

**TULARE COUNTY LOCAL AGENCY FORMATION COMMISSION**

**Minutes of the Meeting**

**August 3, 2011**

**Members Present:** Allen Ishida, Juliet Allen, Steve Worthley, Cameron Hamilton

**Members Absent:** Rudy Mendoza

**Alternates Present:** Gerald Magoon

**Alternates Absent:** Amy Shuklian, Mike Ennis

**Staff Present:** Ben Giuliani, Marcos Segura

**Counsel Present:** Nina Dong

**I. Call to Order**

Chair Ishida called the Tulare County Local Agency Formation Commission meeting to order at 2:00 p.m. on August 3, 2011.

**II. Approval of the May 4, 2011 Minutes:**

Upon motion by Commissioner Allen and seconded by Commissioner Hamilton, the Commission unanimously approved the June 1, 2011 minutes.

**III. Public Comment Period**

Chair Ishida opened the Public Comment Period

No comments were received; Chair Ishida closed the Public Comment Period

**IV. Consent Calendar Items**

There were no Consent Calendar items.

**V. Continued Action Items**

There were no Continued Action items.

**VI. New Action Item**

1. Reconsideration Request, LAFCO Case 1462-V-445, City of Visalia Annexation 2005-07 (River Way)

Chair Ishida informed attendees that this item is being pulled at the request of the City of Visalia.

2. Adoption of Health Care District and Mosquito Abatement District Municipal Service Review Reports

Analyst Segura provided a summary of the Health Care District and Mosquito Abatement District Municipal Service Review (MSR) reports. Some comments were received containing financial data. No other comments were received and no changes were made to the original determinations.

Chair Ishida opened the Public Hearing

No Comments were received; Chair Ishida closed the Public Hearing

Commissioner Allen stated that she found the MSRs to be clear and to-the-point.

Chair Ishida thanked Marshal Norgaard for his work on investigating the potential for expansion of mosquito abatement services to the east side of Tulare County.

Upon motion made by Commissioner Worthley and seconded by Commissioner Allen the Commission unanimously approved the final draft Municipal Service Reviews for Health Care Districts (Kaweah Delta, Tulare, Sierra View, Exeter Ambulance, Lindsay and Dinuba) and Mosquito Abatement Districts (Delta and Tulare).

3. Designation of Voting Delegate and Alternate for the CALAFCO Business Meeting

Upon motion made by Commissioner Worthley and seconded by Commissioner Hamilton, the Commission unanimously approved nominating Julie Allen as the voting delegate for the CALAFCO Business Meeting and Rudy Mendoza as the alternate voting delegate.

**VII. Executive Officer's Report**

1. MSR Drafts for Group 4 Fire Protection Districts

Analyst Segura provided a summary of the MSR drafts for Group 4 Fire Protection Districts (Woodlake and Strathmore). Draft copies were mailed out for review and comment. Comments will be received until September 1. Staff is seeking feedback. The final report will be brought before the Commission in October for consideration.

Commissioner Worthley stated that there is pending legislation that could possibly change the mandatory number of voting Board members on some of the fire districts.

Commissioner Allen questioned the number of districts this affects other than Tulare County and if CALAFCO's awareness should be heightened.

2. Proposed Policies

Executive Officer Giuliani stated that there are two draft policy changes.

A draft amended Policy A-4 pertaining to Commissioner replacement and attendance was circulated for review and feedback. The City of Tulare submitted a letter suggesting that before the expiration of a Public Member's term, the position should be advertised for other people to express interest. Staff is seeking direction from the Commission.

Commissioner Worthley added that it might be good to provide opportunity for more people to apply.

Commissioner Allen commented that it should be a two-part process, first Public Member Alternate before Commissioner.

Alternate Commissioner Magoon commented that it would make the process more transparent.

Executive Officer Giuliani stated that if the Commission decides to make these changes, direction would need to be provided on how to advertise.

Commissioner Ishida stated that it could be done the same way other Board openings are done in Tulare County and that staff is aware of the process.

Executive Officer Giuliani asked if the Public Member Alternate should be handled the same.

Commissioner Worthley stated yes to be consistent.

Executive Officer Giuliani stated that this would be a major revision and a draft would need to be re-circulated. Staff could bring it back to the Commission in October for consideration.

