

ADMINISTRATION, AUDIT AND COUNTY SERVICES COMMITTEE



Linda Casey Amelia (Millie) Rivera, Chairperson Donalda Biscar

MISSION STATEMENT

The Mission of the Administration, Audit and County Services Committee, pursuant to California Penal Code §925 is to:

- Review and Report on County Departments and the officers in the management, performance, and execution of the County's fiscal responsibilities
- Observe, investigate, respond to, and report on citizen complaints regarding County Services
- Safeguard the public from malfeasance, misfeasance and nonfeasance
- Recommend reasonable action to address related concerns of the community

The Committee's intent is to inform the citizens of Kern County of its findings, and to make a positive impact, through recommendations.

ADMINISTRATION, AUDIT AND COUNTY SERVICES COMMITTEE

ACTIVITIES

REPORTS WRITTEN AND PUBLISHED:

- Park Rangers and Security - Division Of Kern County Parks – General Services
- Kern County Veterans Service Department

MEMBERS OF THE COMMITTEE ALSO VISITED AND ATTENDED:

- California Correctional Institute - Tehachapi
- Kern County Sheriff's - Search and Rescue
- Kern County Toys for Tots participation
- California City Correctional Facility
- Golden State Modified Community Correctional Facility
- McFarland Female Community Reentry Facility
- Wasco State Prison
- Rasmussen Senior Center (N.O.R) – Promoting the Grand Jury
- Bakersfield Spring Home and Garden Show – Promoting the Grand Jury
- Kern County Grand Jury Awareness Week
- Kern County District Attorney Indictment
- Kern County Veterans Service Department
- Kern County General Services – Parks
- Kern County Sheriff's Department – Crime Lab
- Kern County Sheriff's Department – Special Operations
 - (Air Support, Bomb Squad, Canine Unit, S.W.A.T.)
- Kern County Sheriff's Department – Central Receiving Facility
- Kern County Board of Supervisors Meetings
- Kern County Public Works – Code Compliance
- Kern County Public Works – Operations Division

KERN COUNTY PUBLIC WORKS

CODE COMPLIANCE DIVISION

“Between a Berm and a Levee”

SUMMARY:

This report addresses specific recommendations that the 2016-2017 Kern County Grand Jury proposed in their reports; *Code Compliance, Improving Neighborhoods One Property at a Time* and *The Caliente Creek Watershed: Enforce Ordinances to Limit Flooding*.

PURPOSE OF INQUIRY:

Pursuant to California Penal Code §925, the 2018-2019 Kern County Grand Jury (Grand Jury) inquired into recommendations in the 2016-2017 Kern County Grand Jury reports: *Code Compliance, Improving Neighborhoods One Property at a Time* and *The Caliente Creek Watershed: Enforce Ordinances to Limit Flooding*.

The specific paraphrased recommendations being addressed at this time are:

- Code Compliance (Code):
 - R1. Address health and safety hazards often resulting in complaints
 - R2. Review old unresolved complaints
 - R3. Update Citizen Portal
 - R4. Concentrate on improving neighborhoods
 - R5. Coordinate with other departments for possible code violations

- Caliente Creek Watershed (Caliente):
 - R1. Notify property owners in the floodplain of county ordinances
 - R2. Document unpermitted berms and levees
 - R5. Continuation of complaint review
 - R6. Hold public informational meetings
 - R7. Pursue funds for projects recommended by the AECOM Final Report - Caliente Creek Feasibility Study
 - R9. Adopt plan of action for flood emergencies

This review is to address overlapping recommendations from the two reports.

PROCESS:

The Administration and Audit Committee (Committee) interviewed officials from the Kern County Public Works Department and the Code Compliance Division. Code Compliance supplied reports to the Committee and information was gleaned for this report. In addition, research and reviews were conducted of the Kern County Website (Public Works, Code Compliance Division), internet and newspaper articles, television interviews and previous Grand Jury reports.

BACKGROUND:

Code Compliance

Code Compliance is a Division of Kern County Public Works. Public Works oversees multiple divisions including: Code Compliance, Building Inspection, Floodplain Management, Geographic Information System (GIS), Engineering, Special Waste, Roads, etc. The divisions working together are critical for success.

