

The 2010-2011 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

June 6, 2011

The Honorable Christopher Yeager
County of Imperial Superior Court
939 West Main Street
El Centro, Ca 92244

Citizen of Imperial County

Dear Judge Yeager and Citizens of The Imperial County.

On behalf of the 2010-2011 Imperial County Grand Jury and in accordance with California Penal Code Section 933, it is my privilege to submit our Final Report to the Court and the Citizens of Imperial County.

The Grand Jury of 2010-2011 was a group of 19 individuals who brought their skills and experience and as a team dedicated numerous time and effort to make this final report after numerous studies and meetings.

On behalf of the 2010-2011 Grand Jury I would like to acknowledge the outstanding advice and guidance throughout the year from our advisor Judge Yeager, and our legal consultant, County Counsel Michael Rood.

We would also like to extend our appreciation to the Jury Commissioner's Office and to the many county employees who supported our efforts.

On a personal note I would like to thank all of my fellow Grand Jury members for the teamwork and dedication shown in the past year. It has been a privilege to serve with you and to serve the citizens of the Imperial County as a member of the Grand Jury.

Sincerely

Kelly Gould
Foreperson 2010-2011



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 2010-2011 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 2010-2011 Civil Grand Jury reflects the following representation of our community:

By Supervisorial District

District 1 = 3, District 2 = 9, District 3 = 7, District 4 = 3 District 5 = 3

Gender

Males = 14, Females = 11

Age

(18-25) = 2, (26-34) = 2, (35-44) = 1, (45-54) = 6, (55-64) = 8, (65-74) = 6, (75 & over) = 0,
Not Available = 0

Race/Ethnicity

American Indian = 1 Asian American = 0, African American = 0, Hispanic = 10, Native Hawaiian = 0, White = 14, Not Available = 0

Again, many thanks to each member of the 2010-2011 Civil Grand Jury for their civic duty and for making a difference.

Sincerely yours,

Christopher W. Yeager
Presiding Judge

Kristine S. Kussman
Court Executive Officer
Jury Commissioner

Michael L. Rood
County Counsel

The 2010-2011 Civil Grand Jury Support Staff



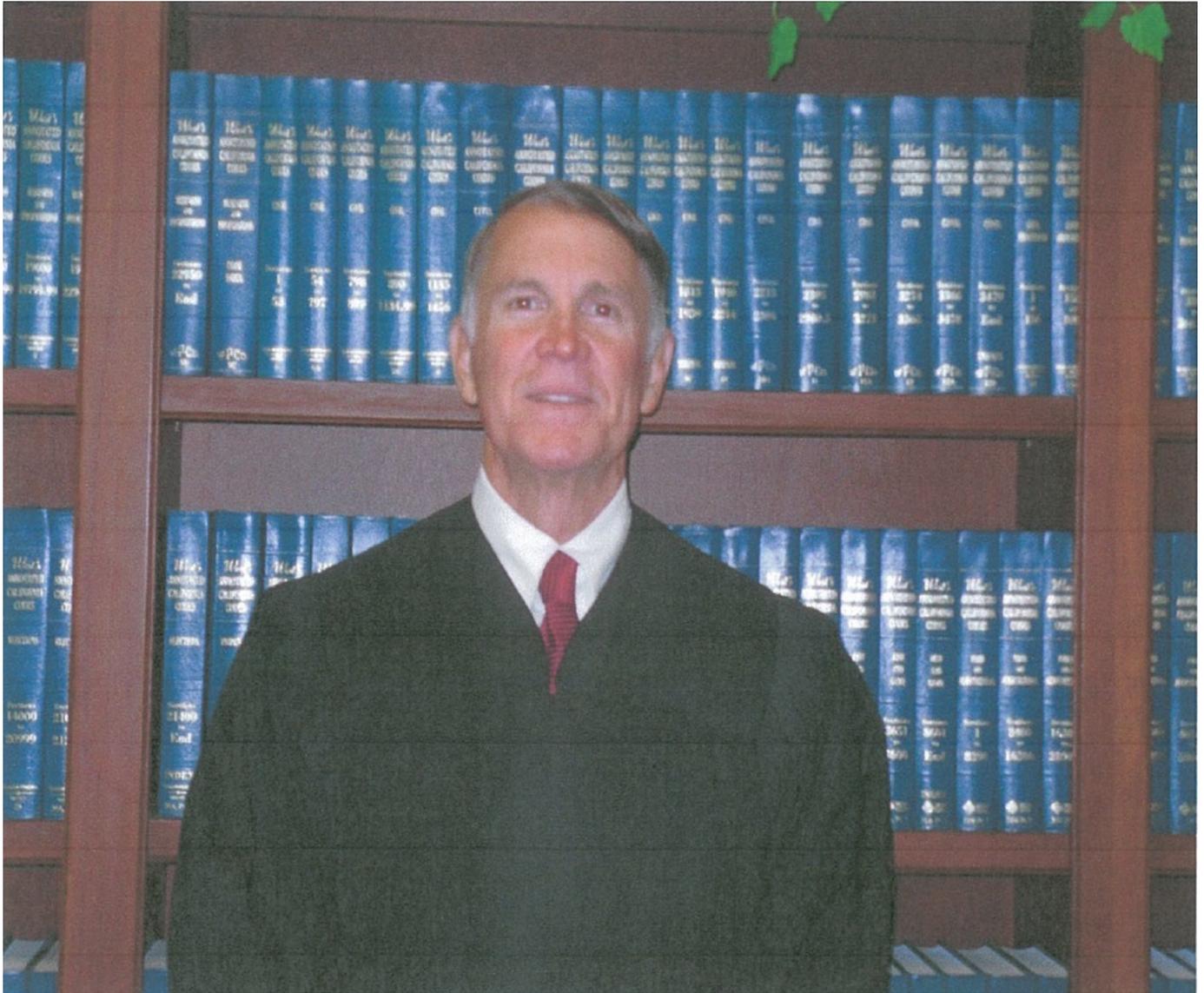
Estela Muñoz

Jennifer Bolin

Analisa Cortez



Michael L. Rood
County Counsel



**Honorable Christopher W. Yeager
Presiding Judge**

Imperial County Civil Grand Jury Members – 2010-2011



Harold Dean Carter

Carolina Cortés-Ramirez

Alfonso De Los Cobos

Weldon Ivan Driskill

Patricia L. Dunnam

Rachael Denaye Ekins

Charles R. Fisher

Victor F. Gonzalez

Kelly Gould

Linda Rose Holbrook

Joseph Andrew Larsen

Sarah Louise Meek

Patricia Meyer

Larry Ray Osa

Gill V. Rapoza

Nancy M. Rebik

Michael Joseph Sangi

Bertha Uriarte

Mary Ellen Valladolid-Espinoza

Harold Carter not shown

California Penal Code Section 933.05
Covering the Civil Grand Jury

(a) For purposes of subdivision (b) of Section 933, as to each grand jury finding, the responding person or entity shall indicate one of the following:

(1) The respondent agrees with the finding.

(2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.

(b) For purposes of subdivision (b) of Section 933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:

(1) The recommendation has been implemented, with a summary regarding the implemented action.

(2) The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.

(3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.

(4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.

(c) However, if a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the board of supervisors shall respond if requested by the grand jury, but the response of the board of supervisors shall address only those budgetary or personnel matters over which it has some decision making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.

(d) A grand jury may request a subject person or entity to come before the grand jury for the purpose of reading and discussing the findings of the grand jury report that relates to that person or entity in order to verify the accuracy of the findings prior to their release.

(e) During an investigation, the grand jury shall meet with the subject of that investigation regarding the investigation, unless the court, either on its own determination or upon request of the foreperson of the grand jury, determines that such a meeting would be detrimental.

(f) A grand jury shall provide to the affected agency a copy of the portion of the grand jury report relating to that person or entity two working days prior to its public release and after the approval of the presiding judge. No officer, agency, department, or governing body of a public agency shall disclose any contents of the report prior to the public release of the final report.

The 2010-2011 Imperial County Civil Grand Jury Overview

Purpose

The 2010-2011 Imperial County Civil Grand Jury members were drawn from varied places, and walks of life within the county with the combined purpose of service 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 an 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 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 a precursor to what eventually became the modern grand jury system. Most states do not have both a civil and a criminal grand jury, with California being among 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 2010-2011 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, who are selected by the presiding judge. Other officers, who were chosen by the members, included secretary, treasurer, sergeant-at-arms, and a chairperson for each committee. During the course of the term, members were broken into several committees and may have served on several different ones. Jurors normally met as often as twice a month for general meetings, and in some cases up to several times in a week for some committees, depending on the scheduled meetings and work needed to be done. No less than twelve (12) members of the Grand Jury approved all investigations, reports, as well as findings and recommendations. All reports are completed and published no later than June 30 of the Grand Jury term. The final reports are published at: <http://www.imperial.courts.ca.gov/>

Confidentiality

All jury meetings, discussions, decisions, 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.

Table of Contents

2010-2011 Final Report

Investigation	Page
Imperial County Jail	11
Imperial County Juvenal Hall	12
Centinela State Prison	14
Calipatria State Prison	15
Betty Jo McNeece Receiving Home	18
Westmorland Police Department	20
El Centro Regional Medical Center	22
Imperial Irrigation District (follow up from previous Grand Jury)	23
Calexico Unified School District (follow up from previous Grand Jury)	25
Calexico Unified School District / Measure J Complaint	26
Lack of Parking for County Employees Complaint	27
Country Club Sewer Maintenance District Complaint	29
Appendix A – Attachments to Country Club Sewer Maintenance District Complaint	31
Appendix B – Responses to 2009-2010 Civil Grand Jury Final Report	70

Subject of Investigation:

Imperial County Jail (ICJ)

Justification: California State Law mandates that the Civil Grand Jury 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). Approximately one hundred (100) staff members 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 early 1960's. The HHCC houses up to 324 male inmates in a dormitory style jail setting, and houses sentenced and non-sentenced inmates, inmate workers, and federal inmates. The Regional Adult Detention Facility (RADF) was constructed in the late 1970's. The RADF houses up to 298 inmates, both male and female. The RADF inmates are housed in cells alone or with another inmate.

Findings: A committee of the Civil Grand Jury inspected the jail using a checklist recommended by previous Civil Grand Juries, as well as additional information requested by the committee. 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, key and tool control, inmate treatment, and staff morale. The committee toured all areas in both portions of the jail facilities.

The tour was led by two higher ranking jail staff members who encouraged questions and were open in their own 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 spoke Spanish, a desirable skill for communicating with many inmates having difficulty with English. The committee members spoke to several inmates during the tour, including inmate workers and inmates in their housing units. None voiced any complaints or concerns, and the food at the facility was spoken of in good terms. The inmate count was exactly 500 on the day of the tour.

The committee members were shown a recently renovated closed circuit camera and monitoring system. Also during the tour there was a narcotics dog on duty which had made a drug find. It was observed that inmate visits are done behind glass partition, making the introduction of contraband more difficult. These security measures should go a long way to enhance overall jail security.

All food is prepared in a central kitchen location, and delivered to the individual housing units. The kitchen area was clean and inmate workers as well as staff were observed to have on proper gloves and hair nets for sanitation. The food served is evaluated by a dietitian/nutritionist.

There are medical staff members on duty 24 hours a day to treat inmate illnesses and injuries, plus medical isolation units for inmates with specific medical maladies.

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

Recommendations: None

Response Required: No response is required

Subject of Investigation:
(ICJH)

Imperial County Juvenile Hall

Date of Investigation: September 8, 2010

Justification: The Civil Grand Jury is authorized to investigate annually the Imperial County Juvenile Hall.

Background: The ICJH operates under the regulations of the California Standards Authority. Juvenile Hall detention facilities are located directly behind the main building of the Imperial County Probation Department, which administers the Juvenile Division and employs a Chief Deputy to oversee the Juvenile Hall and its staff. The average population is 25. Capacity is 72 with 32 beds in the front half and 40 beds in the back.

The committee met with the Facility Manager. Most of the staff have been at ICJH more than 7 years. Turnover is minimal and the staff seem to get along and respect each other. There is a new chief who has made many changes in procedure based on “evidence based practice.” The staff are receiving extra training, which has made these changes easier to accept.

Safety of both the minors and the staff is a prime concern. Use of pepper spray has reduced fights from 40 to 8-10 a year. Staff injuries have been reduced by 80%. Minor’s uniforms are color coded to indicate the sex and dorm of each minor.

- Blue Uniform – General population
- Red Uniform – High risk
- Yellow Uniform – The minor has asthma or other medical problem and pepper spray should be used with caution.
- Green Uniform – New admission
- Orange Uniform – Female

ICJH and Betty Jo McNeece Receiving Home (BJMRH) share one nurse. A physician’s assistant is in the facility two times a week. Each Minor completes a medical questionnaire on admission and is given a complete physical as soon as practical after admission. Any minor suspected of substance abuse or having an illness or injury must be cleared at a local hospital by the admitting officer before they are allowed in the facility.

Meals are prepared in the old California Youth Authority building and delivered to the facility. This same kitchen provides the meals for the BJMRH.