Commissioner Allen pointed out language, "any time and without cause", that should be removed from the policy.

Executive Officer Giuliani summarized Policy C-12 for reconsideration. Executive Officer Giuliani stated that the proposed changes will bring the policy in line with current state law. No comments have been received. Staff will bring the amended policy back to the Commission in September for consideration.

Commissioner Allen stated that it looks good.

### 3. Yokohl Ranch Update

Executive Officer Giuliani provided a Yokohl Ranch update. They are interested in creating two new districts and have been meeting with LAFCO staff to start the process. There are a lot of financial details that need to be worked out.

### 4. City of Dinuba/County of Tulare Memorandum of Understanding (MOU)

Executive Officer Giuliani stated that this brings up the subject of how to approach future sphere of influence updates noting the great disparity between Dinuba's SOI, City UDB and County UDB. Staff is seeking direction from the Commissioner in this regard.

Commissioner Worthley stated that the MOU's and SB375 should reduce land density; however, when cities do their SOI they have used their old density levels. It makes sense for LAFCO to take an impartial look and apply the appropriate density levels. Consideration should be given to how much land is needed to meet production that will leave less of a footprint. An example is the city annexing property and leaving it undeveloped.

Executive Officer Giuliani stated that he ran an initial analysis of residential supply within the city using their historic 20 year growth between 1990 and 2010 and using their existing density level they have 19 years of supply within the city.

Commissioner Ishida stated that the Blueprint requires the same plan for growth that includes industrial growth and housing. Discussion needs to take place regarding future planning.

Executive Officer Giuliani agreed adding that discussion is needed regarding school planning as well.

Commissioner Ishida stated that discussion is needed to create one single model.

Discussion ensued over the possibility of LAFCO being the keeper of the plans.

#### 5. Upcoming Projects

Executive Officer Giuliani stated that the last round of Municipal Service Reviews will be provided for Commission review and the two draft policies will be provided for reconsideration.

#### 6. Legislative Update

Executive Officer Giuliani provided a legislative update. Assembly Bill 54 regarding drinking water will be helpful for MSRs. Senate Bill 244 regarding land use is moving forward regarding addressing disadvantaged communities. Assembly Bill 392 regarding adding further Brown Act requirements to the posting of agendas is dead.

#### 7. CALAFCO Quarterly Report

Commissioner Allen stated that CALAFCO met June 24<sup>th</sup>. They worked on the budget. There is a seven thousand dollar short fall. They reached a decision to take the difference out of reserves. They also discussed pending legislation. Senate Bill 244 (Wolk) regarding land use: general plan: disadvantaged unincorporated communities is high on the list. They also discussed how to best communicate with regional representatives.

### **VIII. Correspondence**

There were no correspondence items

### **IX. Other Business**

#### 1. Commissioner Report

There were no reports received.

#### 2. Request from LAFCo for items to be set for future agendas

Commissioner Ishida questioned Cal Fire's fee structure. He asked if districts will need to be created so that a \$150.00 fee is not incurred per parcel. He requested that Commissioner Allen discuss with CALAFCO.

Commissioner Worthley stated that the public comment period is open until August 8<sup>th</sup>.

Chair Ishida stated that today is Analyst Segura's last meeting with LAFCO. He thanked him for his service.

Commissioner Allen thanked Analyst Segura for his dedication to LAFCO and wished him well.

Commissioner Worthley wished Analyst Segura well adding that he is very impressed by Mr. Segura as an individual.

**X. Closed Sessions**

There were no closed session items

**XI. Setting Time and Place of Next Meeting**

September 7, 2011 @ 2:00 P.M. in the Board of Supervisors Chambers in the County Administration Building

**XII. Adjourned**

Chair Ishida adjourned the meeting at 3:20 p.m.


































































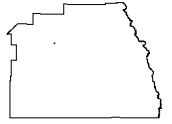




# County Service Area #2 (Wells Tract)

(as of 3/1/2007)