Code Compliance is complaint-driven and must be operated in such a manner that will not breach the Equal Protection Clause as guaranteed by the U.S. Constitution. Targeted enforcement (focusing on an area where no complaint exists) may lead to liability issues.

A complaint is required to initiate an investigation. Code Compliance enforces ordinances concerning property conditions. Complaints are prioritized based on threats to health, safety and public nuisance. This includes the lack of building and grading permits, abatement of excessive weeds, abandoned dwellings, vehicles and illegal dumping.

FINDINGS:

- F1. In order to focus on responsible environmental practices and help keep unnecessary items out of landfills, Public Works sponsors four to six community *Bulky Waste Collection* events monthly. Events are coordinated with an outside agency:
- For additional information on holding recycling events, agencies and organizations are encouraged to contact the Public Works – Code Enforcement Compliance Division
 - April 13, 2019 collection event results:

April 13, 2019 Bulky Waste Collection Event GRAND TOTALS				
		Net Weight (Lbs.)	Net Weight (Tons)	
Totals		107630	53.815	
Landfilled	51%	54760	27.38	Traffic Count
Diverted	49%	53870	26.44	530

- For additional collection events statistics (See Appendix A)
Code R1, R4

- F2. Public Works has implemented the RAPID (**R**emoving **A**nd **P**reventing **I**llegal **D**umping) Response Unit, funded by a parcel tax assessment and requested by the community at public meetings:
- RAPID Response deployment is determined by the Code Enforcement Officer
 - RAPID Response will pick up items that are scheduled and brought to the curbside
 - RAPID Response is also triggered by a citizen caller's complaint to Code Compliance reporting illegal dumping

- RAPID Response records, removes and appropriately disposes of the illegally dumped items:
 - If RAPID Response is responding to a complaint and finds additional illegal dumping, the team will also remove and appropriately dispose of the items

Code R1, R4

F3. Regulations in the Kern County Ordinance Code allows Code Compliance to cite property owners with increasing fines for second and third violations of the same code, within a one year period. Once abatement has been verified, Code Compliance will not return to the property unless a new complaint is filed.

Code R1, R2, R4

F4. Public Works has two additional Information Technologists assigned to update the main website (www.kernpublicworks.com). Code R3

F5. There is no direct link on the Public Works website to Code Compliance.

Code R3

F6. To access the Code Compliance Citizen Portal:

- Use the following link: <https://kernpublicworks.com/building-and-development/code-compliance>
- Select Code Compliance Online

Code R3

F7. The website user has the option of registering for an account or performing an anonymous search:

- The website utilizes an “out-of-the-box” program with limited capability for modification
- The Committee found it difficult to navigate the program

Code R3

F8. The Code Compliance caseload has increased in recent years, and although staff size remains the same, they are processing over 3,500 complaints per year, with the majority closed within 90 days:

- Staff have become more effective in processing routine cases
- There are approximately 100 cases remaining that are over one year old:
 - These older cases are viewed quarterly to determine if an action can be taken
 - Many of these cases have absentee landlords, are mired in legal issues or have other mitigating factors, making them difficult to finalize
 - The April 29, 2019 *Kern County Code Compliance Division, Open Cases by District Report* does not indicate the current status of the cases

Code R2

- F9. Staff from other departments are invited to contact Code Compliance if, in the course of their job functions, they find what may be a violation. Code Compliance does not routinely use staff from other County departments.
Code R5

BACKGROUND:

The Caliente Creek Watershed

Prior to the land being developed for agricultural purposes, the Caliente Creek Watershed, north of Hwy 58, was a wide alluvial valley where rain water from 470 square miles of mountains, between Walker Basin and Tehachapi, spread out and was, for the most part, absorbed into the soil.

Decades ago, farmers seeking to protect their land, crops and investments from flooding, built levees. The excess flow from Caliente Creek then fanned out along the eastern side of the floodplain around and through Arvin. In 1935, to protect farmland and structures around the Arvin area, the Tamarisk Dam (also known as the Tamarisk Tree Line) was built to divert floodwaters.