There are two school rooms and an outside exercise area. Supervised exercise is provided every morning between breakfast and school.

The ICJH Committee wondered why the front part of the facility, with a broken surveillance system, was used to house the minors rather than the newer and better equipped back part of the facility since the facility was running slightly below half capacity.

When asked why the facility was not full, we were told that the current Juvenile Court Judge does not refer as many minors to the facility as had been done in the past.

Findings:

- F1 The surveillance panel in the front area is still broken as was reported by the 2009/2010 Grand Jury. However, \$95,000 has been budgeted and approved for replacement. This should be completed this year.
- F2 The modesty panels noted to be missing in the 2009/2010 Grand Jury report have been repaired or replaced.
- F3 Juvenile Hall was clean, but somewhat shabby.
- F4 Books were used to prop doors open in the back part of the facility.

Recommendation:

- R1 Follow up to be sure the surveillance panel is repaired. The ICJH Committee suggests that the population would be better served by using the back part of the facility where surveillance is functioning.
- R2 No recommendation regarding modesty panels. Work has been completed.
- R3 We felt that a little paint and counter top repair would make a much better appearance. Ceilings also needed painting.
- R4 The ICJH Committee suggests that door stoppers be used to hold doors open and books be put back on the shelves.

Response Required: A response is required of the ICJH within 90 days of the publication date of this report.

Subject of Investigation:

Centinela State Prison (CEN)

Date of Investigation: September 7, 2010

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

Background: California State Prison is operated by the California Department of Corrections and Rehabilitation. CEN is a Level III / Level IV Institution.

Findings:

- F1 CEN entrance gate is unmanned.
- F2 Infiltration of drugs and other contraband into CEN.
- F3 Resident contact procedures when inmates escape from CEN.
- F4 Correctional Staff working outside in the elements.

Recommendations:

- R1 The Warden needs to find a way to place a correctional officer at the front gate. By placing someone there it will send a clear cut message that all rules and regulation are strictly enforced. (Due to state budget cuts, the entrance gate has been unmanned for about two months.)
- R2 The Department of Correction and Rehabilitation needs to find funding so the warden at CEN could pursue the necessary avenues to obtain a couple of canine units. With these units placed at various locations throughout the prison it will help with stopping the drugs and contraband from entering CEN.
- R3 The Public Information Officer has a yearly town hall type meeting with residents and communities that are bordering CEN so the contact list could be kept current (This list is used to notify residents that an inmate has escaped). CEN needs to continue checking with the County of Imperial 911 calling system so when 911 reverse calling becomes available it can be implemented if there is an escape.
- R4 The Risk Management Division of CEN needs to provide the necessary safety items to the correctional officers that are required to work out in the yard during the extreme temperatures. They are not limited to, but should include a cool snake, a cool hat pad, as well as a cool zone in the yard, or adding a mister system along exterior wall of buildings that border the exercise yard.

Conclusion: The above findings were observed during our visit on September 7, 2010. We, the Civil Grand Jury feel that if the above items are addressed it would likely send a message to everyone that CEN cares. There appears to be a very good rapport between the staff at CEN. During our tour, both Lieutenant Richard Dubbe II and Chief Deputy Warden, Daniel Paramo greeted everyone by name; with an Institution this large it is nice to see the staff take the time to acknowledge each other.

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

Subject of Investigation:

Calipatria State Prison (CAL)

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

Background: CAL is operated by the California Department of Corrections and Rehabilitation. Construction was completed on CAL in late 1991, and the prison began receiving inmates in January 1992.

Approximately eleven-hundred (1,100) staff members work at the prison, with about 720 who are peace officers. The prison was designed for 2,208 inmates, custody Levels Four (highest) and One (lowest). The greatest number of inmates are Level Four, housed in cells with another inmate or alone, and Level One housed in dormitories. Calipatria is a designated Immigration and Naturalization Service (INS) prison for inmates who are to be deported at the conclusion of their prison sentences. Calipatria is also a designated prison for inmates needing to be housed on a Sensitive Needs Yard (SNY), and not housed with the General Population (GP) inmates.

Findings: A committee of the Civil Grand Jury 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 committee of jurors assigned to this visit toured all areas of the prison. CAL had approximately 4,250 inmates assigned there at the time of the tour, about double the original housing plan, a situation common among most California prisons.

➤ **Tour:**

The tour was led by an experienced supervisory staff member and partly by two administrators. The tour was preceded by a general meeting, and a question and answer period, with the warden and other administrative staff members. Committee members spoke to staff members of all ranks, and to several inmates. It was observed that some members of the staff spoke Spanish, which was helpful in communicating with some of the inmates. Two housing units hold INS inmates who speak mostly Spanish.

➤ **Food Preparation/Service:**

All food is prepared in the Central Kitchen and quick chilled for later service to the individual facility kitchens for reheating and service. The committee found the facility kitchen visited somewhat worn, but very serviceable and clean. Staff and inmates were observed to have on proper gloves and hair nets for sanitation purposes. Some inmates with religious or medical needs had special diets related to their specific situations. The food served is evaluated by a dietitian/nutritionist. Inmates are provided with two hot meals a day plus a bag lunch. In addition, inmates were observed purchasing additional food (and other) items on a facility canteen.

➤ **Training:**

All staff are given formal annual In Service Training (IST), with custody receiving at least 40 hours in addition to the initial academy 16 week course mandated by the department to become Correctional Peace Officers. Staff additionally receive many hours of On the Job Training (OJT) each year, with custody staff also training for specialized incident response in case of emergency situations. Some of the specialized training includes First Aid/CPR, dealing with inmates with learning or mental health disabilities, and hazmat awareness. With very few exceptions all IST is done on grounds and by staff assigned to CAL.

➤ **Security:**

CAL has very good overall security measures in place. Escape prevention includes armed towers, an electrified fence, and it was observed that identifications were checked constantly as committee members and staff went through or into each building or area. CAL's high control housing unit is the Administrative Segregation Unit (ASU), and it was well operated and maintained. Committee members were given stab resistant vests to wear in ASU. The Grand Jury committee observed there was one inmate held there on Contraband Watch as staff believed he had secreted contraband inside his person. A large group of inmates were outside of the ASU building in secure recreation areas that held one or two inmates each. CAL custody staff in general carried a lot of equipment on their persons for dealing with possible violent situations. CAL staff advised that the prison has more serious incidents than many prisons, included were some staff assaults. They also advised that CAL is well trained for any security situation that they may encounter. CAL had inmate contraband issues on a par with other prisons holding higher level custody inmates. The contraband items included illegal narcotics, cell phones, and inmate manufactured weapons. CAL Investigations Services Unit (ISU) demonstrated a collection of deadly weapons they have confiscated. It was observed that the Gatehouse was not posted with an officer at the time of the visit, and the committee was advised that this is due to cutbacks. CAL is a member of law enforcement response associations where each law enforcement agency will respond for each other in some critical situations. Other law enforcement agencies assist CAL with narcotic sniffing dogs on occasion.

➤ **Medical Care:**

It was observed that CAL has an Outpatient Housing Unit (OHU) medical center on grounds for most medical needs and procedures. Some inmates are housed there for longer term medical care. The OHU has an emergency room, a pharmacy, and clinics for treatment by medical staff assigned there regularly, as well as doctors hired from the community. There are specialized negative pressure medical cells for treating inmates that may have contagious airborne diseases. There are medical staff on duty 24 hours a day at the OHU, plus other medical staff are assigned to each of the five facility clinics the greater portions of the day. Medical treatment included dental and mental health staff. At the time of the visit it was observed that there were many custody as well as medical staff assigned to the medical units, including medical transportations teams. A secure modular facility was installed as joint project between Pioneer's Memorial Hospital (PMH) and CAL for temporarily holding inmates as with medical need which also can cut down on medical transportation costs.

➤ **Inmate Resources:**

Inmates on all facilities have access to well-equipped Law Libraries, as well as recreation reading. There are vocational and educational programs for inmates as a part of the inmate training/rehabilitation programs. Each facility or area had recreation opportunities for sports such as soccer or basketball, and the greatest number of inmates have access to television and/or radio in their cells. There are visits on weekends available for most inmates, and overnight family visits for some in secure cottage-like facilities. Each facility has a chapel and several religious programs that inmates may attend, and chaplains assigned to meet religious needs. There are special religious programs some of the time as well. There is a process in place for times where inmates may appeal specific prison rules, policies, and other issues, with staff assigned full time to answer these appeals.

➤ **Other:**

CAL uses a complete on site recycle facility and is ecologically sound. There is an on grounds fire department operated by a combination of staff and inmate firefighters, which responds to fires at the prison and in the community as needed. There is a vehicle repair garage operated by staff and manned by inmates. CAL is also like other California prisons in that some staff are redirected, due to staff shortages, from some positions into others. Almost all prison maintenance is done by staff assigned to CAL.

Conclusion: It was determined by committee members that the CAL is a well-run facility with no major issues discovered. The Grand Jury committee touring the facility found staff very open and helpful, and that morale was very good. Inmates are well treated.

Findings:

- F1 The Perimeter Gatehouse has an officer on post at specific times, but not always.
- F2 There are areas of the prison where custody staff are not always able to view incidents that take place because of the number of inmates.
- F3 CAL has a problem with contraband such as illegal narcotics, which is common with all prisons.

Recommendations: CAL is a well-run prison, but there are areas where the Grand Jury believes some improvements can be made.

- R1 It is recommended that the gatehouse should have an armed officer there at all times for greater perimeter security.
- R2 It is recommended that the prison install video cameras and monitors in more areas, such as the recreation yards where, the Grand Jury was advised, many of the prison incidents take place.
- R3 It is recommended that the prison make a much greater use of trained narcotic dogs, up to and including dogs that the department would own.

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

Subject of Investigation:

Betty Jo McNeece Receiving Home (BJMRH)

Date of Investigation: September 8, 2010

Justification: BJMRH has not previously been investigated. The Civil Grand Jury felt this was a good time to learn more about its operation and purpose.

Background: A Child Care Worker (CCW) gave us a tour of the facility. There are two nurseries for children 0-5 years old and two dorms for children 6-18. The nurseries have convertible crib/youth beds. The dorms have twin beds. Rooms are bright and cheerful.

Capacity is 25. Currently they have 9. Staffing ratio is 3 children to 1 staff.

The CCW said children stay no more than 30 days and then a social worker places them. The Assistant Manager stated that some stay up to four months because of placement problems.

BJMRH has a nurse that they share with the Juvenile hall. This seems to work well with both facilities.

Meals are cooked at the old California Youth Authority (CYA) facility and delivered. This is the same kitchen that provides meals to the Juvenile Hall. For children on special diets, staff shop at Vons and prepare food in a beautiful, well equipped kitchen at BJMRH.

Because of privacy issues, all cameras have been removed.

Staff could use 2 way radios to carry for instant communication.

The facility experiences run-aways about twice a month. The doors cannot be locked. Staff cannot physically restrain the clients. The only resort when confronted with a run away is to call the Sheriff who will pick up the child and return it to the facility.

Children are bussed to local schools or mentored at the facility. There is a small school room and a nice library with a teacher on site ½ a day. There is no formal physical education but children are encouraged to play in a fully fenced, well equipped play area.

When we asked if they had any wishes, both of the staff we interviewed wished for more children. One of the staff wished for more opportunities for outings for the children like trips to Pine Valley or San Diego.

Funding for the facility is provided by Imperial County. Admissions are through Behavioral Health, Social Services and the Sheriff. There is a rumor that the facility may be closed.

Staff appear to be very concerned about the children's welfare.

Findings:

- F1 The facility is functioning at less than ½ capacity.
- F2 There is an open shed in the play area with tools and gardening supplies.
- F3 Staff have no communication devices (cell phones or radios) to contact other staff if needed.
- F4 Moral is low. There are rumors that the facility may be closed.

Recommendations:

- R1 Social Services should make better use of the facility. Surely there are more than 9 children in Imperial County who need a safe place to stay.
- R2 The open shed should be kept closed and locked so children cannot injure themselves playing there.
- R3 Staff should be issued cell phones or radios so that they are able to communicate. They should not have to use their own personal devices.
- R4 The future of the facility should be clearly communicated to the staff. The facility should be kept at or near capacity since operating costs are the same whether full or half empty.

Response Required: A response is required of the BJMRH within 90 days of the publication date of this report.

Subject of Investigation:

Westmorland Police Department (WPD)

Justification: The WPD was on the rotating matrix of agencies to be reviewed by the 2010-2011 Imperial County Civil Grand Jury.

Background: The WPD is operated by an allotted five (5) member police department, which has the responsibility of providing the law enforcement needs of the City of Westmorland, California. The department's regular staffing consists of a chief, two (2) corporals, and two (2) officers, plus any volunteer reserve officers that may add to the paid staff members. The City of Westmorland has approximately 2,500 residents.

Investigation: A committee of the Civil Grand Jury were given a brief tour of the one room police facility and asked a set of questions determined in advance by the committee. The questions included, but were not limited to area of responsibility, staffing, adherence to training requirements and for hiring peace officers per the Peace Officer Standards and Training (POST), specialized training, community relations, and departmental needs.