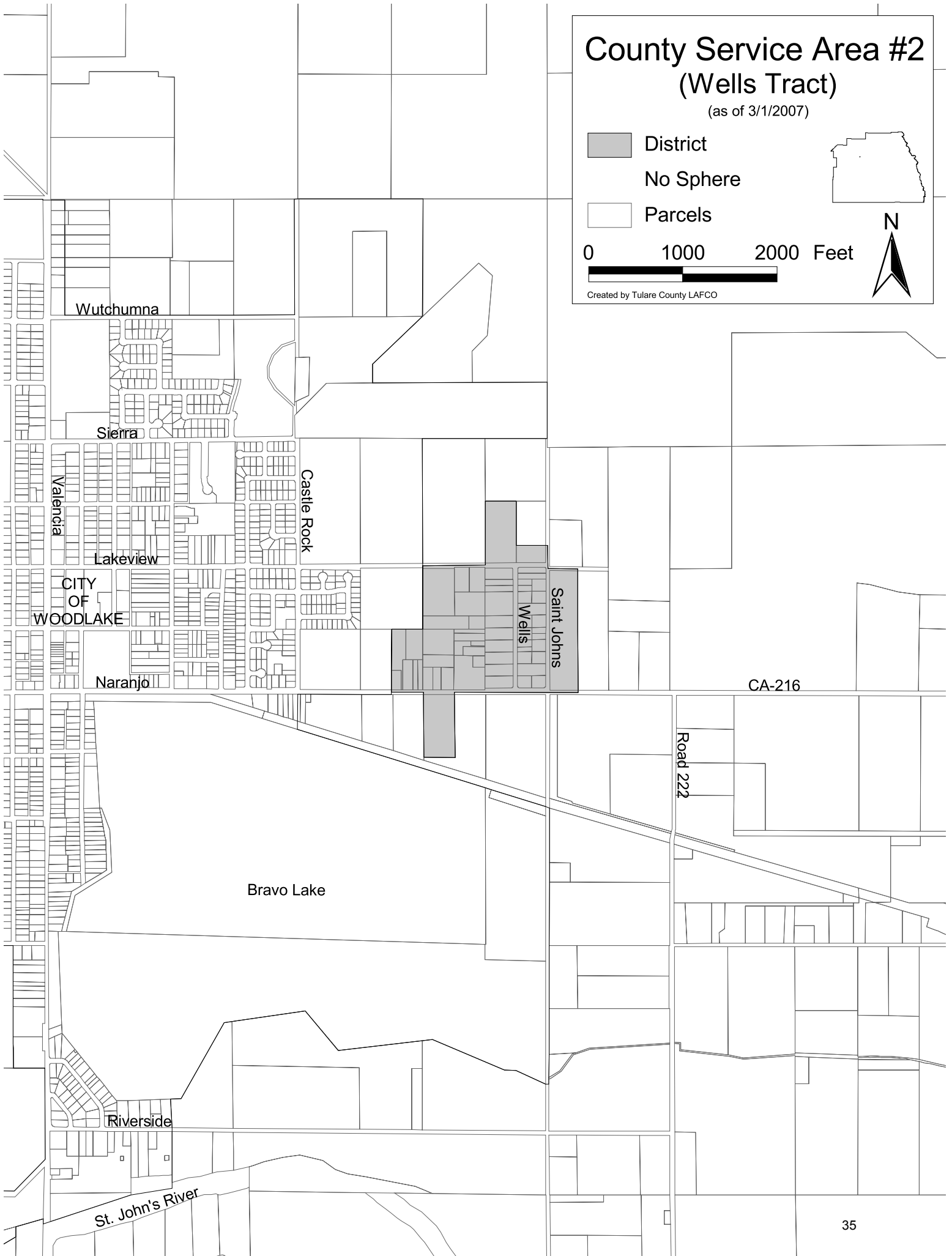
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Created by Tulare County LAFCO



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# TULARE COUNTY LOCAL AGENCY FORMATION COMMISSION

5955 S. Mooney Blvd. Visalia, CA 93277 (559) 624-7261 FAX (559) 733-6720

COMMISSIONERS:  
Allen Ishida, Chair  
Juliet Allen, Vice Chair  
Steve Worthley  
Cameron Hamilton  
Rudy Mendoza

September 7, 2011

ALTERNATES:  
Gerald Magoon  
Amy Shuklian  
Mike Ennis

To: LAFCO Commissioners and Alternates

From: Ben Giuliani, Executive Officer

EXECUTIVE OFFICER:  
Ben Giuliani

Subject: Amended LAFCO Policy C-12 (Reconsideration)

## Summary

The draft amended Policy C-12 (attached) was circulated to city and county staff for review on June 5<sup>th</sup>. The proposed amendments reconcile Policy C-12 with existing State law as outlined below. The draft policy was presented to the Commission for review at the August 3<sup>rd</sup> meeting. No changes have been made to the draft policy that was presented to the Commission and circulated to city and county staff. Staff is recommending that the Commission adopt the attached amended Policy C-12.

