinion in regards to this issue.

In Conclusion: It is the opinion of this committee that the County Airport has made great improvements over the last four to five years. The County has streamlined the management and maintenance of the facility and corrected numerous issues at the airport.

Response required: A written response is required within 90 days of publication of this report.

Subject of Investigation:

Niland Fire District Board

Justification: The 2012-2013 Imperial County Civil Grand Jury conducted an investigation into the Niland Special District, specifically the Niland Fire District Board (NFDB). The investigation was in response to appeals by citizens concerned about the previous Fire Chief and previous Fire Personal, the actions by the current Board of Directors, and turning over control of the Niland Fire Department to the County of Imperial. In completing this report, the committee investigated issues specifically raised by citizens. The Civil Grand Jury uncovered other information we felt pertinent, and of enough public benefit, to include in this report. Some information was forwarded to the Imperial County District Attorney's Office for possible legal action.

Background: The State of California certified the existence of the Niland Fire District (NFD) on March 10, 1958. This was in support of the resolution adopted by the Imperial County Board of Supervisors on August 15, 1949. They established its formation and appointed a Board of Fire Commissioners. The Board meets on the second Wednesday each month. The NFD Board is comprised of five (5) elected members. They have a hired contract Secretary. The NFD has board elections every other odd year. There is a rotation of three positions one election, and two positions the following odd year in perpetuity. The actions of the board are covered by the Brown Act and the Public Information Act. They should act in the best interests of the residents within this district and all entities involved with the operations of the District.

The NFD provides services to a community of approximately 1,200 citizens in the Niland area. The District is funded mainly through the special assessments on properties within its boundaries. The fees collected total approximately \$248,000. This revenue is placed into the Fire District fund. A recent review of operational costs, completed by the County, shows a requirement of \$370,000 to conduct yearly services. This lack of funds results in a shortage of \$112,000. Niland Fire District has the capacity to generate additional revenue from current and future development.

This committee was unable to discern the true financial situation of NFD due to the Boards refusal to turn over requested documentation. The Board President and Secretary demonstrated a lack of knowledge and professionalism in handling the assets of the NFD. The Board uses the County to manage its financial accounting, yet has bank accounts separate from this system. The NFD Board refuses to divulge these holdings or debts to the Grand Jury as requested during this investigation. The committee uncovered two separate loans between the Sanitation Department and Fire Department.

At the beginning of 2012, the Imperial County completed a study that shows this Special District has not kept its Fire Department up to industry standards. It is not properly and legally equipped to service the citizens of the District. The County is currently handling all fire related services for NFD at a loss to the other communities of Imperial County.

The relationship between the previous Fire Chief and the NFD Board will not be addressed in this committee report but is being handled through other legal remedies. The issue of the termination of the Fire Department Firefighters was handled appropriately after the County

intervened. One former employee took the opportunity provided by the County. He was retrained, certified, and is currently employed by the Imperial County Fire Department. The other released individuals, did not take the opportunity offered, and is no longer a subject of this inquiry.

The Civil Grand Jury found that there are potentially serious problems and conflicts of interest with the NFD Board and the operations of the NFD. The NFD Board gave away NFD property to a former employee. This property had sensitive Board information on it. The NFD Board has allowed operation of this district with no accountability for the past few years. There has been no fiscal audit conducted since June 2010. Once the NFD Board became aware of this investigation they hired a company from outside the County to complete a full audit beginning January 2013. A prior attempt to have an audit conducted by a local firm was refused, due to the state of the NFD and NFD Board situation, as noted by the local accounting firm.

This committee attended numerous board meetings over several months in response to the complaints from citizens about violations of the Brown Act and the Public Information Act. This Civil Grand Jury found the NFD Board attempted to handle its meetings in a fashion this committee considers dysfunctional. The NFD Board runs its meetings with little to no proper decorum and does not follow procedures. Under oath members NFD Board stated that there are no job descriptions and responsibilities for the individual Board members to follow. The Board members are not clearly identifiable to the public. Suggestions on how to improve these meetings are being considered or implemented. No serious violation of the Brown Act was noted.