The police chief was the only on duty staff member at the time of the interview and willingly answered our questions. He advised the committee members that it is normal for there to be only one member of the department on duty at a time due to the department's size. If a sole on duty member of the team is called away to respond for a mutual aid incident, or must drive out of the city for another reason, there is a staff member on call with a departmental radio who will come in to ensure the city is covered. There is not a holding area on site. Anytime an arrest is made, the officer must drive approximately 25 miles to the county jail or juvenile hall.

The WPD participates with other departments in warrant sweeps and DUI check points. They are dispatched from the Brawley Police Department.

All fulltime peace officers of the department undergo a complete background investigation and required academy training prior to being hired as per California POST. In addition, any reserve officers must go through POST required training and backgrounds in accordance to their level of reserve officer status. Our committee was advised that all members of the department are presently up to all areas of required POST training and that a complete training record was kept. When specialized or advanced training becomes available, and there is funding, team members are provided with this training. Some of the training includes investigations, serving warrants, and recognizing those driving under the influence of alcohol or drugs.

The WPD has good community relations in general, and if complaints arise, they are nearly always handled informally by the chief himself, or by one of the other members. The department has a Police Athletic League (PAL) to help keep younger members of community active in a positive environment. The WPD is very proud to have been a recipient of the 2010-2011 Citizen's Option for Public Safety (COPS) award. The \$100,000 state grant allocation will assist with overtime budget expenses as well as upkeep.

The committee was advised that there might soon be a need for a traffic light in Westmorland when the new highway construction joins parts of Highways 86 and 111, which would send more traffic through the city. The committee was shown that there is only one room for the whole department, that the department is in need of more space, and that it is presently difficult to tap into funding available to enlarge the facility.

Conclusion: The committee evaluating the WPD observed that the department has to make due with less than most departments due to both its size and that of the city itself.

Findings:

- F5 The WPD facility is inadequate for the work a law enforcement agency needs to fully do the job needed. There is no room in the facility for interviewing suspects or witnesses, and files should be secured in a separate room.
- F6 Once the improvement and connections between Highways 86 and 111 are complete, increased traffic may become a traffic safety issue for the City of Westmorland and the police department. There is presently only a four-way stop at the center of town on Highway 86.

Recommendation:

- R5 The WPD should work with the City of Westmorland and consider if it is feasible to have a joint public safety building in conjunction with the fire department, or consider if there would be another location better suited to the needs of a law enforcement agency. There may be assisting funds available for a combined building not available to the smaller department.
- R6 The WPD should work with the City of Westmorland and the State of California to determine if the installation of traffic lights would increase safety.

Response Required: A response is required of the WPD within 90 days of the publication date of this report.

Subject of Investigation:

El Centro Regional Medical Center (ECRMC)

Justification: In the exercise of this function of government accountability, the Civil Grand Jury has elected to review the operations and policies of ECRMC.

Background: ECRMC is a City owned hospital performing inpatient, outpatient and emergency medical services. This is the first study done on the hospital.

Findings: A committee of the Civil Grand Jury met with the ECRMC CEO, and explained the purpose of our visit. ECRMC staff gave us a detailed brief on the background and history of the hospital and role it plays in the Imperial Valley. Committee members asked questions of the CEO concerning ECRMC's services and billing practices. The committee was satisfied with the responses given and had no further questions.

Recommendations: The Civil Grand Jury has no recommendations.

Response Required: No response is required.

Subject of Investigation

Imperial Irrigation District (IID)

Justification: Several of the inquiries raised by the Civil Grand Jury in 2009-2010 concerning the operation of the IID were not addressed in the response from the IID to the Civil Grand Jury.

Background: The IID failed to address several of the concerns about the operation of the IID in their response to the 2009-2010 Civil Grand Jury. Those concerns were as follows:

1. The reasons and facts behind the difference between water fees charged to cities and special districts and agricultural users such as cattle feed yards.
2. Failure to implement the Sarbanes-Oxley Act recommendations after spending a considerable amount of rate payer funds on the study and recommendations.
3. The falling water rate and how it was established and the reason for it.
4. Assignment of Auditor staff to La Quinta offices.
5. A method of providing the Grand Jury with Board meeting packets prior to Board meetings.
6. IID illegal dumpsites. The Grand Jury recommended a public information program against illegal dumping.

Investigation:

The Grand Jury corresponded with Mr. Kevin Kelley, IID General Manager requesting a response to the listed issues. Mr. Kelley responded with a letter to the Grand Jury dated April 18, 2011 addressing each concern as follows:

1. Water rates were established through a professional rate study consistent with the requirements of Prop. 218. The rates established by the study were then approved and implemented by the IID Board.
2. The Sarbanes-Oxley Act of 2002 is a federal law which provided accounting standards for public companies. Even though the act does not apply the government entities such as the IID the Board has implemented several of the accounting controls recommended as a part IID internal audit scheduled for 2011. The Districts internal audit section will work with their external audit firm to make recommendations for improvements as needed. As of this date costs have not exceeded \$45,000 no where near the \$300,000 figure that was provide to the 2009-2010 Grand Jury.
3. The falling water rate was established to allow the energy department to compensate the water department for the benefit of the ability to develop low cost hydro power from the All American Canal and the districts main canals. In 2009 the formula was changed from a falling water rate to a canal space rental fee.
4. There is no plan to assign any of the four IID auditing staff to the La Quinta offices.
5. Board packets are available on the IID web site and can be obtained by the public or Grand Jury before any Board meeting.
6. The IID has not done any work on a public outreach campaign to stop illegal dumping on District property. The dump clean up efforts have resulted in access control gates, fencing and signage at cleaned up dump sites. As of 2011 IID has spent \$ 1,629,667.42 on clean up efforts. Note: the 2009-2010 Grand Jury complimented IID staff for their efforts to obtain grant funding and to clean up the dump sites on IID property.

In addition to the above listed items the IID was asked for a copy of their Water Transfer Policy as required by the California Water Code and a copy was provided.

Findings:

- F7 The Grand Jury would like to thank Mr. Kelley and the legal staff at the IID for their detailed response to the jury's questions. We found the IID under Mr. Kelley's direction to be cooperative and supportive of the Grand Jury. We commend Mr. Kelly and his staff for their openness and willingness to assist the Grand Jury in the execution of their duties.
- F8 The Grand Jury observed that the IID has made clear improvements in its campaign to prevent illegal dumping.

RECOMMENDATIONS:

- R7 The IID continues to work with all future Grand Juries as well as they had with this one.
- R8 The Grand Jury continues to recommend the IID consider partnering with the County of Imperial in a public awareness campaign to prevent illegal dumping which is a concern for both the IID and Imperial County.

Response required: No response is required.

Subject of Investigation:

Calexico Unified School District (CUSD)

Justification: The CUSD is included in the routine matrix of Civil Grand Jury (CGJ) oversight. The 2009-2010 Civil Grand Jury specifically recommended that the 2010-2011 Civil Grand Jury revisit certain lines of inquiry it had begun during the previous matrix investigation. We elected to do so after reading their recommendations.

Background: The CUSD was investigated at the recommendation of the 2009-2010 Civil Grand Jury. This is a follow up.

Investigation: Due to numerous interval changes, the committee interviewed three administrators. The previous Superintendent was interviewed in January 2011. In addition, two consecutive Acting Superintendents were subsequently interviewed in the following months. While meeting with the CUSD Superintendent in January 2011, she stated she was unsure of the responses that were sent to the previous Grand Jury. During the committee's meeting with the first Acting Superintendent, she explained a plan to address immediate issues of the CUSD. In addition, she established short and long term goals for the district. The next Acting Superintendent was interviewed and appears to have taken over the responsibilities of that position, using resources available to make a positive change. CUSD received a grant to complete the Black Box Theater at Calexico High School.

Findings:

- F9 CUSD does not as of the time of this report have a permanent superintendent.
- F10 The committee found that the Black Box Theater at Calexico High School was not completed as stated in the response to the 2009-2010 Grand Jury Report.

Recommendation:

- R9 The Civil Grand Jury recommends that CUSD hire a permanent superintendent in a timely manner.
- R10 It is also our recommendation that the Black Box Theater be completed.

Response Required: A response is required of CUSD within 90 days of the publication date of this report.

Subject of Investigation

The Calexico Unified School District (CUSD)
and its compliance with Measure J requirements

Justification: The Imperial County Civil Grand Jury (ICCGJ) uncovered irregularities during the 2009-2010 investigation of the CUSD. This led to a more focused investigation of Measure J requirements.

Background: The citizens of Calexico voted for Measure J. Measure J was a way to provide funds for capital improvements on various projects in the Calexico Unified School District.

Investigation: A committee of the ICCGJ reviewed Measure J documents. The committee also interviewed several participants in CUSD's administering of Measure J implementation. Requests for documents proved to be problematic. This may have been due to the transition in CUSD leadership. Some documents were not made available in time to contribute to this investigation. Audits were completed by Total School Solutions (TSS), who made recommendations. The recommendations by TSS for the regular Citizens Oversight Committee meetings and minutes were not complied with.

Findings:

- F11 The district personnel charged with the implementation of the bond did not follow the guidelines of Measure J.
- F12 The recommendations made by TSS were not followed.
- F13 Measure J projects were not all completed.
- F14 Documents were produced in a timely manner .

Recommendations: The Board must make sure bond money is used to complete projects funded by the bond.

- R11 CUSD Board members must regularly and systematically review requirements for expenditure of taxpayer funds. Board members must hold employees accountable.
- R12 CUSD needs to follow recommendations made by the audit team to ensure compliance with the Measure J projects bond.
- R13 CUSD should complete Measure J projects.
- R14 CUSD must make public documents available. Therefore, CUSD needs to develop a procedure for producing documents within 48 hours.

Response Required: A response is required of CUSD within 90 days of the publication date of this report.

Subject of Investigation: Lack of Parking for County Employees Near County Administration Center

Justification: Citizen Complaint

Background: The complaint stated that the number of available parking spaces in the designated county parking lots is inadequate and not conducive for the efficiency of county employees and its taxpayers.

Investigation: The Civil Grand Jury's investigation showed that there is very little parking available for employees and citizens to use immediately adjacent to the buildings where the majority of the employees work. The agencies in the area stagger their work starting times and lunch times, which helps somewhat. As does the fact that many schedules have either Monday or Friday as designated days off.

The Grand Jury Committee was advised that county employees are parking on the street and moving their cars every two hours. The Grand Jury does not, however, condone parking on the street and going out to move the car every two hours. This disrupts the working day and amounts to an hour or so of paid time off for each of the employees who are parking on the street. Approximately 8-10 employees are involved in moving cars on the street on any given day. At \$10/ hour, x 10 employees, x 200 days per year that is approximately \$20,000 per year cost to the taxpayers.

When we discussed with the complainants the possibility of parking in the lot behind the Wells Fargo Bank they felt that was a viable solution since it is only 2 blocks from the workplace.

Findings:

- F1 There are no parking lots in the area designated "employee only".
- F2 Parking is limited especially when large juries are empanelled.
- F3 County employees feel justified parking on the street and going out every two hours to move their cars.
- F4 A parking structure has been discussed in the past but there does not seem to be any progress on that project.
- F5 The County owns a number of properties within two miles of the Courthouse, which might be suitable for parking.
- F6 There is a large parking lot on 12th and Broadway, only two blocks from the Administration Building that is usually empty.

Recommendations:

- R1 Some of the lots in the area of the Administration Building be designated "Employee Only" and cars in those lots have stickers to identify them.
- R2 Jury parking information should include ALL available parking in the area.
- R3 Parking on the street should be actively discouraged. The cost to the taxpayer in working time lost is not justified. Citizens doing business in the area need parking spaces as well as employees.
- R4 The County should look into the status of the parking structure and attempt to implement it if at all possible.
- R5 The County should consider providing a new parking lot for "employees only" on County owned property.

R6 The County should consider looking into using the parking lot on 12th and Broadway as an overflow lot.

Response Required: A response is required of Imperial County Director of Public Works within 90 days of the publication date of this report.

Subject of Investigation: The County of Imperial is putting the entire sewer system cost of maintenance and replacement on the shoulders of 104 households that live in the Country Club Sewer Maintenance District (CCSMD). The cost at this time is over 2.4 million dollars.

Justification: The Civil Grand Jury received a specific request from an individual to investigate the CCSMD. The CCSMD is the residents that live around the Barbara Worth Country Club as well as the Barbara Worth Country Club Resort.

Background: On June 16, 1970 the Board of Supervisors of Imperial County determined that a Sewer Maintenance District should be formed. The CCSMD was created to perform the functions authorized under Chapter 4, Part 3, Division 5 of the Health and Safety Code of 1970 to protect public health. The County of Imperial oversees it; this Special District is a separate agency. On July 21, 1970 (minute order #7) the Imperial County Board of Supervisors authorized the Department of Public Works to perform the administration of CCSMD and negotiate with the City of Holtville for performance and routine maintenance and operation of the plant. On December 19, 1972 an agreement between the City of Holtville and the CCSMD was entered into. The City of Holtville assumed the responsibility for the operation and maintenance of the CCSMD sewer system on March 31, 1976. The City of Holtville was given notice in December, 2001. Effective July 1, 2002 the CCSMD was responsible for all maintenance costs associated with the sewer lines and the pump station.