## Discussion

Policy C-12 (Reconsideration) currently creates a two step process for the review of reconsideration requests. Per the existing policy, the reconsideration is first presented to the Commission for acceptance and then, if accepted, brought back to the Commission for action at the next meeting.

Staff believes that this process is in conflict with statute. Government Code (GC) sections 56895(b) and (e) state the following:

*(b)The person or agency shall file the written request within 30 days of the adoption of the initial or superseding resolution by the commission making determinations. If no person or agency files a timely request, the commission shall not take any action pursuant to this section.*

*(e)The executive officer shall place the request on the agenda of the next meeting of the commission for which notice can be given pursuant to this subdivision. The executive officer shall give notice of the consideration of the request by the commission in the same manner as for the original proposal.*

For example, the Visalia annexation that was denied by the Commission at the May 4<sup>th</sup> meeting had a 21 day public notice. A timely reconsideration request for that decision would need to be submitted by June 3<sup>rd</sup>. The request would then be placed on the agenda for the next available Commission meeting for which a 21 day notice could be given.

While the required contents of a reconsideration request are defined by GC §56895(a), it is staff's opinion that the request, regardless of content, needs to be reviewed and acted upon by the Commission at one meeting that is subject to notice as specified in subsection "e" above.

Most spurious reconsideration requests would be discouraged by the requirement of the submission of the filing fee. Our fee for reconsideration requests is currently \$300 to cover staff time and public noticing. GC §56383(c) includes the following:

*The commission may require that an applicant deposit some or all of the required amount that will be owed with the executive officer before any further action is taken. No application shall be deemed filed until the applicant deposits the required amount with the executive officer.*

## **Attachments**

Proposed amended Policy C-12

# Policies and Procedures

## Tulare County Local Agency Formation Commission

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**Policy Number:** C-12

**Effective Date:** November 4, 2009

**Authority:** Government Code §56375(g) and §56895, LAFCO Resolution 09-017

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**Title:** Reconsideration

**Policy:** The Cortese-Knox Hertzberg Local Government Reorganization Act of 2000 (CKH) authorizes any person or affected agency to file a written request with the Executive Officer requesting amendments to or reconsideration of a resolution making determinations.

**Purpose:** To set forth the process by which requests for amendment or reconsideration are processed by LAFCO in accordance with GC §56895.

**Scope:** This procedure applies to all requests for amendment or reconsideration of LAFCO resolutions making determinations on changes of organization, reorganizations, spheres of influence and extensions of service agreements.

**History:** This policy was added to the Manual on 11/4/09.

**Procedure:**

### 12.1. General

This procedure is intended to implement the reconsideration provisions contained in GC §56895. In the event of any conflicts between this procedure and the provisions of GC §56895, Section 56895 shall control.

### 12.2. Acceptance

A **timely** request for amendment or reconsideration shall not be accepted for processing under GC §56895 until the commission authorizes the Executive Officer to accept the request **is defined as the following:**

- A. **The request must be submitted in writing within 30 days of the Commission's adoption of resolution making determinations. [GC §56895(b)]**

- B. The request shall state the specific modification to the resolution being requested and shall state what new or different facts that could not have been presented previously are claimed to warrant the reconsideration. [GC §56895(a)]**
- C. The request must include the filing fee as listed in Policy B-2. [GC §56383(c)]**