As development progressed, more and more levees were built. The largest portion of the flood waters were diverted and channeled by the berms and levees onto county roads that then become rivers, resulting in damage of untold millions of dollars.

The flood waters and sediment that flow to downstream properties, ultimately flood the community of Lamont. This creates personal and financial havoc for the families and businesses residing in the areas that flood each year.

FINDINGS:

- F10. Agricultural berms/levees, originally built decades ago prior to Kern County and California State statues, have been allowed to remain. Caliente R2
- F11. Agricultural farms are exempt from the permit process for moving dirt within the property, i.e. preparation for planting, creating berms, etc. Caliente R2
- F12. The Irrigated Lands Regulatory Program mandates agricultural berms/levees be used to keep irrigation water on the farm acreage, so as to not leech pesticides into the water tables or to public lands. Caliente R2
- F13. Although the purpose of the mandate is not to keep floodwater off the farm or divert the water, the requirement is to protect groundwater. Caliente R2

- F14. The Public Works Department is aggressively seeking additional solutions to eliminate or minimize flooding in the Lamont area. In addition, Kern County has adopted an Emergency Response Plan for the Caliente Creek Floodplain. Caliente R9
- F15. In the event of potential flood situations, the Public Works Department is continuously assessing potential damage and the necessary County response. Crew personnel are deployed to further monitor gauges and sensors, watch and inspect areas, roads, and neighborhoods to determine the correct responses to the developing conditions. Caliente R9
- F16. Emergency situations can include damage to homes, farmland, road pavement, drainage piping and the dangerous collections of floodwaters and debris. Equipment and manpower respond to alleviate the danger to life, health and safety. This may often require regrading and the placement of K-rail barriers to control water flow. Caliente R9
- F17. When the conditions are deemed safe, equipment and manpower are dispatched for clean-up:
- Clear, repair and open roads
 - Remove K-rails
 - Move dirt, sediment and debris to the appropriate landfill
 - Clear drain pipes
 - During the dry seasons, preparations and additional repairs are made to help minimize the consequences of future flooding
- Caliente R9
- F18. In 2017, the Kern County Board of Supervisors authorized \$300,000 for a feasibility study regarding the Caliente Creek Floodplain (AECOM Final Report). The study included water flow speed and routing along the floodplain, using various scenarios. Caliente R7 (See Appendix B)
- F19. The study included recommendations for the use of the purchased land near the Bena Landfill and for the additional purchase of acreage. The Department is in discussion with private land owners for the acquisition of additional land for floodplain controls and recharging the water table. Caliente R7
- F20. The purchase of the additional land for a buffer zone near the Bena Landfill allows land grading in the floodplain area which aids in slowing the floodwater flow speed. The purchase of the land has also given the County the water rights necessary for the Bena Landfill requirements. Caliente R7 (See Appendix C)

- F21. Public Works is working diligently to design and construct floodplain structures to help control or eliminate flooding in the Caliente floodplain areas:
- Grant writers are continually searching for grant monies for flood mitigation
 - Applying through California Proposition 1 as funds are available:
 - Proposition 1, *The Water Quality, Supply, and Infrastructure Improvement Act of 2014* authorizes \$7.545 billion in general obligation bonds to fund ecosystems and watershed protection and restoration, water supply infrastructure projects, including surface and groundwater storage, and drinking water protection.
 - Informational community meetings will be held for:
 - Public input
 - Sharing Information on the action plan
 - Project timeline
 - Status and progress of the project

Caliente R7

F22. Emergency funds through Federal Emergency Management Agency (FEMA) are only available after a disaster has been declared by the Federal Government and are not readily available. According to a Kern County Official, the notion of FEMA writing checks on site “is laughable.” Some counties may wait as long as five to six years for the disbursement of emergency funds, forcing the counties to pull the relief funds from their own budgets until FEMA reimburses the county.

F23. The Public Works Department has utilized the Lean Six Sigma doctrine to implement improvements within Code Compliance.