Findings: A committee of the Civil Grand Jury reviewed the CCSMD. It was discovered that there were four (4) agencies we needed to obtain information from. They are City of Holtville, County of Imperial Department of Public Works, County of Imperial Department of Environmental Health and State of California Regional Water Quality Control Board. On November 12, 2010 the following list of question were sent to City of Holtville (Exhibit A).

On December 23, 2010 the Civil Grand Jury received a letter from Walker and Driskill (Exhibit B). It is important to remember the comment that they only keep records for 2 years.

On January 25, 2011 the Civil Grand Jury Committee met with Laura Fischer, City Manager for the City of Holtville. We gave her a list of follow up question plus a second request on the following items from November 12, 2010 letter (Exhibit C). At this meeting the Service Tax was mentioned refer to copies of water bills from a Holtville City resident (Exhibit D). The other is a CCSMD resident (Exhibit E). Laura Fischer referred to this as a Utility Tax. Laura Fischer stated that both Holtville city residents and CCSMD residents pay a 5 percent tax on charges listed on the City of Holtville Statement (water, sewer, trash and recycling services). We found a Notice of Public Hearing reestablishing the City of Holtville Water Service Charges (Exhibit F). It is important to read information about Water Charges A. Basis upon which the charges were calculated, B. Reason for the charges, C. Charge per parcel. Nowhere does it refer to a Service Tax. We also found a Notice of Public Hearing Reestablishing the current City of Holtville Waste Water Service Charge (Exhibits G & H). It is important to read the information about Waste Water Charges A. Basis upon which the charge was calculated, B. Reason for the charge, C. Charge per parcel. Nowhere does it refer to a Service Charge.

On March 31, 2011 the Civil Grand Jury received the following letter from Laura Fischer, City Manager for the City of Holtville (Exhibit I). It is important to see that it states something completely different than the letter we received on December 23, 2010 concerning maintenance records and service records. It was also reported on KXO radio that the City of Holtville is looking at a roll back of 1 percent of the service

tax. The City of Holtville is looking at having the voters of Holtville and the CCSMD vote on the Service Tax. The vote would be to decrease the service tax by 1 percent per year until it reaches zero.

On November 12, 2010 we sent the following list of question to William S. Brunet, P.E. Director of Public Works for the County of imperial (Exhibit J).

On December 13, 2010 we received a letter from William S. Brunet the Director of Public Works for the County of Imperial (Exhibit K, 1 through 7). We reviewed Proposition 218 under Article 13D section 6 (6) of the California Constitution. It is clear in section 6 Property Related Fees and Charges, the City of Holtville appears to have not followed this for establishing the Service Tax that they are currently charging.

On January 26, 2011 the Civil Grand Jury Committee met with William S. Brunet Director of Public Works for the County of Imperial. We gave him a list of follow up questions and a 2nd request of items from November 12, 2010 letter (Exhibit L). We asked what portion of the monthly sewer fees goes towards a maintenance and replacement fund. He informed us we would have to ask the City Manager of Holtville how the charges are broken down.

On November 12, 2010 we sent the following list of questions to County of Imperial Department of Environmental Health (Exhibit M).

On December 1, 2010 we received a letter from County of Imperial Department of environmental Health (Exhibit N). We find it very hard to believe that a Health and Safety Code is cited to create the CCSMD. That it is not available or kept to go along with all records for the reason it was created. It is also hard to believe that an agency required to inspect a restaurant does not verify where and how cooking grease is disposed. They did point out another State Agency that is responsible.

On January 14, 2011 the following letter was sent to Regional Water Quality Control Board (RWQCB) (Exhibit O). At the time this report was written the Civil Grand Jury has yet to receive a response from RWQCB.

Recommendation: It is our recommendation that the CCSMD members form a Home Owners Association. The CCSMD could then seek Legal Counsel, and then proceed with legal avenues to get the following information. For 40 years the CCSMD has been paying monthly fees to the City of Holtville. Where and how have these fees been handled? A service tax that has been charged. Is it legal and where have those fees been spent? If cooking grease was dumped down the drains and created plugs to the lines, why were agencies that inspected either the Barbara Worth Country Club Resort or the City of Holtville wastewater treatment plant not held accountable? The Barbara Worth Country Club Resort has been closed for about 3 years. There has been no issue with the sewer system. Why was the resort allowed to expand and the system not upgraded then? If the sewer system is working fine with the Resort Closed, why does it need to be replaced? If the County has been responsible since July 2002, why has the county not been given a fee from Holtville City to set up an account to cover the replacement costs? The CCSMD residents need to have a letter ready to hand in when the Public Works Department of the County of Imperial has its public hearing on replacing the sewer line and pumps. According to Proposition 218 Article 13 Section 6 (2) of the California Constitution, if a written protest against the proposed fee or charge is presented by a majority of owners of the identified parcels, the agency shall not impose the fee or charge.

Response Required: No response is required

Appendix A
Country Club Sewer Maintenance District
Attachments

Country Club Sewer Maintenance District Attachment A

One Page



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

Imperial County Grand Jury

November 12, 2010

Imperial County Grand Jury

City of Holtville

121 W. 5th

Holtville, CA 92250

The Imperial County Grand Jury is conducting a study and requests the following information:

Copy of Agreement dated December 19, 1972 between the City of Holtville and the Country Club Sewer District.

Copy of March 13, 1976 letter from the City of Holtville assuming the responsibility of the operation and maintenance of the Country Club Sewer District Services.

Copy of correspondence between the City of Holtville and the Country Club Sewer District in December 2001 to opt out of providing maintenance services.

The City of Holtville has been collecting fees for the maintenance and operation of the Country Club Sewer District Maintenance, but not providing the service. What has the City of Holtville done with the money from July 2002 to the present date?

A copy of the City of Holtville ordinance for water rates charged to the City of Holtville residents and the Barbara Worth Country Club residents

Copies of records showing scheduled maintenance and service for the pumps and lines as well as any repairs to the system from March 31, 1976 through July 2002.

Copy of all inspection reports showing how the Barbara Worth Country Club disposed of its grease and how the City of Holtville verified it was kept out of the waste water

Your prompt action in these matters will be appreciated.

Sincerely,

Kelly Gould

Imperial County Grand Jury Foreperson

Country Club Sewer Maintenance District Attachment B

Two Pages

WALKER & DRISKILL
PROFESSIONAL LAW CORPORATION

3205 S. Dogwood, Suite B
El Centro, CA 92243

Telephone (760) 352-4001
Facsimile (760) 352-5561

Steven M. Walker
Mitchell A. Driskill
Martin A. Gonzalez

551 West Main Street, Suite 1
Brawley, CA 92227

Telephone (760) 344-2454
Facsimile (760) 344-2406

December 23, 2010

Kelly Gould, Foreperson
Imperial County Grand Jury
P.O. Box 2011
El Centro, CA 92244

Re: Request to the City of Holtville

Greetings:

I am the City Attorney for Holtville, California. In that regard I have been provided a copy of your letter to the City of November 12, 2010.

Pursuant to your request, we will research, and when available, provide you under separate cover the following requested documents:

1. A copy of agreement of December 19, 1972, between the City of Holtville and the Country Club Sewer District.
2. A copy of a letter of March 2, 1976, from the City of Holtville with respect to the treatment of solid waste from the Barbara Worth Country Club. The City file does not contain a letter bearing the date of March 13, 1976.
3. A copy of a letter from the City of Holtville giving notice that it will no longer provide specific maintenance services with respect to the Barbara Worth Country Club sewage.
4. A copy of Ordinance No.332, codified in Holtville Municipal Code §13.04, establishing the power of the City to set and collect rates. A copy of the Resolution setting those most recent rates will be provided also.

Kelly Gould, Foreperson
Re: Request to the City of Holtville
December 23, 2010
Page Two

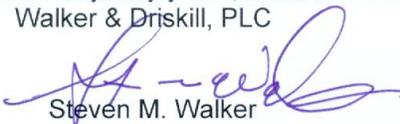
Your letter also asks a question based upon the premise that the City has collected fees but not provided service for maintenance and operation of the Country Club Sewer District. While I disagree with that premise, be aware that the revenue and expenditures of the City are contained in the City's annual budgets, which are a matter of public record. If you require the City budget for a specific year, please advise.

Additionally, we request clarification concerning your request for "copies of records showing scheduled maintenance and service for the pumps and lines as well as any repairs to the system from March 31, 1976 through July 2002." To what pumps and lines and system do you refer? If you mean records of maintenance service with respect to the water distribution, and/or sewer collection systems, then the City will not have records of "scheduled" maintenance and service for all the systems covering a 26 year period from 1976 through 2002. As a matter of law and policy, the City is only required to keep such records for no more than two years. If you can refine your question the City will be in a better position to fully respond.

Finally, the City does not have within its possession records of how the Barbara Worth Country Club has disposed of its grease at any time. As you may know, the County Club has had several owners throughout the years, and you may wish to inquire of those parties to obtain the information you seek.

The contact person for the City with respect to your study is Laura Fischer, City Manager. She may be reached at (760) 356-4574. However, if you wish to speak with me regarding your specific inquiries as contained in your November 12, 2010 letter, please contact me at your earliest opportunity.

Very truly yours,
Walker & Driskill, PLC



Steven M. Walker

SMW:bab

Country Club Sewer Maintenance District Attachment C

One Page

Holtville City - Follow up Question's

Copy of all Budgets concerning the Country Club Sewer District Maintenance from July 2002 to Present Date

Copy of all Expenditures from July 2002 to Present Date for the Country Club Sewer District Maintenance

Copy of records showing scheduled maintenance and service to the dedicated line that was used for waste disposal from the Country Club Sewer District to the Holtville Waste Disposal Plant

March 31, 1976 was the date the City of Holtville assumed the responsibility for the operation and maintenance of the Country Club Sewer District would like to see all the correspondence from December 19, 1972 to date of March 31, 1976

Second Request on the following items

Copy of Agreement date December 19, 1972 between the City of Holtville and the Country Club Sewer District

Copy of correspondence between City of Holtville and Country Club Sewer District in December 2001 opting out of providing maintenance services

Copy of City of Holtville Ordinance for water rates charged to the City of Holtville Residents and what rates are charged to residents that live outside City Limits of Holtville (Barbara Worth Country Club)

Above Questions response needs to be sent to following

Kelly Gould, Foreperson

Imperial County Grand Jury

P.O. Box 2011

El Centro, California 92244

(Figure C)

Country Club Sewer Maintenance District Attachment D

One Page

ACCOUNT NUMBER	DATE BILL MAILED	SERVICE FROM	SERVICE TO	DAYS USED	DUE DATE
[REDACTED]	12/1/2010	9/25/2010	10/28/2010	33	12/28/2010
PREVIOUS READING	PRESENT READING	UNITS USED	DESCRIPTION		AMOUNT DUE
2519000	2527000	8000	BALANCE FORWARD		(15.84)
			SERVICE/WATER		45.81
			SERVICE/TRASH		14.54
			SERVICE/RECYCLING		1.50
			SERVICE/SEWER		49.32
			SERVICE/TAX		5.57
<p>*City offices will be closed on December 24th in observance of the Christmas holiday and December 31st in observance of the New Year's holiday. *Effective December 2010 new trash rate reflects savings of \$9.66.</p>					
SERVICE ADDRESS ► [REDACTED]				AMOUNT DUE	
				AFTER DUE DATE	110.99
				BY DUE DATE	100.90

Address and account
number redacted

KEEP THIS PORTION FOR YOUR RECORDS

Country Club Sewer Maintenance District Attachment E

One Page



CITY OF HOLTVILLE
 121 W. 5TH ST.
 HOLTVILLE, CA 92250-1213
 Website: www.holtville.ca.gov
 (760) 356-2912 Telephone
 (760) 356-1863 FAX

Office Hours: 7:30 AM to Noon
 1:00 PM to 4:30 PM
 Monday through Friday

ANONYMOUS CRIME REPORTING HOTLINE
 LINEAS DE REPORTAR CRIMENES ANONIMO
 598-4424

City Hall Directory

City Manager 356-4574
 Presidente Municipal
 Finance Dept. 356-4685
 Departamento de Finanzas
 City Clerk 356-4170
 Secretaria Municipal
 Personnel 356-3013
 Departamento de Personal
 Public Works 356-2632
 Obras Publicas
 Fire Dept. 356-2673
 Departamento de Bomberos
 Police Dept. 356-2991
 Departamento de Policia
 Water Dept. 356-2912
 Departamento de Aqua
 After Hours Water
 Emergency 356-2991

[Redacted]
 HOLTVILLE, CA 92250
 [Redacted]

12/6/2010

EMERGENCY 911
EMERGENCIAS 911

ACCOUNT NUMBER	DATE BILL MAILED	SERVICE FROM	SERVICE TO	DAYS USED	DUE DATE	
[Redacted]	12/1/2010	9/26/2010	10/29/2010	33	12/28/2010	
PREVIOUS READING	PRESENT READING	UNITS USED	DESCRIPTION		AMOUNT DUE	
854000	879000	25000	BALANCE FORWARD		0.00	
			SERVICE/WATER		183.30	
			SERVICE/SEWER		49.32	
			SERVICE/TAX		11.64	
<p>*City offices will be closed on December 24th in observance of the Christmas holiday and December 31st in observance of the New Year's holiday. *Effective December 2010 new trash rate reflects savings of \$9.66.</p>						
SERVICE ADDRESS ▶ [Redacted]				AMOUNT DUE	AFTER DUE DATE	BY DUE DATE
					268.69	244.26

KEEP THIS PORTION FOR YOUR RECORDS

Name, street address,
 and account number
 redacted

Country Club Sewer Maintenance District Attachment F

One Page

**NOTICE OF PUBLIC HEARING REESTABLISHING THE
CITY OF HOLTVILLE WATER SERVICE CHARGES**

NOTICE IS HEREBY GIVEN that on Monday, September 8, 2008 at 6:00 p.m., or as soon thereafter as practicable, in the City Hall Council Chambers, 121 West Fifth Street, Holtville, California 92250, the City Council of the City of Holtville (the "City") will hold a public hearing on the levy of water charges.