### 12.3. Process

- A. Once a timely request for amendment or reconsideration is filed with the Executive Officer it shall be immediately placed on the agenda for the next regular meeting for which the notice required in this policy can be given. ~~The action before the commission shall be limited solely to the question of whether the request conforms to the requirements of GC §56895 for acceptance and processing.~~ **The notice shall be given in the same manner as for the original proposal. [GC §56895(e)]**
- B. Upon receipt of a timely request, the Executive Officer shall ~~immediately provide written notice to all affected agencies. Said notice shall be mailed not less than seven (7) calendar days prior to the date set for acceptance review before the commission~~ **not take any further action regarding the Commission's original determinations until the Commission acts on the request. [GC §56895(c)]**
- C. At the meeting, the Commission shall **consider the request and receive any oral or written testimony. The consideration may be continued but not to exceed 35 days from the date specified in the notice. [GC §56895(f)]** ~~determine whether the request meets all the requirements for amendment/reconsideration required under GC §56895, as follows:~~
  - I. ~~Does the request state the specific modification(s) to the resolution being requested?~~
  - II. ~~Does the request state what new or different facts are claimed to warrant reconsideration?~~
  - III. ~~Does the request state why the new or different facts could not have been presented previously?~~
- D. The Executive Officer's report shall address ~~these~~ **the** requirements **as listed in section 12.2.B above** with particular attention to whether the facts cited in the request are new or had been previously considered by the commission and whether substantial evidence exists to support the facts claimed. Argument, speculation, conjecture, unsubstantiated opinion or narrative does not constitute substantial evidence.



- ~~E. Although not a formal public hearing in accordance with the CKH Act, the commission shall provide an opportunity for public comment before rendering a decision on the acceptance~~
- F. ~~If the commission determines all or a portion of the request is in compliance with the requirements of GC §56995, it shall order the acceptance of the request and direct the Executive Officer to process the matter in accordance with law. If the commission determines the request is not in compliance with GC §56998, it shall deny acceptance and direct the Executive Officer to notify all affected parties and agencies and to complete the processing of the matter which was suspended when the request was filed.~~ ***At the conclusion of the hearing, the Commission may take one of the following actions:***
- I. Approve (or partially approve) the request and adopt a resolution superseding the resolution previously issued;***
  - II. Deny the request;***
  - III. Continue the hearing for a maximum of 35 days.***

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September 7, 2011

ALTERNATES:  
*Gerald Magoon  
Amy Shuklian  
Mike Ennis*

To: LAFCO Commissioners and Alternates

From: Ben Giuliani, Executive Officer

EXECUTIVE OFFICER:  
*Ben Giuliani*

Subject: Draft Amended LAFCO Policy A-4 (Commission  
Composition)

## **Summary**

The draft amended Policy A-4 (attached) was circulated to city and county staff for review on August 3<sup>rd</sup>. The proposed amendment adds section 4.4 pertaining to Commissioner replacement and attendance and modifies the selection process of the Public and Alternate Public Members. No additional comments have been received. Staff is planning to bring the proposed amended policy back to the Commission for adoption at the October 5<sup>th</sup> meeting.

## **Discussion**

The original draft policy only included adding section 4.4 pertaining to Commissioner replacement. The policy was circulated for review on June 5<sup>th</sup>. The City of Tulare submitted a letter on July 8<sup>th</sup> requesting that the Commission amend the process used to select the Public Member. The City claimed that the current process for selecting the Public Member is inequitable. The City requested that the Commission conduct public outreach to provide the opportunity for other members of the public to be considered for appointment before the expiration of the Public Member's term. The current policy allows for the Commission to extend the Public Member's term without explicitly giving an opportunity for other members of the public to express interest in the position. At the August 3<sup>rd</sup> meeting, the Commission directed staff to further amend the policy to incorporate the City's requested amendments to the selection process.

## **Attachment**

Proposed amended Policy A-4

# ***Policies and Procedures***

## ***Tulare County Local Agency Formation Commission***

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**Policy Number:** A-4

**Effective Date:** February 6, 2002

**Authority:** GC §56325:56337 and LAFCO Resolutions 96-006, 02-006, 07-019

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**Title:** **Commission Composition**

**Policy:** The method for selecting the Commissioners and Alternates of the Commission shall be equitable, efficient, and clearly articulated.

**Purpose:** To outline the method for selecting Commissioners and Alternates to the Commission that is equitable, efficient, and clearly articulated.

**Scope:** This procedure applies to all Tulare County LAFCO's county, city, and public members and alternates.

**History:** A public member selection and appointment policy was adopted on 4/3/96 and was incorporated into this policy in the initial adoption of the Policies and Procedures Manual on 2/6/02. The procedure was amended on 3/7/07 to add the process for the selection of Commission officers (A-4.5).