In regards to the alleged violations of the Public Information Act, this committee finds that there have been numerous violations over the last ten (10) months. This committee has both heard and seen these violations first hand. One example is that NFD Board members stated under oath they charge twice the industry standard for paper copies to the public.

This committee has learned through interviews with Imperial County Fire Officials and Imperial County Supervisors that the County of Imperial is in the process of a complete takeover of the Niland Fire Department and all of its related duties. The County would assume complete responsibility for the services in this Special District creating a burden to citizens of other parts of the county. One public official stated that this process already took place in the communities of Ocotillo, Seeley and Heber.

The investigation committee learned that the cost of responding to State owned property, known as The Slabs, is a huge financial burden on Niland Fire District. Seventy (70) percent of operational cost to the Fire Department and related medical costs come from responding to calls from this area. It is the opinion of all parties interviewed that the responsibility for this area should rest with the State of California since The Slabs are State land. In a meeting with the Shaffer Gold Cross Ambulance service that responds to this area, it was determined that the individuals requiring the services are billed personally or through their insurance. Therefore, this liability should not be placed on this Districts tax payers or the County of Imperial.

A detailed letter addressed to the District Attorney's Office has been drafted by the Civil Grand Jury and submitted for review and possible investigation into the alleged violations and misconduct by the Niland Fire District Board of Directors.

There appears to be two options that this community and the County must consider: (1) A complete and total restructuring of the Niland Fire District Board and all related operations by the Fire Department be conducted, or (2) The County of Imperial, through the Board of Supervisors, take over the operations of Niland Fire District and assume all financial responsibility in doing so.

Findings: The Imperial County Civil Grand Jury has found the following:

- F1** This committee finds that the current NFD Board is inadequately handling the financial situation of this Special District. There are numerous failures to keep the public trust and handle public finances properly. It wastes its finances in how it operates. In a meeting with the County Finance Department it was determined that NFD Board did not follow fiscal recommendations to eliminate waste.
- F2** Niland Fire District is not currently operating the fire department and has needed the County to take over its failed department since January, 2012.
- F3** The public was not made fully aware of the two loans between departments. This intermingling of funds should have been disclosed immediately to the public. District Counsel should have been involved in rectifying any legal and financial issues. The current NFD Board stated under oath this was not done.
- F4** Poorly maintained records illustrate the need of professional assistance. It is impossible to adequately assess this situation without a forensic accounting of all its documents. The NFD Board failed on numerous occasions to provide documents about property and finances as requested by this committee. This committee never received a complete financial accounting of funds under NFD Board control.
- F5** An accurate inventory of all Fire Department equipment and assets, past and present, is lacking. This investigation has uncovered a breach of security and asset protection. The NFD Board has little organization and control over its inventory and records. The board does not maintain proper storage of legal documents. The representatives of the board stated in recorded testimony that documents and inventory have been shifted from the Niland Fire Department building to storage. From storage to another location without any record of where all district property is at this time. Some property and records may be at NFD Board member homes or businesses.
- F6** The NFD Board states that the area to the east of the city, known as Slab City, is a financial burden on the Niland Fire District. It was determined that this area is State land. The NFD Board has never made any attempt to contact the State of California regarding this situation.

Recommendations: The Imperial County Civil Grand Jury recommends the following:

- R1** The Niland Fire District should adopt and adhere to Imperial County Finance Department recommendations in regard to payroll and electronic banking options. Aggressively pursue all avenues of cost cutting.
- R2** The Niland Fire District Board should disband and turn over all operations of the Niland Fire District to the County of Imperial. The County would then take over the collection of assessments from property owners for emergency fire services provided. This would reduce the fiscal impact on the rest of the county.
- R3** The Niland Fire District should disclose to the residents of Niland in a newsletter the existence of loans that were made between Departments. The NFD should also clearly state that these loans were not done in accordance with proper fiscal procedures.
- F4** The Niland Fire District should conduct an internal document and records review to compile and securely store all records of the District. This should include the establishment of proper records storage and inventory procedures.
- F5** The Niland Fire District should complete an accurate inventory of all District assets, property and equipment.
- F6** The Niland Fire District should engage California State officials in a dialogue regarding reimbursement for expenses incurred by the District for emergency services provided in The Slabs. Because the NFD bears the burden of providing safety and security services on State lands local officials and representatives could assist in recovery of some of these costs.