SUMMARY OF WATER CHARGES

The City proposes to adopt an ordinance reestablishing the current water charges as follows:

Monthly water usage charges within City limits	July 1, 2008	July 1, 2009
First 15,000 gallons:	\$ 43.63	\$ 45.81
Per every 1,000 gallons over 15,000	\$ 4.363	\$ 4.581
Monthly water usage charges outside City limits	July 1, 2008	July 1, 2009
First 15,000 gallons:	\$ 87.29	\$ 91.65
Per every 1,000 gallons over 15,000	\$ 8.725	\$ 9.161

INFORMATION ABOUT WATER CHARGES

A. Basis upon which the charges were calculated – The rate schedule is based on allocation of the costs of providing service among water system users by usage and customer category. Customers within City limits are charged a flat monthly rate for water consumption up to 15,000 gallons per month, plus a charge for each 1,000 gallons used over the 15,000 gallon threshold. The flat rate and the rate for consumption above the threshold amount for customers outside the City limits reflects the increased operating and maintenance costs of providing water service to a more distant area. In providing water service to customers outside City limits, the City must repair, replace and maintain extended water lines. These costs are allocated among customers outside City limits. The City encompasses an area of approximately 1.2 square miles. The City's main water system user outside the City limits lies approximately 2.2 miles to the west of the City.

B. Reason for the charges – The proposed water charges will be used to: (1) enable the City to provide water service, (2) increase the capacity of the City's water treatment, storage and distribution facilities to support the City's growth, and (3) repair, replace and improve existing facilities to provide reliable service to existing customers.

C. Charge per parcel – If you need assistance determining the amount of the water charge for your parcel, you may contact the City's Water Clerk at 760-356-2912 or by mail or in person at City Hall, 121 West Fifth Street, Holtville, California 92250.

WRITTEN REPORT

The City has caused a written report to be prepared and filed with the City Clerk regarding the City's water charges. As required by California Government Code Section 66016, the written report also provides data indicating the amount of cost, or estimated cost, to provide water service and the revenue sources anticipated to provide the service. A copy of the written report will be available at City Hall on or about July 25, 2008.

PUBLIC HEARING

At the public hearing, the City will hear and consider all objections or protests to the proposed ordinance and report. Written protests regarding the proposed ordinance and report must be filed with the City Clerk prior to the conclusion of the public hearing. Written protests may be delivered to the City Clerk at the public hearing or mailed or delivered to the City Clerk, City Hall, 121 West Fifth Street, Holtville, California 92250. Protests which are mailed or delivered to City Hall must arrive at City Hall by 4:30 p.m. on September 8, 2008 to be counted.

QUESTIONS

For more information about the charges, you may contact the Public Works Manager at 760-356-2912.

**Country Club Sewer Maintenance District
Attachments G & H**

Two Pages

**NOTICE OF PUBLIC HEARING REESTABLISHING THE CURRENT
CITY OF HOLTVILLE WASTEWATER SERVICE CHARGES**

NOTICE IS HEREBY GIVEN that on Monday, September 8, 2008 at 6:00 p.m., or as soon thereafter as practicable, in the City Hall Council Chambers, 121 West Fifth Street, Holtville, California 92250, the City Council of the City of Holtville (the "City") will hold a public hearing on the levy of wastewater charges.

SUMMARY OF WASTEWATER CHARGES

The City proposes to adopt an ordinance reestablishing the current wastewater charges as follows:

Category	July 1, 2008	July 1, 2009
Single Family Residential Units	\$ 46.53	\$ 49.32
Threshold (000 Gal.)	-	-
Rate per 1,000 Over Threshold	-	-
All Multiple Residential Units (per unit)	46.53	49.32
Duplex		
Triplex		
Fourplex		
Apartments w/ five or more		
Mobile Home/Trailer Park (per space)		
Threshold (000 Gal.)	-	-
Rate per 1,000 Over Threshold	-	-
Businesses, Hardware, Variety, Pharmacy, Auto Supply, Banks, S&Ls, Post Office, Fast Food, Quick Service Stores, Food Markets, Grocery Stores, Card Rooms, Barber Shops, Beauty Shops, Nursery (botanical), and other Small Retail Businesses	42.47	45.02
Threshold (000 Gal.)	10	10
Rate per 1,000 Over Threshold	3.72	3.95
Offices, Meeting Rooms	42.47	45.02
Threshold (000 Gal.)	25	25
Rate per 1,000 Over Threshold	3.72	3.95
Auto Repair Stations, Garage, Farm Shops, Car Washes, Milling Co., Ag Spray Equipment Yard, Wood Refinish, Mill & Cabinet Shop, Newspaper, Printing Machine Shop and Dist., Auto Dealership (new or used), A/C and Electrical Shop, Day Care, and Nursery Schools	61.25	64.93
Threshold (000 Gal.)	15	15
Rate per 1,000 Over Threshold	3.72	3.95
Restaurants, Bars, and Taverns - < 30 Seats	124.24	131.69
Threshold (000 Gal.)	30	30
Rate per 1,000 Over Threshold	3.72	3.95
Restaurants, Bars, and Taverns - > 30 Seats	226.13	236.69
Threshold (000 Gal.)	60	60
Rate per 1,000 Over Threshold	3.72	3.95
Hotels, Inns, Rest Homes < 30 Seats	202.72	214.88
Threshold (000 Gal.)	50	50
Rate per 1,000 Over Threshold	3.72	3.95

Category	July 1, 2008	July 1, 2009
Hotels, Motels, Inn, Rest Homes > 30 Seats	383.06	406.05
Threshold (000 Gal.)	175	175
Rate per 1,000 Over Threshold	3.72	3.95
Laundromats	212.73	225.49
Threshold (000 Gal.)	100	100
Rate per 1,000 Over Threshold	3.72	3.95
Schools, High, Jr. High, and Elementary	305.12	323.42
Threshold (000 Gal.)	150	150
Rate per 1,000 Over Threshold	3.72	3.95
Meat Processing Plants, Produce Packing Sheds, Coolers, Ice Plant	305.12	323.42
Threshold (000 Gal.)	500	500
Rate per 1,000 Over Threshold	3.72	3.95

Note: Threshold volume is of potable water consumed monthly

INFORMATION ABOUT WASTEWATER CHARGES

A. Basis upon which the charge was calculated – The rate schedule is based on allocation of the costs of providing service among wastewater system users by customer class and usage. Depending on the customer rate class, customers are charged a flat monthly fee, or a flat monthly fee plus a variable rate charge per 1,000 gallons of water consumed above a threshold, which varies by customer type.

The monthly residential wastewater charge is comprised of a flat service charge. The charge is based on an average residential wastewater flow of 79 gpd, calculated from the City's wastewater treatment plant inflow data, multiplied by the estimated number of residential users in each residential land use category.

For non-residential accounts, the monthly wastewater charge is comprised of a flat service charge and a variable rate charge per 1,000 gallons consumed above a threshold, which differs by customer type. The fixed charge is based on an average non-residential flow of 300 gallons per net acre per day.

B. Reason for the charges – The proposed wastewater charges will be used to: (1) provide wastewater service, (2) increase the capacity of the City's treatment, pumping and discharge facilities to support the City's growth, and (3) repair, replace and improve existing facilities to provide reliable service to existing customers.

C. Charge per parcel – If you need assistance determining the amount of the wastewater charge for your parcel, you may contact Gerry Peacher by calling 760-356-2912 or by mail or in person at City Hall, 121 West Fifth Street, Holtville, California 92250.

WRITTEN REPORT

The City has caused a written report to be prepared and filed with the City Clerk regarding the City's wastewater charges. As required by California Government Code Section 66016, the written report also provides data indicating the amount of cost, or estimated cost, to provide wastewater service and the revenue sources anticipated to provide the service. A copy of the written report will be available at City Hall on or about July 25, 2008.

PUBLIC HEARING

At the public hearing, the City will hear and consider all objections or protests to the proposed ordinance and report. Written protests regarding the proposed ordinance and report must be filed with the City Clerk prior to the conclusion of the public hearing. Written protests may be delivered to the City Clerk at the public hearing or mailed or delivered to the City Clerk, City Hall, 121 West Fifth Street, Holtville, California 92250. Protests which are mailed or delivered to City Hall must arrive at City Hall by 4:30 p.m. on September 8, 2008 to be counted.

QUESTIONS

For more information about the charges, you may contact the Public Works Manager at 760-356-2912

Country Club Sewer Maintenance District Attachment I

Two Pages



CITY OF HOLTVILLE

121 WEST FIFTH STREET
CIVIC CENTER • HOLTVILLE, CALIFORNIA 92250-1298 • (760) 356-2912
"THE CARROT CAPITAL OF THE WORLD"

March 31, 2011

Kelly Gould, Foreperson
Imperial County Grand Jury
Courthouse
P. O. Box 2011
El Centro, CA 92244

Re: Follow Up Questions Received on January 26, 2011

Dear Sir or Madam;

Enclosed please find the information you requested in your hand delivered memo received January 26, 2011. I apologize for the delayed response.

The City of Holtville provided you with the following items at our meeting on January 26, 2011.

- A copy of Agreement dated December 19, 1972 between the City of Holtville and the Country Club Sewer Maintenance District.
- A copy of a letter dated March 2, 1976 to the Imperial County Public Works Director and the City of Holtville. We do not have a letter dated March 13, 1976 in our files.
- A copy of a letter dated December 26, 2001 to County of Imperial from City of Holtville.
- A copy of Ordinance 332 and Resolution 05-17 regarding water rates.

Additionally, you have requested the following:

1. Copy of all Budgets concerning the Country Club Sewer District Maintenance from July 2002 to Present Date.
 - City does not prepare a specific budget or line item concerning the Country Club Sewer District maintenance. Therefore we are unable to provide the information you requested. If you need more information please let me know so I can provide it to you.
2. Copy of all expenditures from July 2002 to Present Date for the Country Club Sewer District Maintenance.
 - The City has copies of expenditures paid relating to the Country Club Sewer District Maintenance in the form of invoices sent to the County of Imperial Public Works Department. The invoices are simple one page documents, however the backup material is quite extensive. Staff estimates 1000 pages or more double sided copies.

According to Council Resolution Number 03-08 the City charges \$1.00 for the first page and \$.50 per additional page. Our estimated cost for all copies is \$500.00. Please advise if you want the City to copy the invoices along with the backup material, or if you would like to make an appointment to view the materials.

3. Copy of records showing scheduled maintenance and service to the dedicated line that was used for waste disposal from the Country Club Sewer District to the Holtville Waste Disposal Plant.
 - o The City has located maintenance logs from August 2004 through August 2008 concerning maintenance on the Country Club Sewer District lift station. We estimate the cost to copy the above mentioned maintenance records to be \$730.00. We can provide them if requested.

4. March 31, 1976 was the date the City of Holtville assumed the responsibility for the operation and maintenance of the Country Club Sewer District would like to see all the correspondence from December 19, 1972 to date of March 31, 1976.
 - o The requested correspondence is attached to this letter.

Please feel free to contact me should you have any further questions or need additional information. I can be reached at (760) 356-4574. Should you wish to speak with the City Attorney, Mr. Steve Walker, you can reach him at (760) 352-4001.

Sincerely,



Laura Fischer,
City Manager

Cc: Steve Walker, City Attorney
City Council

Country Club Sewer Maintenance District
Attachment J

One Page



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

Imperial County Grand Jury

November 12, 2010

Imperial County Civil Grand Jury

County of Imperial Department of Public Works

155 S. 11th Street

El Centro, CA 92243

The Imperial County Civil Grand Jury is conducting a study and requests the following information:

Copy of minute order #7 from July 1, 1970 Board of Supervisors of the County of Imperial Requesting the Department of Public Works to perform the Administration (Country Club Sewer Maintenance District) and negotiate with the City of Holtville (performance of routine maintenance and operation of the plant)

Copies of records showing scheduled maintenance and service for pumps and lines as well as any repairs to the system from July 1970 to March 31, 1976 and July 2002 to present date

Copies of all inspection reports showing how Barbara Worth Country Club disposed of grease and how the County of Imperial Department of Public Works verified it was kept out of the waste water.

