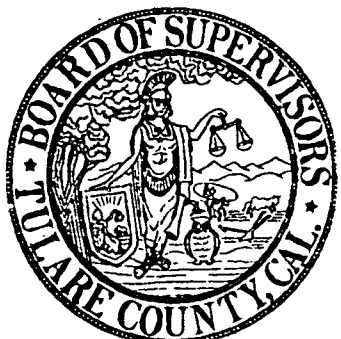


**BEFORE THE BOARD OF SUPERVISORS  
COUNTY OF TULARE, STATE OF CALIFORNIA**

IN THE MATTER OF GRAND JURY )  
RESPONSE – SHOW ME THE RECORDS!!! ) Resolution No. 2018-0478  
)

UPON MOTION OF SUPERVISOR ENNIS, SECONDED BY SUPERVISOR SHUKLIAN, THE FOLLOWING WAS ADOPTED BY THE BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD JUNE 12, 2018, BY THE FOLLOWING VOTE:

AYES: SUPERVISORS CROCKER, VANDER POEL, SHUKLIAN, WORTHLEY,  
AND ENNIS  
NOES: NONE  
ABSTAIN: NONE  
ABSENT: NONE



ATTEST: MICHAEL C. SPATA  
COUNTY ADMINISTRATIVE OFFICER/  
CLERK, BOARD OF SUPERVISORS

BY: Mary Rocello  
Deputy Clerk

\*\*\*\*\*

1. Considered, modified as needed, and approved the responses to the 2017/2018 Tulare County Grand Jury Final Report entitled: "Show Me the Records!!!"
2. Authorized the Chairman to sign the response letter.



**Board of Supervisors  
COUNTY OF TULARE  
AGENDA ITEM**

**BOARD OF SUPERVISORS**

KUYLER CROCKER  
District One

PETE VANDER POEL  
District Two

AMY SHUKLIAN  
District Three

J. STEVEN WORTHLEY  
District Four

MIKE ENNIS  
District Five

**AGENDA DATE:** June 12, 2018 – REVISED

Public Hearing Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Scheduled Public Hearing w/Clerk	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Published Notice Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Advertised Published Notice	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
County Counsel Sign-Off	Yes	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Meet & Confer Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Electronic file(s) has been sent	Yes	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Budget Transfer (Aud 308) attached	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Personnel Resolution attached	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Agreements are attached and signature line for Chairman is marked with tab(s)/flag(s)	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>

CONTACT PERSON: Julieta Martinez    PHONE: 559.636.5000

**SUBJECT:** Grand Jury Response – Show Me the Records!!!

**REQUEST(S):**

That the Board of Supervisors:

1. Consider, modify as needed, and approve the responses to the 2017/2018 Tulare County Grand Jury Final Report entitled: "Show Me the Records!!!"
2. Authorize the Chairman to sign the response letter.

**SUMMARY:**

The 2017/2018 Tulare County Grand Jury Final Report requests a response from the Board of Supervisors regarding the report entitled: "Show Me the Records!!!" (See attached copy of the report.)

The Board is required to provide comments to the Presiding Judge of the Superior Court within 90 days after the report is filed with the Presiding Judge.

The draft response to the report is attached for consideration. It is requested the Board modify the draft, as needed, approve the response to the Grand Jury, and authorize the Chairman to sign the Response Letter.

**FISCAL IMPACT/FINANCING:**

There is no Fiscal Impact associated with the response to this request.


**LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:**

The County's Strategic Plan includes the Organizational Performance Initiative, which provides for the objective evaluation and measurement of County program

**SUBJECT:** Grand Jury Response – Show Me the Records!!!  
**DATE:** June 12, 2018

performance. The Board's approval of the Grand Jury Final Report responses assist in the fulfillment of this initiative by ensuring accurate information is available to all residents.

**ADMINISTRATIVE SIGN-OFF:**

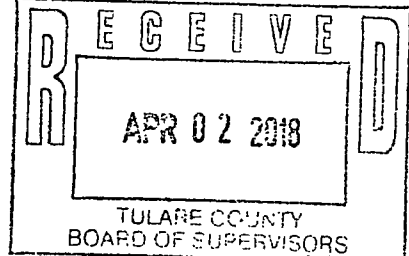
  
\_\_\_\_\_  
Julieta Martinez  
Chief of Staff

cc: County Administrative Office

Attachment(s) Grand Jury Report – Show Me the Records  
Draft Response Letter



**TULARE COUNTY GRAND JURY**  
 5963 S Mooney Boulevard Visalia, CA 93277  
 PHONE: (559) 624-7295  
 FAX: (559) 733-6078  
 E-MAIL: grnd\_jury@co.tulare.ca.us  
 WEB: http://tularecounty.ca.gov/grandjury/



ATTENTION: Chairman Steve Worthley  
 AGENCY: Tulare County Board of Supervisors  
 ADDRESS: 2800 W. Burrel Ave., Visalia, CA 93291

California Penal Code §933.05 (f) mandates that the Tulare County Grand Jury provide a copy of the portion of the final Report that affects that agency or person of that agency two working days prior to its public release. Advance release or disclosure of a Grand Jury Report is prohibited prior to its public release.

Attached is a copy of your portion of the 2017-2018 Tulare County Grand Jury Final Report.