### **Procedure:**

#### **4.1. Composition**

Tulare County LAFCO consists of a five member commission composed of two members of the County Board of Supervisors, chosen by the board; two members representing the cities in Tulare County, chosen by the city section committee and one public member, chosen by the other members of the commission. Also part of the commission are three alternates, each representing the county, cities, and the public, selected as described above.

#### **4.2. Terms of Office**

In accordance with Government Code Section 56334, the term of office of each member shall be four years to expire on the first Monday of May and until appointment and qualification of his or her successor.

- A. County and City Commissioners are required to vacate their seat if he or she ceases to hold the originating office. [GC §56337]

- B. Public Commissioners are required to vacate their seat if he or she becomes an officer or employee of the County or any city or district with territory in the County. [GC §56331]

#### **4.3 Alternate Members**

Alternate commissioners are encouraged to take an active role in LAFCO business including discussions and deliberations on project proposals, CALAFCO legislative activities and training workshops, interagency coordination and communication, and participation in policy development and other working groups. Alternate commissioners may vote in place of regular commissioners, in the same category as the alternate commissioner, who is absent or who disqualifies himself or herself from participating in an action.

#### **4.4 Commissioner Replacement**

***Any member may be removed at any time and without cause by the body appointing that member.***

- A. ***The Commission may recommend to the appointing authority that a member be removed for the following reasons:***
  - I. ***The absence of that member from three consecutive meetings or more than one quarter of the meetings in any 12-month period.***
  - II. ***Malfeasance of office or dereliction of duty by that member.***
  - III. ***Failure to complete the required financial disclosure documents in a timely manner.***

#### **4.5 Public Member Selection and Appointment Policy (Resolution 96-06, 4-3-96)**

The method for selecting the Public Member and Alternate Public Member should be equitable, efficient and clearly articulated for all concerned.

- A. In accordance with GC §56334, the term of office for the Public Member and Alternate Public Member shall be four years to expire on the first Monday in May or upon the qualification of the Commissioner's successor. The terms of office of the Public Member and Alternate Public Member shall be staggered by two years. The first full term for the Alternate Public Member shall begin on the first Monday in May, 1996.
- B. At least two months prior to the expiration of the term of office, the Commission shall consider at a regular meeting the question of re-appointment of the incumbent Public Member or Alternate Public Member. Upon a successful motion, that Commissioner shall be re-appointed for an additional four-year term ***Executive Officer shall seek application to the position from the community at large. Reasonable effort shall be taken to advertise the opening of the broadest selection of***

***candidates possible. Candidates should be encouraged to submit a resume and statement regarding their qualifications and interest in serving on the Commission.*** Failure to be re-appointed shall not prevent ***This does not preclude*** the incumbent ***Public or Alternate Public Member*** from applying for appointment.

- ~~C.~~ In the event that the Public Member is not re-appointed, or the position becomes vacant, the Commission shall consider the question of the appointment of the current Alternate Public Member to the Public Member position. If the appointment is approved, the Commission will fill the Alternate Public Member position as described below. Failure to appoint the Alternate Public Member shall not prevent the Commissioner from applying for the position as described below.
- ~~D.~~ In the event that the incumbent Commissioner is not re-appointed, as described above, the Executive Officer shall seek application to the position from the community at large. Reasonable effort shall be taken to advertise the opening of the broadest selection of candidates possible. Candidates should be encouraged to submit a resume and statement regarding their qualifications and interest in serving on the Commission.
- E. At least one month prior to the expiration of the term of office, the Commission shall appoint a selection committee consisting of one County Member and one City Member. The committee will consider any materials submitted by the applicants and may conduct interviews of the candidates. It is anticipated that the candidates will be asked to present their qualification in an initial statement to be followed by questions from the members of the selection committee. Following this process, the committee will select a candidate to recommend to the commission. The Executive Officer will place the matter of the selection of the Public member or Alternate Public Member on the agenda of a regular meeting of the Commission. The recommendation of the selection committee will be presented to the Commission at the meeting. The Commission will select the successful candidate by a majority vote on a motion to appoint the candidate to the Commission.
- F. The application and selection process as outlined above shall begin immediately following a Commission determination that a Public Member or Alternate Public Member position has become vacant before the expiration of the term.***

#### **4.6. Officers**

- A. The officers of the Commission shall be a chair and vice-chair, and the vice-chair shall serve in the absence of the chairman. In the absence of both the chair and the vice-chair, the members present at such a meeting may elect a chair pro tem.