Copy of Proposition 218 under Article 13D sections 6 (6) of the California Constitution.

Your prompt action in these matters will be appreciated.

Sincerely,

Kelly Gould

Imperial County Grand Jury Foreperson

Country Club Sewer Maintenance District Attachment K

Seven Pages



Public Works works for the Public



COUNTY OF
IMPERIAL

DEPARTMENT OF
PUBLIC WORKS

155 S. 11th Street
El Centro, CA
92243

Tel: (760) 482-4462
Fax: (760) 352-1272

December 13, 2010

Mr. Kelly Gould
Imperial County Grand Jury Foreperson
Imperial County Grand Jury
P. O. Box 2011
El Centro, CA 92244

SUBJECT: Request for Information

Dear Mr. Gould:

The Department of Public Works is in receipt of your letter dated November 12, 2010 requesting information regarding the Country Club Sewer Maintenance System. Your letter asked for specific information which is listed below. The results of our efforts to date are provided in *italics*.

Copy of Minute Order #7 from July 1, 1970 of the Board of Supervisors of the County of Imperial requesting the Department of Public Works to perform the Administration (Country Club Sewer Maintenance District) and negotiate with the City of Holtville (performance of routine maintenance and operation of the plant).

The Department submitted a Request for Information to the Office of the Clerk of the Board of Supervisors on November 24, 2010. The Department is awaiting the requested information and will provide it to the Grand Jury upon receipt.

Copies of records showing scheduled maintenance and services for pumps and lines as well as any repairs to the system from July 1970 to March 31, 1976 and July 2002 to date.

The Department is researching archives and will provide the information to the Grand Jury as soon as the information is assembled.

Copies of all inspection reports showing how Barbara Worth Country Club disposed of grease and how the County of Imperial Department of Public Works verified it was kept out of the waste water.

The Imperial County Public Health Department's Local Enforcement Agency (LEA) was contacted on November 22, 2010 requesting this information. The Department is awaiting the requested information and will provide it to the Grand Jury upon receipt.

P:\WORDDOCS\Ed\Letters\CCSMD\Draft Response Letter to Grand Jury December 13, 2010

An Equal Opportunity / Affirmative Action Employer

Copy of Proposition 218 under Article 13D sections 6 (6) of the California Constitution.

Herein provided as an attachment.

The Department will provide the remaining information to the Grand Jury as soon as it is received. Should you have any questions or if I can be of any assistance please do not hesitate to contact myself. Thank you.

Respectfully,



William S. Brunet, P. E.
Director of Public Works

Attachment

ED/ga

P:\WORDDOCS\Ed\Letters\CCSMD\Draft Response Letter to Grand Jury December 13, 2010

CALIFORNIA CONSTITUTION
ARTICLE 13D (ASSESSMENT AND PROPERTY-RELATED FEE REFORM)

SECTION 1. Application. Notwithstanding any other provision of law, the provisions of this article shall apply to all assessments, fees and charges, whether imposed pursuant to state statute or local government charter authority. Nothing in this article or Article XIIIIC shall be construed to:

- (a) Provide any new authority to any agency to impose a tax, assessment, fee, or charge.
- (b) Affect existing laws relating to the imposition of fees or charges as a condition of property development.
- (c) Affect existing laws relating to the imposition of timber yield taxes.

CALIFORNIA CONSTITUTION
ARTICLE 13D (ASSESSMENT AND PROPERTY-RELATED FEE REFORM)

SEC. 2. Definitions. As used in this article:

- (a) "Agency" means any local government as defined in subdivision (b) of Section 1 of Article XIIIIC.
- (b) "Assessment" means any levy or charge upon real property by an agency for a special benefit conferred upon the real property. "Assessment" includes, but is not limited to, "special assessment," "benefit assessment," "maintenance assessment" and "special assessment tax."
- (c) "Capital cost" means the cost of acquisition, installation, construction, reconstruction, or replacement of a permanent public improvement by an agency.
- (d) "District" means an area determined by an agency to contain all parcels which will receive a special benefit from a proposed public improvement or property-related service.
- (e) "Fee" or "charge" means any levy other than an ad valorem tax, a special tax, or an assessment, imposed by an agency upon a parcel or upon a person as an incident of property ownership, including a user fee or charge for a property related service.
- (f) "Maintenance and operation expenses" means the cost of rent, repair, replacement, rehabilitation, fuel, power, electrical current, care, and supervision necessary to properly operate and maintain a permanent public improvement.
- (g) "Property ownership" shall be deemed to include tenancies of real property where tenants are directly liable to pay the assessment, fee, or charge in question.
- (h) "Property-related service" means a public service having a direct relationship to property ownership.
- (i) "Special benefit" means a particular and distinct benefit over and above general benefits conferred on real property located in the district or to the public at large. General enhancement of property value does not constitute "special benefit."

CALIFORNIA CONSTITUTION
ARTICLE 13D (ASSESSMENT AND PROPERTY-RELATED FEE REFORM)

SEC. 3. Property Taxes, Assessments, Fees and Charges Limited. (a) No tax, assessment, fee, or charge shall be assessed by any agency upon any parcel of property or upon any person as an incident of property ownership except:

(1) The ad valorem property tax imposed pursuant to Article XIII and Article XIII A.

(2) Any special tax receiving a two-thirds vote pursuant to Section 4 of Article XIII A.

(3) Assessments as provided by this article.

(4) Fees or charges for property related services as provided by this article.

(b) For purposes of this article, fees for the provision of electrical or gas service shall not be deemed charges or fees imposed as an incident of property ownership.

CALIFORNIA CONSTITUTION
ARTICLE 13D (ASSESSMENT AND PROPERTY-RELATED FEE REFORM)

SEC. 4. Procedures and Requirements for All Assessments. (a) An agency which proposes to levy an assessment shall identify all parcels which will have a special benefit conferred upon them and upon which an assessment will be imposed. The proportionate special benefit derived by each identified parcel shall be determined in relationship to the entirety of the capital cost of a public improvement, the maintenance and operation expenses of a public improvement, or the cost of the property related service being provided. No assessment shall be imposed on any parcel which exceeds the reasonable cost of the proportional special benefit conferred on that parcel. Only special benefits are assessable, and an agency shall separate the general benefits from the special benefits conferred on a parcel. Parcels within a district that are owned or used by any agency, the State of California or the United States shall not be exempt from assessment unless the agency can demonstrate by clear and convincing evidence that those publicly owned parcels in fact receive no special benefit.

(b) All assessments shall be supported by a detailed engineer's report prepared by a registered professional engineer certified by the State of California.

(c) The amount of the proposed assessment for each identified parcel shall be calculated and the record owner of each parcel shall be given written notice by mail of the proposed assessment, the total amount thereof chargeable to the entire district, the amount chargeable to the owner's particular parcel, the duration of the payments, the reason for the assessment and the basis upon which the amount of the proposed assessment was calculated, together with the date, time, and location of a public hearing on the proposed assessment. Each notice shall also include, in a conspicuous place thereon, a summary of the procedures applicable to the completion, return, and tabulation of the ballots required pursuant to subdivision (d), including a disclosure statement that the existence of a majority protest, as defined in subdivision (e), will result in the assessment not being imposed.

(d) Each notice mailed to owners of identified parcels within the district pursuant to subdivision (c) shall contain a ballot which includes the agency's address for receipt of the ballot once completed by any owner receiving the notice whereby the owner may indicate his or her name, reasonable identification of the parcel,

and his or her support or opposition to the proposed assessment.

(e) The agency shall conduct a public hearing upon the proposed assessment not less than 45 days after mailing the notice of the proposed assessment to record owners of each identified parcel. At the public hearing, the agency shall consider all protests against the proposed assessment and tabulate the ballots. The agency shall not impose an assessment if there is a majority protest. A majority protest exists if, upon the conclusion of the hearing, ballots submitted in opposition to the assessment exceed the ballots submitted in favor of the assessment. In tabulating the ballots, the ballots shall be weighted according to the proportional financial obligation of the affected property.

(f) In any legal action contesting the validity of any assessment, the burden shall be on the agency to demonstrate that the property or properties in question receive a special benefit over and above the benefits conferred on the public at large and that the amount of any contested assessment is proportional to, and no greater than, the benefits conferred on the property or properties in question.

(g) Because only special benefits are assessable, electors residing within the district who do not own property within the district shall not be deemed under this Constitution to have been deprived of the right to vote for any assessment. If a court determines that the Constitution of the United States or other federal law requires otherwise, the assessment shall not be imposed unless approved by a two-thirds vote of the electorate in the district in addition to being approved by the property owners as required by subdivision (e).

CALIFORNIA CONSTITUTION
ARTICLE 13D (ASSESSMENT AND PROPERTY-RELATED FEE REFORM)

SEC. 5. Effective Date. Pursuant to subdivision (a) of Section 10 of Article II, the provisions of this article shall become effective the day after the election unless otherwise provided. Beginning July 1, 1997, all existing, new, or increased assessments shall comply with this article. Notwithstanding the foregoing, the following assessments existing on the effective date of this article shall be exempt from the procedures and approval process set forth in Section 4:

(a) Any assessment imposed exclusively to finance the capital costs or maintenance and operation expenses for sidewalks, streets, sewers, water, flood control, drainage systems or vector control. Subsequent increases in such assessments shall be subject to the procedures and approval process set forth in Section 4.

(b) Any assessment imposed pursuant to a petition signed by the persons owning all of the parcels subject to the assessment at the time the assessment is initially imposed. Subsequent increases in such assessments shall be subject to the procedures and approval process set forth in Section 4.

(c) Any assessment the proceeds of which are exclusively used to repay bonded indebtedness of which the failure to pay would violate the Contract Impairment Clause of the Constitution of the United States.

(d) Any assessment which previously received majority voter approval from the voters voting in an election on the issue of the assessment. Subsequent increases in those assessments shall be subject to the procedures and approval process set forth in Section

4.

CALIFORNIA CONSTITUTION
ARTICLE 13D (ASSESSMENT AND PROPERTY-RELATED FEE REFORM)

SEC. 6. Property Related Fees and Charges. (a) Procedures for New or Increased Fees and Charges. An agency shall follow the procedures pursuant to this section in imposing or increasing any fee or charge as defined pursuant to this article, including, but not limited to, the following:

(1) The parcels upon which a fee or charge is proposed for imposition shall be identified. The amount of the fee or charge proposed to be imposed upon each parcel shall be calculated. The agency shall provide written notice by mail of the proposed fee or charge to the record owner of each identified parcel upon which the fee or charge is proposed for imposition, the amount of the fee or charge proposed to be imposed upon each, the basis upon which the amount of the proposed fee or charge was calculated, the reason for the fee or charge, together with the date, time, and location of a public hearing on the proposed fee or charge.

(2) The agency shall conduct a public hearing upon the proposed fee or charge not less than 45 days after mailing the notice of the proposed fee or charge to the record owners of each identified parcel upon which the fee or charge is proposed for imposition. At the public hearing, the agency shall consider all protests against the proposed fee or charge. If written protests against the proposed fee or charge are presented by a majority of owners of the identified parcels, the agency shall not impose the fee or charge.

(b) Requirements for Existing, New or Increased Fees and Charges. A fee or charge shall not be extended, imposed, or increased by any agency unless it meets all of the following requirements:

(1) Revenues derived from the fee or charge shall not exceed the funds required to provide the property related service.

(2) Revenues derived from the fee or charge shall not be used for any purpose other than that for which the fee or charge was imposed.

(3) The amount of a fee or charge imposed upon any parcel or person as an incident of property ownership shall not exceed the proportional cost of the service attributable to the parcel.

(4) No fee or charge may be imposed for a service unless that service is actually used by, or immediately available to, the owner of the property in question. Fees or charges based on potential or future use of a service are not permitted. Standby charges, whether characterized as charges or assessments, shall be classified as assessments and shall not be imposed without compliance with Section 4.

(5) No fee or charge may be imposed for general governmental services including, but not limited to, police, fire, ambulance or library services, where the service is available to the public at large in substantially the same manner as it is to property owners. Reliance by an agency on any parcel map, including, but not limited to, an assessor's parcel map, may be considered a significant factor in determining whether a fee or charge is imposed as an incident of property ownership for purposes of this article. In any legal action contesting the validity of a fee or charge, the burden shall be on the agency to demonstrate compliance with this article.

(c) Voter Approval for New or Increased Fees and Charges. Except for fees or charges for sewer, water, and refuse collection services,

no property related fee or charge shall be imposed or increased unless and until that fee or charge is submitted and approved by a majority vote of the property owners of the property subject to the fee or charge or, at the option of the agency, by a two-thirds vote of the electorate residing in the affected area. The election shall be conducted not less than 45 days after the public hearing. An agency may adopt procedures similar to those for increases in assessments in the conduct of elections under this subdivision.

(d) Beginning July 1, 1997, all fees or charges shall comply with this section.