Response Required: Niland Fire District is required to respond to the Imperial County Civil Grand Jury within ninety (90) days.

Subject of Investigation

**Complaint against Salton Community
Service District (SCSD)**

Justification: The Civil Grand Jury (CGJ) is authorized to investigate complaints against public agencies within Imperial County per California state law. As a Special District, the Salton Community Services District (SCSD) is among these agencies.

Background: The Salton Community Services District was originally formed as Desert Shores Community Services District and then all of the area south was annexed in 1957; the name was changed to Salton, as that area was being subdivided into 98 individual tracts.

The original Charter Articles allowed were items A through H of Government Code Section 6100 of the State of California. Some of those articles were never used and became latent under Senate Bill 135 in Code Section 560-36 ET. Seq. However, on October 27, 2005, the Local Agency Formation Commission (LAFCO) of Imperial County adopted a Resolution providing Salton Community Services the following seven (7) services, within 61100 of the revised act:

1. Collect, treat, or dispose of sewage.
2. Collect, transfer and dispose of solid waste.
3. Provide Fire protection.
4. Acquire, construct recreation facilities.
5. Organize, promote community recreation.
6. Acquire, construct, and improve lighting and landscaping.
7. Provide emergency medical services.

The Salton Community Services District has five (5) elected Directors that serve a staggered four-year term. They hire a general manager, who is in charge of the day-to-day operations of the district

Investigation: The CGJ received several complaints against SCSD board members alleging: 1. Violation of the Brown Act. 2. Misappropriation of public funds. 3. Improper firing of the General Manager. 4. SCSD board members given away public property (an anchor). 5. The Donation of a fire engine to the SCSD Fire Department. 6. SCSD board members not following SCSD policies and bylaws.

The CGJ formed a committee to investigate the complaints. The committee attended a SCSD regular meeting. The committee interviewed one of the complainants. The committee requested several documents, including: copies of the board minutes from all meetings held in 2012, the budget report and, profit and loss pages for 2012, and bill of sale for the anchor and a receipt for the deposit of funds from that sale, and a lease agreement or purchase order for a fire

truck/engine purchased from the County of Imperial. During this investigation the CGJ was given copies of letters sent to the Imperial County District Attorney's office which included the same complaints previously submitted to the CGJ. One additional item was listed: allegations that the SCSD board members were in criminal violation of the California Code 54959.

Findings: The Imperial County Civil Grand Jury has found the following:

F1 In the allegation of violation of the Brown act, the CGJ was informed that three SCSD board members met at a local bar to discuss and propose the firing of the SCSD General Manager. Some people in the community believe the decision to fire the General Manager was made outside a closed session of a regular SCSD board meeting.

F2 In the allegation of misappropriation of public funds the complaint states that monies were taken from the sewer maintenance fund to pay for the severance package of the General Manger. The payment would cover vacation time and sick leave. The complaint states that the payment for the General Manager should been drawn from the general funds account. At the August 21, 2012 regular meeting the SCSD board voted to repay the sewer maintenance fund for money used to pay the General Manager's severance payment. The repayment would be in two installments per year until paid in full. The payments include a charge of one half of the usual administration fee of 25% for the unpaid balance.

F3 In the allegation of improper discharge of the General Manager, a copy of this complaint was also sent to the Imperial County District Attorney's office alleging that the SCSD board members were in criminal violation of California Government code 54949.