California Penal Code §933(c) requires a response to said document. Depending on the type of respondent you are, a written response is required as follows:

- PUBLIC AGENCY:** The governing body of any public agency that is required to respond must do so within NINETY (90) DAYS from the date this report was approved as final by the Presiding Judge.
- ELECTIVE OFFICER OR AGENCY HEAD:** All elected officers or heads of agencies that are required to respond must do so within SIXTY (60) DAYS from the date this report was approved as final by the Presiding Judge.

Please be advised, this portion of the final report was approved as final by the Presiding Judge on 3/30/18.

**YOU MUST SEND YOUR RESPONSE TO EACH OF THE FOLLOWING:**

The Honorable Judge Brett Alldredge  
 County Civic Center, Room 303  
 221 S Mooney Blvd  
 Visalia, CA 93291

**Tulare County Grand Jury**  
 5963 S Mooney Blvd  
 Visalia, CA 93277

**Tulare County Board of Supervisors**  
 2800 W. Burrel Ave  
 Visalia, CA 93291  
 (For County Agencies Only)

Received by: Alyssa Unti

Date: 4/2/18

Report Name: Show Me the Records!!!

Response Due by: July 1, 2018

Delivered by: [Signature]

Date and Time: 4/2/18 10:45

Release Date: April 5, 2018

Howard Stroman, Foreman 2017/2018 Tulare County Grand Jury

PREPARE A SEPARATE RESPONSE FOR EACH REPORT

California Penal Code §933.05 mandates the manner in which responses are to be answered.

See reverse for Penal Code §933.05 information.

**§933.05. Response to Grand Jury Recommendations--Content Requirements; Personal Appearance by Responding Parry; Grand Jury Report to Affected Agency**

(a) For purposes of subdivision (b) of §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 therefore

(b) For purposes of subdivision (b) of §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 time frame 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 therefore:

(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 finding 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.

# SHOW ME THE RECORDS!!!

## BACKGROUND:

Transparency is an obligation of government. Per California Public Records Act (CPRA), California Government Code § 6253(c):

“Each agency, upon a request for a copy of records, shall within ten days from receipt of the request, determine whether the request, in whole or in part, seeks copies of disclosable public records in the possession of the agency and shall promptly notify the person making the request of the determination and the reasons therefor. In unusual circumstances, the time limit prescribed in this section may be extended by written notice by the head of the agency or his or her designee to the person making the request, setting forth the reasons for the extension and the date on which a determination is expected to be dispatched. No notice shall specify a date that would result in an extension for more than 14 days.”

According to the CPRA Government Code 6250 ET SEQ Aug. 2004, government records shall be available to the public upon request with certain exemptions. Exemptions generally relate to confidentiality, such as medical records, investigative reports, or those with pending litigation. In cases where an exemption is appropriate, confidential information is to be redacted.

## REASON FOR INVESTIGATION:

The Tulare County Grand Jury received a complaint from a citizen alleging public records requested had not been received in a timely manner. The complaint cited a violation of the CPRA.

## METHOD OF INVESTIGATION:

1. Interviewed witnesses.
2. Reviewed specific documents.
3. Visited Tulare County Board of Supervisors (TCBOS) Clerk's Office.

## FACTS:

1. Public records may be available for inspection during business hours of state and local agencies.
2. There may be a fee for document search and/or reproduction.
3. “A public agency must respond no later than ten calendar days from the receipt of the request to notify the requestor whether the records will be disclosed.”
4. The ten calendar day response time begins when the request is received.

5. A local agency must update the requestor if there is a delay in providing the requested documents and the reason for the delay.
6. The period may be extended an additional 14 days by informing the records requestor within the ten calendar day period.
7. Generally only one courtesy extension is allowed, unless there are unusual circumstances.
8. During calendar year 2017, four CPRA requests were received and acted upon by the TCBOS Clerk's Office. These requests are stored in one file folder.

### **FINDINGS:**

- F1. Tulare County employees receiving public document requests are offered annual training on the CPRA.
- F2. Requests for records may be submitted to any department or agency within Tulare County, but all requests must go through the TCBOS Clerk's Office as stated by agency personnel.
- F3. Two of the four CPRA requests received by the TCBOS Clerk's Office did not meet the ten day requirement for responding to the request, either by informing the requestor that records would be produced or by providing an extension notification about this determination.
- F4. The county does not provide procedural information for CPRA requests. This information is available online.

### **CONCLUSION:**

CPRA regulations were not consistently followed by the TCBOS Clerk's Office.

### **RECOMMENDATIONS:**

- R1. Set up separate files for each CPRA request.
- R2. Establish a date-based tracking system for each CPRA request received.
- R3. Inform requestors of CPRA required procedures.

### **REQUIRED RESPONSES:**

1. Tulare County Board of Supervisors
2. Tulare County Chief Administrative Officer

## **Disclaimer**

Grand Jury reports are based on documentary evidence and the testimony of sworn or admonished witnesses, not on conjecture or opinion. However, the Grand Jury is precluded by law from disclosing such evidence except upon specific approval of the Presiding Judge of the Superior Court, or another judge appointed by the Presiding Judge (Penal Code Section 911, 924.1 (a) and 929). Similarly, the Grand Jury is precluded by law from disclosing the identity of witnesses except upon an order of the court for narrowly defined purposes (Penal Code Section 924.2 and 929).