COMMENTS:

The Committee would like to thank officials from the Kern County Public Works Department and the Code Compliance Division for the invaluable information, resources and time in the preparation of this report.

The Committee recognizes the time and effort being spent in planning, developing and implementing Caliente Creek flooding solutions is a work in progress and will require multiple years for completion.

RECOMMENDATIONS:

- R1. The Grand Jury recommends the replacement of the “out-of-the-box” software program being used by Code Compliance to a more user-friendly Code Compliance Information and Complaint Program. (Findings 5, 6, and 7)

R2. The Grand Jury recommends the Kern County Board of Supervisors take the necessary steps to increase staffing for Public Works Department Building and Code Compliance Division to meet the growing needs of Kern County's outlying areas. (Finding 8)

R3. The Grand Jury recommends that Public Works aggressively pursue funds to complete construction of the Caliente Creek Floodplain Project. (Finding 21)

NOTES:

- The Kern County Public Works Department and the Code Compliance Division should post a copy of this report where it will be available for public review.
- Persons wishing to receive an email notification of newly released reports may sign up at: www.kerncounty.com/grandjury
- Present and past Kern County Grand Jury Final Reports and Responses can be accessed on the Kern County Grand Jury website: www.kerncounty.com/grandjury

RESPONSE REQUIRED WITHIN 90 DAYS TO:

**PRESIDING JUDGE
KERN COUNTY SUPERIOR COURT
1415 TRUXTUN AVENUE, SUITE 212
BAKERSFIELD, CA 93301**

**CC: FOREPERSON
KERN COUNTY GRAND JURY
1415 TRUXTUN AVENUE, SUITE 600
BAKERSFIELD, CA 93301**

APPENDIX A: Statistical Information for April 2019 Bulky Waste collection events Provided by Public Works

ROBERTS LANE TRANSFER STATION

Date	Hauler	Material	Ticket # (Gate House)	Ticket # (Vendor)	Net Weight (Lbs)	Net Weight (Tns)	Unit Count
4/13/2019	KCWM	Bulky Waste	123422998		2780	1.39	
4/13/2019	KCWM	Bulky Waste	123423093		2560	1.28	
4/13/2019	KCWM	Bulky Waste	123423180		1760	0.88	
4/13/2019	KCWM	Bulky Waste	123423237		2420	1.21	
4/13/2019	KCWM	Bulky Waste	123423384		2340	1.17	
4/13/2019	KCWM	Bulky Waste	123423469		2020	1.01	
4/13/2019	KCWM	Bulky Waste	123425037		2360	1.18	
4/14/2019	KCWM	Metal	123423635		5980	2.99	
4/15/2019	KCWM	Wood	123423562		5880	2.94	
4/15/2019	KCWM	Tires	123423797		1080	0.54	
4/15/2019	KCWM	Metal		TAGJ42	3600	1.8	
4/15/2019	KCWM	Metal		TAGJ81	4080	2.04	
4/15/2019	KCWM	CRT/Ewaste		215855	3400	1.7	
4/15/2019	KCWM	Tires	123425190		2460	1.23	
4/16/2019	CH Robinson	Mattresses		292458464	5500	2.75	100

*Waiting for vendor/hauler data
*Possible tickets???

		Net Weight (Lbs)	Net Weight (Tns)	Traffic Count
Totals		48220	24.11	
Landfilled	34%	16240	8.12	168
Diverted	66%	31980	15.99	

KERN COUNTY FAIRGROUNDS

Date	Hauler	Material	Ticket # (Gate House)	Ticket # (Vendor)	Net Weight (Lbs)	Net Weight (Tns)	Unit Count
4/13/2019	Price Disposal	Appliances		177808	3520	1.76	
4/13/2019	Price Disposal	Metal		177804	3780	1.89	
4/13/2019	Price Disposal	Metal	123424721		1540	0.77	
4/13/2019	Price Disposal	Mattresses	123424853		1380	0.69	
4/13/2019	CH Robinson	Mattresses		292033833	5940	2.97	108
4/13/2019	Price Disposal	Bulky Waste	123423456		9060	4.53	
4/13/2019	Price Disposal	Bulky Waste	123423460		12540	6.27	???
4/13/2019	Price Disposal	Bulky Waste	123424973		2460	1.23	