F4 In the allegation that SCSD board members gave away public property, the CGJ committee received conflicting information. One statement referred to the anchor, which was moved from the SCSD office area to be placed in front of a restaurant, as being sold for scrap metal. Another statement by a former General Manager requested that the anchor be hauled away. Another statement was that the anchor was sold to U.S. Metals for \$3000.00, and the money was delivered to the fire station and placed in a safe box. No one can account for the money from the sale of the anchor. The current General Manager states that the anchor was not sold and has been returned to the SCSD office property.

F5 In the allegation that the SCSD gave away a fire truck/engine, the CGJ committee did not receive a response to a request for documentation of a lease agreement or purchase agreement for the fire engine acquired from the County of Imperial. The new General Manager stated that they did not purchase a fire truck/engine from Imperial County.

F6 In the allegation that SCSD board members were not following the SCSD policies and bylaws without a General Manager in place and were running the day to day operation of SCSD. This was in reference to the decisions made at the board meeting of August 21, 2012.

Recommendations:

- R1** No recommendation as the CGJ finds this allegation to be hearsay.
- R2** No recommendation as the SCSD has taken steps to repay the sewer maintenance fund. The SCSD board members may avoid future misunderstandings of their actions by being more cognizant of their actions and be more specific about how the manage various funds under the SCSD control.
- R3** No recommendation as the Imperial County District Attorney's office has been given this complaint.
- R4** No recommendation as the Imperial County District Attorney's office has been given this complaint.
- R5** The CGJ requests additional information and documentation from the SCSD outlining the acquisition and disposition of the fire truck/engine in question.
- R6** No recommendation is made as the CGJ did not find any violation of SCSD policies or bylaws during this investigation.

Response required: The Imperial Civil Grand Jury requires that the City of Imperial respond to the recommendations within (90) ninety days from the issuance of this report. Please submit this official response.

Appendix A – Attachments to Heber Utility District Reports:







Appendix B – Responses to The Imperial Civil Grand Jury Final Report listed in order by the year generated:

Heffenan Memorial Healthcare District Response to the 2009-2010 Imperial County Civil Grand Jury Final Report.

Calexico Unified School District Response to the 2010-2011 Imperial County Civil Grand Jury Final Report.

Imperial County Department of Child Support Services Response to the 2011-2012 Imperial County Civil Grand Jury Final Report.

Imperial County Department of Child Support Services Additional Response to the 2011-2012 Imperial County Civil Grand Jury Final Report.

Brawley Elementary School District Response to the 2011-2012 Imperial County Civil Grand Jury Final Report.

Seely County Water District Response to the 2011-2012 Imperial County Civil Grand Jury Final Report.

County of Imperial County Probation Department, Juvenile Hall Response to the 2011-2012 Imperial County Civil Grand Jury Final Report.

County of Imperial, County Executive Office, Imperial County Airport Response to the 2012-2013 Imperial County Civil Grand Jury Final Report.

Imperial County Sheriff's Office, Imperial County Jail Response to the 2012-2013 Imperial County Civil Grand Jury Final Report.

Heffenan Memorial Healthcare District Response to the
2011-2012 Imperial County Civil Grand Jury Final Report.







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Calexico Unified School District Response to the 2010-2011
Imperial County Civil
Final Report.







Imperial County Department of Child Support Services
Response to the 2011-2012
Imperial County Civil Grand Jury Final Report.















Imperial County Department of Child Support Services
Additional Response to the
2011-2012 Imperial County Civil Grand Jury Final Report.



Brawley Elementary School District Response to the 2011-2012
Imperial County Civil Grand Jury Final Report.



Seeley County Water District Response to the 2011-2012
Imperial County Civil Grand
Jury Final Report.









County of Imperial Probation Department, Juvenile Hall
Response to the 2011-2012
Imperial County Civil Grand Jury Final Report.





County of Imperial, County Executive Office, Imperial County
Airport Response
to the 2012-2013 Imperial County Civil Grand Jury Final
Report.



Imperial County Sheriff's Office - Imperial County Jail
Response to the 2012-2013
Imperial County Civil Grand Jury Final Report











Transportation Vehicle Picture #4