Country Club Sewer Maintenance District Attachment L

One Page

County of Imperial Department of Public Works- Follow up Question's

Copy of all Budgets concerning the Country Club Sewer District Maintenance from July 2002 to Present Date

Copy of all Expenditures from July 2002 to Present Date for the Country Club sewer District Maintenance

Copy of Records showing scheduled maintenance and service of the dedicated line that was used for waste disposal for the Country Club sewer District to the Holtville Waste Disposal Plant

Second Request for the following items

Copy of minute order # 7 from July 21, 1970 Board of Supervisors of the County of Imperial requesting the Department of Public Works to perform the Administration (Country Club Sewer Maintenance District) and negotiate with the City of Holtville (performance of routine maintenance and operation of the plant)

Above Questions response needs to be sent to following

Kelly Gould, Foreperson

Imperial County Grand Jury

P.O. Box 2011

El Centro, California 92244

(Figure L)

Country Club Sewer Maintenance District
Attachment M

One Page



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

Imperial County Grand Jury

November 12, 2010

Imperial County Civil Grand Jury

County of Imperial Department of Environmental Health Services

797 W. Main Street

El Centro, CA 92243

The Imperial County Civil Grand Jury is conducting a study and requests the following information:

Copy of Health and Safety Code of 1979 Chapter 4 part 3 Division 5

Copies of all inspection reports showing how Barbara Worth Country Club disposed of grease and how the County of Imperial Department of Environmental Health Services verified it was kept out of the waste water.

Your prompt action in these matters will be appreciated.

Sincerely,

Kelly Gould

Imperial County Grand Jury Foreperson

Country Club Sewer Maintenance District
Attachment N

Two Pages



COUNTY OF IMPERIAL

PUBLIC HEALTH DEPARTMENT

DIVISION OF ENVIRONMENTAL HEALTH

797 Main Street, Ste. B • El Centro, CA 92243

Phone (760) 336-8530 • Fax (760) 352-1309

ROBIN HODGKIN, M.P.A.
Director

STEPHEN W. MUNDAY, M.D., M.P.H.
Health Officer

December 1, 2010

Mr. Kelly Gould, Jury Foreperson
Imperial County Civil Grand Jury
Courthouse
P.O. Box 2011
El Centro, CA 92244

Subject: Inspection Report Request for Barbara Worth Country Club

Dr. Mr. Gould,

On November 18, 2010 Imperial County Environmental Health received your request for copies Health and Safety Code of 1979 Chapter 4 part 3 Division 5 and of all inspection reports showing how Barbara Worth Country Club disposed of grease and how Environmental Health verified it was kept out of the wastewater system.

Attached is a copy of Division 5, Part 3, Chapter 4 of the California Health and Safety Code. This agency only has the most current copy of the Health and Safety Code. Please let me know if you need additional information.

As for the request for inspection reports, Environmental Health's inspection reports in general reflect violations observed during routine inspections. A review of the facility inspection reports did not reveal violations pertaining to grease disposal or releases into the sanitary sewer system.

As to how Environmental Health verified how grease was kept out of the wastewater system, this agency does not have the authority to regulate any discharge or releases into a sanitary sewer system. The California Water Resources Control Board has been empowered under the Federal Water Pollution Control Act to protect the waters of the State. Sections 13386 and 13387(a)(5), California Water Code (see attached), authorizes the California Water Resources Control Board to take appropriate enforcement action against a person who introduces a pollutant into a sewer system which causes personal injury and or property damage.

935 Broadway, El Centro, CA 92243-2349 • (760) 482-4438 • (760) 352-9933 Fax
AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

Should you have any further questions regarding this matter, please do not hesitate to contact me at (760)336-8530.

Regards,

A handwritten signature in black ink, appearing to read 'Jeff Lamoure', with a long horizontal line extending to the right.

Jeff Lamoure, Deputy Director Public Health
Division of Environmental Health

CC: Geoff Holbrook, Deputy County Counsel

Country Club Sewer Maintenance District
Attachment O

One Page



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

Imperial County Grand Jury

January 14, 2011

Colorado River Basin Region (7)
73-720 Fred Waring Drive Suite 100
Palm Desert, California, 92260

To Whom It May Concern:

As part of a study by the Imperial County Civil Grand Jury we need the following information:

Is your agency responsible for monitoring of Restaurant Cooking Grease?

Is it legal for a restaurant to dump cooking grease down a sink and let it continue into the sewage pipes? If it reaches the city sewer plant is that legal?

Thank you for your prompt attention to this matter.

Sincerely,

Kelly Gould
Civil Grand Jury Foreperson

Appendix B

Responses to 2009-2010 Civil Grand Jury Final Report

Listed by date



Steve Walker
Jacinto Jimenez
Ricardo Labrada
Jeanne Voqel
Richard Acosta

Central Union High School District

August 11, 2010

FILED

AUG 30 2010

SUPERIOR COURT
COUNTY OF IMPERIAL
KRISTINE S. KUSSMAN, CLERK
BY [Signature] DEPUTY

Central Union High School District

Administrative Office
351 Ross Avenue
El Centro, CA 92243
(760) 336-4500
(760) 353-3606 FAX

Superintendent
C. Thomas Budde, Ph.D.

Assistant Superintendent
Educational Services
Sheri L. Hart

Director, Human Resources
Carol Moreno

Central Union High School

1001 Brighton Avenue
El Centro, CA 92243
(760) 336-4300
(760) 353-3570 FAX

Principal
Jeffrey A. Magin

Southwest High School

2001 Ocotillo Drive
El Centro, CA 92243
(760) 336-4100
(760) 353-0467 FAX

Principal
Danette Morrell

Desert Oasis High School

1302 South 3rd Street
El Centro, CA 92243
(760) 336-4555
(760) 337-3952 Fax

Principal
Maria Ambriz

Honorable Judge Chris Yeager
Presiding Judge of the Superior Court
County of Imperial
939 West Main Street
El Centro, CA 92243

Re: Responses to the Grand Jury Findings

Dear Judge Yeager:

The 2009-10 Imperial County Grand Jury Final Report of Findings was reviewed by the Board of Education at its regularly scheduled meeting August 10, 2010 and the following responses were approved. The report focused on two subjects: (1) Southwest Academy of Visual and Performing Arts and (2) Hostile Work Environment. Four enumerated and four additional recommendations related to SAVAPA were included in the report. The second subject contained only one recommendation. District responses to the findings and recommendations are listed below (Note: Summarized or paraphrased Grand Jury Report language is reprinted in italics.)

Southwest Academy of Visual and Performing Arts

RESPONSE TO FINDINGS

Students in the SAVAPA program receive high quality, direct instruction...There is evidence, in fact, that the staff and administration are falling short of the collaboration models built into the SAVAPA grants.

RESPONSE: The district agrees with the findings in part. SAVAPA is a unique high quality program that successfully attracts students through intra and inter district transfers from schools through out the Imperial Valley. Teachers do collaborate among themselves and with the community. Could more be done? As with anything the answer is yes.

ACTION ON RECOMMENDATIONS

1. building bridges...

RESPONSE: Professionals in the arts area are limited in the community. The SAVAPA program will continue to cultivate relationships with them and the relationships which already or might be developed with professionals from larger nearby communities (i.e. San Diego)

2. building consistent interdisciplinary collaborations...

RESPONSE: Collaboration is essential to the successful delivery of a multi-discipline program. Zero turnover of the instructional staff and the elimination of subversive distractions will enhance collaboration.

Committed to Excellence

3. promoting communication...

RESPONSE: The SAVAP program has a dedicated coordinator who receives a release period to devote to SAVAPA business. Every effort is made and will continue to be made to facilitate communication between and among academic teachers within the limits of the labor contract with the teachers association.

4. expanding the visual components...

RESPONSE: SAVAPA has expanded to include graphics and computer animation. These expansions have not been fully developed. Before additional expansion occurs the SAVAPA staff will focus on increasing the quality and fidelity of the existing program.

...recruiting...

RESPONSE: Since SAVAPA classes are full, expanded recruitment will create a more competitive environment for limited spaces and may ultimately be detrimental. The recommendation for increased recruitment will not be implemented.

...balance...

RESPONSE: Female participation in SAVAPA is 80%. Seventy-seven percent of the students in SAVAPA are Hispanic while eighty-seven percent of the school population is Hispanic. Fifty-four percent of the school's population has qualified for free/reduced lunch while thirty-six percent of the SAVAPA population qualifies. SAVAPA is open to all students. A quota system to change the gender, soci-economic, or ethnic balance has the potential to be detrimental since SAVAP classes are currently full. Giving preference to a certain class of students could be accomplished only at the expense of another.

...closing SPAT...

RESPONSE: The SPAT is NOT closing. Staffing has been reduced and reconfigured because of the financial crisis all governmental agencies and especially schools in California are facing. The Board of Education is committed to using the theater to support the instructional program and continuing to make it available to the community for non-school use.

...earthquake safety...

RESPONSE: The theater was recently inspected by the Department of the State Architect, an engineer, and the technical consultant that installed the stage rigging and found to be in excellent condition with no significant safety concerns. Recommendations were made and have been implemented for minor repair to damaged sheet rock. The condition of operable safety lighting will be investigated and repairs or corrections made as necessary.

Hostile Work Environment

RESPONSE TO FINDINGS

Allegations of hostile work environment...

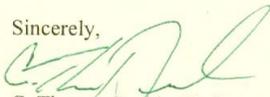
RESPONSE: The district agrees with the findings in part. There were no persistent and pervasive hostilities. The Final Report of Findings states, "The documentation to show on-going hostility and abuse, however fell short of establishing a pattern of targeted conflict or an abusive work environment." Could more have been done? As always yes.

ACTION ON RECOMMENDATIONS

...attempts at mitigation are moot at this point.

RESPONSE: The district strives to create a positive environment for students and employees and will continue to do so.

Sincerely,



C. Thomas Budde, Ph.D.
Superintendent

JAMES SEMMES
DIRECTOR


IMPERIAL COUNTY
DEPARTMENT OF SOCIAL SERVICES

2995 S. 4TH STREET, SUITE 105
EL CENTRO, CA 92243
TELEPHONE: (760) 337-6800

8-31-10

Imperial County Civil Grand Jury
P.O. Box 2011
El Centro, CA 92244

Grand Jury Response-FY 09-10 Report

RE: CalWORKs-Welfare to Work-Response

We are in receipt of the 2009-2010 Grand Jury Report regarding our CalWORKs, Welfare to Work, Division. We are in agreement with the report that allocations and distribution of funds and personnel are transparent and well-documented. We also agree that CalWORKs employees have standards and monthly targets and that there is no undue pressure or penalty if these standards are unmet and that Supervisors are willing to work with them to resolve issues. During this particular review year, most of our CalWORKs supportive service contracts were terminated due to serious budget concerns at both the State and County levels which resulted in increased workload demands of our own Welfare to Work staff. Since that time, however, most of these partner contracts have been reinstated and those additional workload demands have been relieved.

We were glad to see that interviewees felt no pressure from upper management and were comfortable with their access to supervisors. We do agree that regular staff meetings are important. The Director meets with his Deputies weekly, and the Deputies and Program Managers and Supervisors should do the same with their respective staffs unless there are extenuating circumstances.

We will also continue to encourage employee input into daily operations. Currently there is a suggestion box in the main office and we will set up boxes in other offices as well to encourage such input.

As requested, our department will include the Civil Grand Jury in its distribution list of its annual report and strategic plans for the Department.

Thank you for the opportunity to provide input into your report.

Sincerely,



James Semmes, Director
Department of Social Services

COUNTY OF IMPERIAL

MARTIN J. KRIZAY
Chief Probation Officer

PEDRO J. SALGADO
Chief Deputy Probation Officer



PROBATION DEPARTMENT
JUVENILE HALL

324 Applestill Rd.
El Centro, CA 92243

(760) 339-6229
(760) 352-8933 fax

PROBATION DEPARTMENT

September 7, 2010

Kelly Gould, 2009-2010 Grand Jury Forman
2009/2010 Imperial County Civil Grand Jury
939 West Main Street
El Centro, CA 92243

Reference: 2009-2010 Imperial County Civil Grand Jury Final Report

Dear Grand Jury Members,

This letter is in response to the 2009-2010 Imperial County Civil Grand Jury Final Report which requested a response for the following issue:

1. The control panel in the front main office of Juvenile Hall needs to be replaced to resume monitoring daily activities for the safety of youth and staff.

The Probation and Corrections Department received a cost estimate of \$95,000 from the Imperial County Public Work Facilities and Maintenance Department to replace the current monitoring system. A budget request in the amount of \$95,000 was submitted to the Board of Supervisors during the FY 2010-2011 budget process under the Capital Improvement Program. On the September 7, 2010, the Imperial County Board of Supervisors adopted the FY 2010-2011 budget which includes this budget request. Project scheduling will be developed and completed by the Imperial County Public Work Facilities and Maintenance Department.

An Equal Opportunity / Affirmative Action Employer

I want to take this opportunity to thank the Imperial County Civil Grand Jury for their continued support.

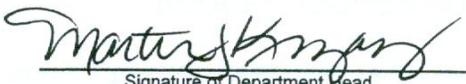
Sincerely,

A handwritten signature in blue ink that reads "Martin J. Krizay". The signature is fluid and cursive, with the first name being the most prominent.