		Net Weight (Lbs)	Net Weight (Tns)	Traffic Count
Totals		40220	20.11	
Landfilled	60%	24060	12.03	217
Diverted	40%	16160	8.08	

KERN MEDICAL CENTER

Date	Hauler	Material	Ticket # (Gate House)	Ticket # (Vendor)	Net Weight (Lbs)	Net Weight (Tns)	Unit Count
4/13/2019	Superior Sanitation	Bulky Waste	123423416		7700	3.85	???
4/13/2019	Howard's Disposal	Bulky Waste	123423475		6760	3.38	???
4/13/2019	CH Robinson	Mattresses		292035061	4730	2.37	86
4/13/2019		Metal				0	???
4/13/2019		Appliances				0	???
						0	

		Net Weight (Lbs)	Net Weight (Tns)	Traffic Count
Totals		19190	9.595	
Landfilled	75%	14460	7.23	145
Diverted	25%	4730	2.37	

APPENDIX B: Caliente Creek Modeling Study – Concept Plan

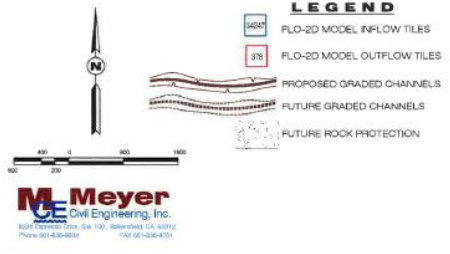
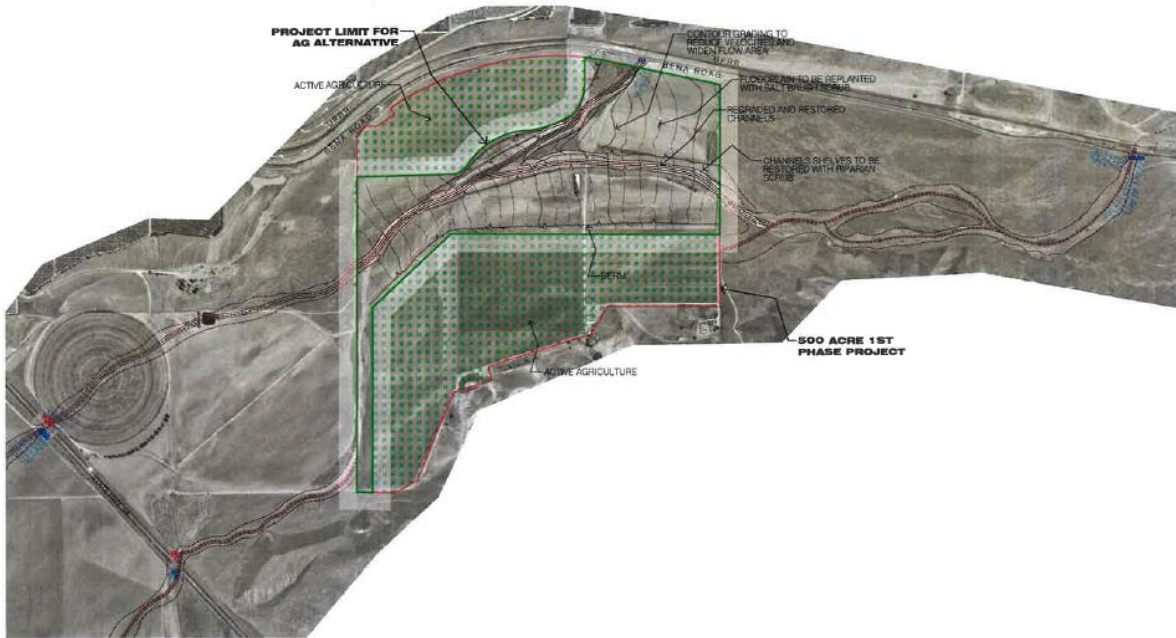