- B. The Executive Officer shall be selected by the Commission in accordance with the Staff Services Agreement with the County (Policy D-3) and GC §56384.
- C. The terms of office for chair and vice-chair shall be one year from January 1 to December 31: for chairman pro tem, for the meeting only at which he or she is appointed.
- D. It is the policy of this Commission to annually rotate the membership of its officers so that all members of the Commission will have an equal opportunity to serve as an officer of the Commission.

**4.7. Current Commissioners and Terms**

<u>Commissioner</u>	<u>Representing</u>	<u>Term Expires</u>
Steve Worthley	Board of Supervisors	May 2012
Rudy Mendoza	City Council	May 2015
Juliet Allen**	Public	May 2014
Allen Ishida*	Board of Supervisors	May 2014
Cameron Hamilton	City Council	May 2012

\*Chair, \*\*Vice-Chair

**4.8. Current Alternates and Terms**

<u>Alternate</u>	<u>Representing</u>	<u>Term Expires</u>
Mike Ennis	Board of Supervisors	May 2015
Amy Shuklian	City Council	May 2012
Gerald Magoon	Public	May 2012

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# TULARE COUNTY VETERANS MEMORIAL DISTRICTS

## BACKGROUND

Tulare County (County) Veterans Memorial Districts (Districts) were established between 1948 and 1954. The Districts are governed by the Military and Veterans Code §1170 - 1259.

A five person Board of Directors governs each District. Of the five Board Members, three must be veterans.

In addition to the general powers established by the Board of Directors, the Military and Veterans Codes have specific governing powers that may be followed. Some of those powers are as follows:

- § 1191(a)(1) Provide and maintain memorial halls, assembly halls, buildings, or meeting places...
- § 1191(a)(3) Purchase, construct, lease, build, furnish, or repair halls, buildings, meeting places, and facilities upon sites owned or leased by the district or made available to the district...
- § 1191(a)(6) Sell or lease any district property to the highest responsible bidder, as determined by the board, except as provided by § 1191.3...

There are currently fourteen Districts within the County of Tulare:

Dinuba	Porterville	Three Rivers
Exeter	Sequoia	Tulare
Ivanhoe	Springville	Visalia
Lindsay-Strathmore	South Tulare County	Woodlake
Orosi	Terra Bella	

South Tulare County Memorial District is comprised of the following towns, each of which has one Memorial facility: Alpaugh, Earlimart, Pixley, Richgrove and Tipton.

## REASON FOR INVESTIGATION

The 2010-2011 Tulare County Grand Jury (Grand Jury) received a citizen complaint concerning the lack of concise rules and regulations for conducting District business. The Grand Jury discovered additional issues, some of which are serious and need to be addressed in this report.

## PROCEDURES FOLLOWED

1. Interviewed relevant witnesses
2. Attended Memorial District Board meetings
3. Obtained and reviewed relevant documents
4. Visually inspected each District building

## FINDINGS

1. There are 14 Districts in the County. Of the 14 Districts, 12 have one Memorial building (building), the Lindsay-Strathmore District has buildings in Lindsay and Strathmore and the South Tulare County Memorial District has buildings in Tipton, Earlimart, Pixley, Alpaugh and Richgrove.
2. Currently there are only eight Districts that have veteran groups regularly utilizing the facilities. They are Springville, Porterville, Exeter, Visalia, Tulare, Orosi, Ivanhoe and Dinuba.
3. Woodlake is used by the veterans only ONCE a year for an event which is attended by veterans County wide.
4. There are several Districts that serve only as community buildings, as veterans no longer use these facilities.
5. There are some Districts that lease their building to nearby schools. Those schools pay a nominal fee for the building's use.
6. Several Districts do not have enough board members to adequately govern the facilities and have canceled most of their meetings. Those Districts are conducting District business without majority board approval and are in violation of the Military and Veterans Code §1199 (example: Sequoia Memorial District has had one meeting within the past two years). This same District has not rented their facility to anyone in over two years.
7. The Lindsay/Strathmore Memorial District has not handled its own business in over ten years. A Certified Public Accountant (CPA) is paid to do this job. Board members do attend their meetings; however, the CPA conducts the meetings and makes recommendations to the board for appropriate action.
8. Not all of the requested documents received by the Grand Jury were up to date i.e. agendas, minutes, and audits.