Martin J. Krizay
Chief Probation Officer

Cc Honorable Christopher W. Yeager, Presiding Superior Court Judge
Louis Fuentes, Chairman of the Board, Imperial County Board of Supervisors

ATTACHMENTS

12. Submitted By:				
 _____ Signature of Department Head	_____ Date			
13. Recommendations:				
Property Services:	Approved: <input type="checkbox"/>	Denied: <input type="checkbox"/>	N/A: <input type="checkbox"/>	
Comments: _____				
_____ Property Services Department				
_____ Date				
Data/Communications:	Approved: <input type="checkbox"/>	Denied: <input type="checkbox"/>	N/A: <input type="checkbox"/>	
Comments: _____				
_____ Communications Department				
_____ Date				
Information Systems:	Approved: <input type="checkbox"/>	Denied: <input type="checkbox"/>	N/A: <input type="checkbox"/>	
Comments: _____				
_____ Information Systems Department				
_____ Date				
CEO Office Use Only				
14. CEO Recommendation:				
Approved <input type="checkbox"/>				
Denied <input type="checkbox"/>				
_____ Signature of County Executive Office				
_____ Date				
Comments: _____				
Form B015 (02/04)				



P. O. Box 792
901 Andrade Avenue
Calexico, CA 92232-0792
(760) 768-3888 X-3007
FAX: (760) 768-2230

Vivia Arellano
Business Manager
varellano@calexico.k12.ca.us

Date: September 30, 2010

To: Randall Carson, Committee Foreman
Civil Grand Jury
P.O. Box 2011
El Centro, CA 92244

From: Vivia Arellano, Business Manager
Calexico Unified School District
901 Andrade Avenue
Calexico, CA 92231

Re: Final Report of Findings – Calexico Unified School District

Dear Mr. Carson:

I am in receipt of a final report of findings presented to Dr. Christina Luna, Superintendent for the Calexico Unified School District dated June 15, 2010, please see attached. This correspondence is in response to the findings.

- 1) **Evaluation, not reported as a Finding:** Arts Music Grant money was utilized properly and the recommendation calls for further District and site funds to be committed to the Arts Program.

CUSD Response: Although resources are limited to the District, Calexico High school has completed the Theater project in Varner gymnasium. Other eligible Categorical funding sources were shifted and obligated to the project.

- 2) **Finding:** Evidence of lack of supervision of students outside of the classrooms at De Anza Junior High School.

CUSD Response: District and school site leadership has provided for appropriate supervision of students throughout the instructional day by hiring additional campus proctor security staff as well as noon duty aides during the lunch period.

- 3) **Finding:** Lack of clarity among Board of Trustees. Members do not all share common understanding of policies and procedures.

CUSD Response: The District continues to provide training and support for its Board Members. Workshops and external assistance through legal counsel and the California School Board's Association has been provided at the cost of the District.

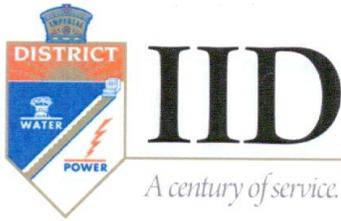
If you have any questions please contact me at your convenience at 760-768-3888 ext. 3007.

Sincerely,



Vivia Arellano
Business Manager

CC: Christina Luna, Ed. D., Superintendent



www.iid.com

September 30, 2010

Mr. Kelly Gould
Foreperson
Imperial County Civil Grand Jury
939 Main Street
El Centro, CA 92243

Dear Mr. Gould:

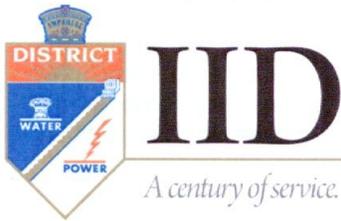
Enclosed please find the Imperial Irrigation District's response to the 2009-10 final report of findings released by the Imperial County Civil Grand Jury.

If you should require anything further from this office, please do not hesitate to contact me directly at (760) 427-1593.

Sincerely,

Kevin E. Kelley
Assistant to the General Manager

Imperial Irrigation District
P. O. Box 937
Imperial, CA 92251
760.339.9477



**IID Response to Final Report of Findings
2009-2010 Imperial County Civil Grand Jury
Thursday, September 30, 2010**

The Imperial Irrigation District has thoroughly considered the findings of the 2009-10 Imperial County Civil Grand Jury final report and offers the following in response to its wide-ranging probe of district operations.

IID is in accord with most of the grand jury's findings and recommendations and shares its overall goal of ensuring that the district, as a public agency, adheres to the principles of good government, including transparency and accountability. In general terms, the report is thoughtfully written and, unlike the intemperate document filed by the 2008-09 civil grand jury, avoids drawing sweeping or unsubstantiated conclusions. As such, it warrants an equally thoughtful and measured response from the district.

This most recent inquiry does find fault with the district for the same lack of institutional checks and balances cited by the preceding grand jury in its report of a year ago. In the preamble to its report, the 2009-10 grand jury states that, "[it] wishes to impose accountability, not bureaucracy, on the IID and its personnel."

Indeed, if there is a common theme in the report's findings, it is that bureaucracy is somehow thwarting or impeding accountability at IID. In its findings regarding policies and procedures, one of 10 subject areas examined in the document, the grand jury asserts that it has "discovered multiple instances, however, where policy is bypassed or where procedural guidelines are routinely skirted during the course of 'business as usual.'"

"We have found evidence," the report continues, "that certain supervisors have knowingly and repeatedly glossed over performance evaluations and otherwise allow[ed] individuals who would otherwise (sic) be removed for cause to remain employed. This means that some employee issues never get resolved and that policy violations rarely get acted upon."

Imperial Irrigation District
P. O. Box 937
Imperial, CA 92251
760.339.9477

Without having access to the evidence referenced above, the district cannot respond with precision to such categorical allegations nor can it be expected to do so. That "some employee issues" undoubtedly do go unresolved does not mean that policy violations (all of them, presumably) are rarely acted upon.

A related finding having to do with the discretionary spending limits of managers and department heads covers the same familiar terrain, claiming that some capital projects and hiring decisions "are started with the full knowledge that they will cost more than the spending cap, but the managers in question do not seek the required [board] approval." The major work authorization process at IID, and its attendant spending authority, has been revamped by the board to eliminate the parceling out of short-term contracts so that they tend to obscure the true long-term cost to the district, a practice the civil grand jury describes as "a circumnavigation of fiscal controls."

In addition, the general manager's latitude to engage consultants, contract or permanent employees at a salary that amounts to 90 percent of his own has been eliminated without board approval. It is important to note that revisions to the MWA policy were under way prior to the release of this grand jury report, but the cap on the general manager's hiring/spending authority, which was approved unanimously by the board on September 14, 2010, was initiated in direct response to it.

This is a concrete example of the IID board taking into account and acting on a specific recommendation of the grand jury report. In fact, the board has reviewed in detail each of the report's 10 findings and recommendations, and it is likely that others will be taken up and incorporated into policy as well. Those findings dealing with the Local Entity, Brown Act compliance, refinement of the energy cost adjustment formula, remediation of illegal dumpsites in Imperial County and the integrity of IID's bidding process merit further study by the board and management. In the space that follows, IID will respond to each of these:

Local Entity Competitive Grant Program: The Local Entity was formed to mitigate the direct and indirect socioeconomic impacts of fallowing in the Imperial Valley to generate water for transfer under the Quantification Settlement Agreement. The original body was made up of 11 members but a dispute over the true impact of fallowing between IID and the San Diego County Water Authority stymied its progress. The entity was reconstituted in 2006, and its membership was comprised of five volunteers drawn from the irrigation service territory.

Mitigation awards encompassing the first three fallowing events were granted to farm service providers (non-competitive grant applicants) and job-training agencies (competitive grant applicants) in 2008. The Local Entity was reconstituted yet again, in 2009, with the board agreeing to act in this capacity, since it was already the approving agency under the QSA. To date, the IID board, acting as the Local Entity, has made mitigation awards covering the 2006-07 and 2007-08 fallowing events to non-

Imperial Irrigation District
P. O. Box 937
Imperial, CA 92251
760.339.9477

competitive grant applicants and is in the midst of completing the competitive portion of the grant application process.

The key finding in the grand jury's examination of the Local Entity's competitive grant program is that the money awarded to farm service providers was not misspent. This does not absolve the district, its staff or outside coordinators of the legitimate criticism leveled against the program that it has been unwieldy, confusing and poorly administered.

IID has taken steps to remedy these deficiencies by assigning a dedicated Water Department employee as staff adviser to the Local Entity and to invite the active participation of Internal Auditing personnel and the general counsel. These changes, in addition to better recordkeeping and a more stringent regimen of oversight once mitigation funds have been awarded to grant recipients, should result in a markedly improved process.

Brown Act Compliance: As a public agency with a popularly elected board, IID is duty bound to rigorously follow all provisions of the Brown Act, the state's open meeting law. The civil grand jury correctly dismisses some of the citizen complaints it has received in this regard as "posturing on the part of disgruntled members of the community." At the same time, it allows that, "There is evidence that may support several of the complaints."

Again, the district isn't privy to such evidence. What IID can say without equivocation is that it seeks to comply with the Brown Act in each and every case, its board members refrain from taking part in polling or serial meetings and matters discussed in closed session are those that properly fall under the one of the Act's safe-harbor provisions. Even so, there was a recent instance pertaining to the general manager's compensation, which should have been aired out and voted on in open session, that was instead handled in closed session.

The remedy to this Brown Act violation, as prescribed by the law itself, was to correct the record by noticing the matter as an open-session item during the first available board meeting and revisiting it at that time. There was nothing nefarious in this circumstance; it was simply a mistake.

The civil grand jury has recommended that IID offer training regarding the Brown Act to its board, managers and administrative staff, and this is something the district will take under advisement. Such training is provided currently, but not as frequently or to as wide an audience within the organization as might be needed.

Energy Cost Adjustment Formula: The civil grand jury argues for a free-floating energy cost adjustment, one that rises and falls according to market forces and reflects the

Imperial Irrigation District
P. O. Box 937
Imperial, CA 92251
760.339.9477

actual cost of fuel and purchased power to the district. The current ECA has remained constant since 2006; prior to that time, it was a variable rate.

The IID board is considering a revised ECA formula that would be more responsive to changing market conditions; in the meantime, it has established a rate stabilization fund of up to \$100 million that would protect the existing rate structure – and IID ratepayers – from any unexpected spike in fuel costs.

The chief financial officer will be proposing a revamped ECA to the board in October, at which time it will review the current formula and consider releasing the rate, which is now pegged at 5.01 cents per kilowatt-hour, so that it corresponds to the ebb and flow of market prices.

Illegal Dumpsites Remediation Program: In responding to two complaints received by the grand jury regarding the district's remediation of illegal dumpsites at 15 sites located along the banks of the New River, IID's planned remediation program and its retention of a contractor to perform this work were reviewed. The MWA document associated with the remediation program, while sole-sourced, was found to be fully justified; in fact, the civil grand jury "commends the managers and employees of this program for their work and for their efforts to maintain transparency and accountability."

The recommendation, though, goes on to suggest that IID launch a public information campaign to promote a broader understanding of the ecological, financial and legal costs to the district (and, by extension, the general public) from such illegal dumping. Imperial County and the district have been working closely to meet certain milestones of the IID remediation program, and an opportunity exists for both public agencies, in consultation with the Imperial County Farm Bureau and other stakeholders, to join forces in mounting a public awareness campaign against illegal dumping.

IID Bidding Process: Procedures related to the district's bidding process were studied by the civil grand jury, which questioned whether those same procedures are being applied consistently in evaluating all bids received by IID. The report cites a case in which some bids for a particular piece of equipment were not considered because they did not meet the exact specifications, even though no bidder was found to have met them. In the end, according to the findings, a bid was selected despite the fact that it was \$112,000 more than the lowest responsive bid.

IID, as the report acknowledges, is exempted by the Water Code from having to accept the lowest-cost bid it receives, mainly because other factors are afforded equal or, in some instances, greater weight in the evaluation process. Where procedures connected to the bidding process have needed to be updated, the district has revised them and will continue to do so. The complaint referenced in this report, however, cannot be addressed with any specificity by the district.

Imperial Irrigation District
P. O. Box 937
Imperial, CA 92251
760.339.9477

This final report of findings submitted by the 2009-10 Imperial County Civil Grand Jury is thorough and comparatively evenhanded. Where it raises concerns or questions, it does so without attaching a secretive or sinister motive to them. The report does express frustration with IID in the course of conducting its yearlong investigation of the district's operations, which is regrettable.

IID supports the charge of the civil grand jury and its role in assuring citizens that the institutions working on their behalf are, in fact, serving the public interest. The twin goals of transparency and accountability that are mentioned repeatedly in this final report are as valuable to the IID as they are to the people that it serves. The district realizes that it will be judged not by what it writes in response to this report but by what it does as a result of having put its recommendations into practice.

IID appreciates the opportunity to file this response to the 2009-10 Imperial County Civil Grand Jury final report of findings.

Imperial Irrigation District
P. O. Box 937
Imperial, CA 92251
760.339.9477