PLATE NO.	TITLE
1	500 ACRE AG ALTERNATIVE 1, CONCEPT PLAN
2	500 ACRE Non-AG ALTERNATIVE 2, CONCEPT PLAN
3	500 ACRE AG ALTERNATIVE 1, 5YR WATER DEPTHS
4	500 ACRE AG ALTERNATIVE 1, 5YR VELOCITY PLOT
5	500 ACRE AG ALTERNATIVE 1, 5YR DEPOSITION-SCOUR PLOT
6	500 ACRE Non-AG ALTERNATIVE 2, 5YR WATER DEPTHS
7	500 ACRE Non-AG ALTERNATIVE 2, 5YR VELOCITY PLOT
8	500 ACRE Non-AG ALTERNATIVE 2, 5YR DEPOSITION-SCOUR PLOT

**CALIENTE CREEK MODELING STUDY
500 ACRE AG ALTERNATIVE 1
CONCEPT PLAN**

APRIL 26, 2019 **PLATE 1 OF 8**

APPENDIX C:
Source: Caliente Creek Emergency Flood Response Plan
Anticipated Flood Flow Timing

Flood Timing:

1. Leading Edge of Initial Flow from Caliente Creek:

The following table provides an estimate of the delay time that can be anticipated once flow is observed at Bena Road for the first flood flow of the season (see Figure 1):

Table 1: Initial Leading Edge Flow Timing

Location:	Time Delay from Bena Road (hours):
Bena Road	0
SR 58	6
Tejon Highway	12
Comanche Road	14
Malaga Road	15
Edison Road	16
Vineland Road @ Lamont Drainfield	17
North Lamont Flood Facility, near Kam Avenue	18

2. Peak Flow Timing from Caliente Creek, First Flood of Season

The following table provides an estimate of the delay time that can be anticipated once the peak flow of a moderate sized flood (5-10 year recurrence) is observed at Bena Road for the first flood flow of the season (see Figure 2):

Table 2: Initial Peak Flow Timing

Location:	Time Delay from Bena Road (hours):
Bena Road	0
SR 58	3.0
Tejon Highway	5.5
Comanche Road	6.5
Malaga Road	7.0
Edison Road	7.5
Vineland Road @ Lamont Drainfield	8.0
North Lamont Flood Facility, near Kam Avenue	8.5

Note: Large floods, 50-100 year recurrence, will have delays as short as half of those shown above.

3. Peak Flow Timing from Caliente Creek, Subsequent Peak Flows

The following table provides an estimate of the delay time that can be anticipated once the peak flow of a moderate sized flood (5-10 year recurrence) is observed at Bena Road for the subsequent flood flows in the season (see Figure 3):

Table 3: Subsequent Flooding Peak Flow Timing

Location:	Time Delay from Bena Road (hours):
Bena Road	0
SR 58	2.0
Tejon Highway	4.0
Comanche Road	4.5
Malaga Road	4.75
Edison Road	6.0
Vineland Road @ Lamont Drainfield	6.5
North Lamont Flood Facility, near Kam Avenue	7.0

KERN COUNTY VETERANS SERVICE DEPARTMENT



PREFACE:

As stated on the Kern County Veterans Service Department's website: *The goal of the Kern County Veterans Service Department remains the same today as when it was first established in 1944: to assist Veterans, their dependents, and survivors to obtain the benefits they have earned as a result of their honorable military service.*

The Kern County Veterans Service Department (KCVSD) was established by the Kern County Board of Supervisors in 1944 with the mandate of assisting every United States Veteran.

KCVSD provides assistance in all United States Department of Veteran Affairs (VA) and California Department of Veteran Affairs (CalVet) matters which include: claims for medical, pension and pay benefits, education, life insurance, burial, etc.

PURPOSE OF INQUIRY:

Pursuant to California Penal Code §925, the Administration, Audit and County Services Committee (Committee) of the 2018-2019 Grand Jury (Grand Jury) inquired into the operation of the KCVSD.

PROCESS:

The Committee researched the internet, read newspaper articles, and viewed previously recorded newscasts and television interviews. A list of questions was sent to the Director of KCVSD and written responses were received prior to the interview and tour, conducted on January 29, 2019, at the facility located at 1120 Golden State Avenue, Bakersfield, CA 93301.