9. Most of the Districts do not know how to properly complete a meeting agenda. Most of the Districts did not have the required language of the California Government Code §54957.5<sup>1</sup>, (also known as SB343) listed on their meeting agendas. Most agendas do not have the required language of the California Government Code §54954.2(a)(1)<sup>2</sup>.
10. Attending several different District meetings, the Grand Jury noticed that an American Flag was not displayed in the meeting room and there was no flag salute prior to starting those meetings. There are a few Districts that do have the flag on display; however, meetings still began without saluting the flag.
11. There are several successful Districts and their success may be based upon location, community participation (facility bookings), décor, etc. Several Districts are **failing** for many of the same reasons as stated above.
12. Having two facilities, the Lindsay/Strathmore District is one example of a failing District. During the past year, the Lindsay building has only been used twice for board meetings, has not been rented out and is in serious disrepair. The Strathmore building while used more often for meetings, does occasionally rent to an outside source and is also in serious disrepair.
13. Another failing District is the Ivanhoe Memorial District. The facility is not ADA (American Disabilities Act) code compliant and the parking lot is in serious disrepair. Ivanhoe recently received a \$48,000 grant plus an additional \$26,436 in District funds for some facility improvements and will be brought into compliance with the ADA. Due to gang related issues, the community is reluctant to rent the District facility.
14. Property tax revenues subsidize all of the Districts and none of the Districts would be able to survive without it.
15. For the fiscal tax year 2009-2010, the Districts received the following property tax revenues:

Dinuba Memorial; \$56,854	Lindsay-Strathmore Memorial; \$97,300
Exeter Memorial; \$170,575	Orosi Memorial; \$33,000
Ivanhoe Memorial; \$22,197	Porterville Memorial; \$232,704
Sequoia Memorial; \$18,200	South Tulare County Memorial; \$258,704
Springville Memorial; \$62,519	Terra Bella Memorial; \$51,407
Three Rivers Memorial; \$42,881	Tulare Memorial; \$379,193
Visalia Memorial; \$121,240	Woodlake Memorial; \$60,206

<sup>1</sup> California Government Code §54957.5(b) (2) requires designating the location where these records will be available on agendas of "all meetings of the legislative body of that agency".

<sup>2</sup> California Government Code §54954.2(a) (1) If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability...

16. In 2010 the State claimed economic hardship caused by Federal budget cuts and **borrowed** money from the wealthiest Districts. The monies borrowed are to be repaid to the District by the year 2013.

## CONCLUSIONS

Some Districts are receiving tax money to maintain buildings that no longer serve a useful purpose for the veterans or the community.

Many facilities are more than 50 years old and are deteriorating faster than the District's ability to maintain them.

There are several Districts that do not have the required number of board members to establish a quorum. This has resulted in meetings being cancelled. Financial transactions are being done without board approval or participation.

## RECOMMENDATIONS

1. Districts condemn, sell, or cancel their leases for facilities that are no longer in use, redirect tax money and take whatever action necessary to dissolve the District.
2. Buildings that serve a useful purpose for the community remain open even though they no longer hold veteran events.
3. All District Board members attend any voluntary special district training opportunities they can find including the series of Government trainings that are sponsored by the Board of Supervisors. Training materials that are presently available on the Board of Supervisor's website be reviewed by all board members.
4. All District agendas include the required language of the California Government Codes §54957.5 and §54954.2(a)(1).
5. Although the Grand Jury recognizes that having and saluting the flag are not legal requirements, all Districts adopt a policy of displaying and saluting the flag.

## RESPONSES REQUIRED

Tulare County Board of Supervisors  
Tulare County Chief Administrative Officer  
Dinuba Veterans Memorial District  
Exeter Veterans Memorial District

Ivanhoe Veterans Memorial District  
Lindsay-Strathmore Veterans Memorial District  
Orosi Veterans Memorial District  
Porterville Veterans Memorial District  
South Tulare County Veterans Memorial District  
Springville Veterans Memorial District  
Terra Bella Veterans Memorial District  
Three Rivers Veterans Memorial District  
Tulare Veterans Memorial District  
Visalia Veterans Memorial District  
Woodlake Veterans Memorial District