BACKGROUND FACTS:

The Continental Congress of 1776 encouraged enlistments during the American Revolutionary War by providing pensions for soldiers who were disabled. Direct medical and hospital care given to Veterans in the early era of the United States were provided by the individual states and communities.

After the end of the American Civil War in 1865, Veterans' homes were established. Medical and hospital treatments were provided for all injuries and diseases. Indigent and disabled Veterans of the Civil War, Indian Wars, Spanish-American War, the Mexican Border Dispute as well as discharged regular members of the Armed Forces were cared for at these homes.

Congress established a new system of Veterans' benefits when the United States entered World War I in 1917, which included:

- Programs for disability compensation
- Insurance for servicepersons and Veterans
- Vocational rehabilitation

The close of World War II resulted in a vast increase in the Veteran population. The Servicemen's Readjustment Act of 1944, also known as the G.I. Bill, was signed into law by President Franklin D. Roosevelt on June 24, 1944.

Benefits included:

- Educational tuition
- Living expenses to attend high school, college or technical school
- Low cost mortgages
- Low interest loans to start a business
- One year of unemployment compensation
- G.I. benefits are not considered earned income
- Recipients do not pay income tax on the G.I. benefits

Further educational assistance legislation was passed for Veterans of:

- The Korean War
- The Vietnam Era
- The introduction of an 'All-Volunteer Force' in the 1970s
- The Persian Gulf War
- Those who served following the attacks of September 11, 2001

FINDINGS:

F1. The United States Code of Federal Regulations Title 38, §§1 to 17 is used by the VA, in determining the Veteran's disability and/or pension:

- a. Section 4 is used by the VA as the rating schedule for disability benefits.

- b. CalVet and KCVSD refer to the publication for estimation purposes as a reference for Federal definitions and a resource when assisting with claims filing.

F2. The major areas where KCVSD provides assistance to the Veterans are:

1. Benefits and Pensions:

- a. The Veteran's household income is used when determining pension benefits.
- b. KCVSD has developed an (in-house) Excel spreadsheet used to estimate the Veteran's possible benefit and pension amounts.
- c. Veteran Service Representatives (VSRs) have the ability to track the progress of the application through the claims/appeal process and advise the Veteran of potential issues that may slow the issuance of benefits.
- d. VSRs became more involved with the implementation of a new appeals process which became effective February 2019.
- e. If the Veteran receives a denial notice and appeals the denial, the VSR will write a rationale which outlines the Veteran's contention, which is filed with the VA.
- f. A formal hearing will be the next step. Under the newly implemented process the VSR is able to resubmit the appeal with new evidence. (See Appendix A)

2. Health Administration:

- a. Assists the Veteran with medical information gathering, submissions, appeals and presentations.
- b. Works with the VA medical clinics for the treatment referrals.

F3. KCVSD is the determining agency for the California Tuition Fee Waiver Program.

F4. Websites available to the Veterans include:

- a. www.va.gov for the United States Department of Veterans Affairs (VA). E-benefits and benefit status can be tracked on this website; however, Veterans are cautioned that the system is not always up to date.
- b. www.calvet.ca.gov is the California Department of Veteran Affairs (CalVet). CalVet is set up to assist the Veterans with education, employment, healthcare, housing advocacy assistance and VA claims.
- c. www.kerncounty.com/Veterans KCVSD works with the Veteran to gather the preliminary information required for approaching CalVet and the VA for benefits.

- F5. KCVSD staff is very pro-active in helping Veterans. The compact size of the office lends itself to self-monitoring, which may suggest possible refresher training topics and intervention if an issue arises.
- F6. VSRs are required to be accredited through the Department of Veteran Affairs - Office of General Counsel:
- Four VSRs are accredited
 - One VSR was recently promoted
 - New VSRs are mandated to complete accreditation within a year of accepting the VSR position
- F7. In 2016, KCVSD transitioned to a scheduled appointment system with limited walk-in and drop-off services. The front office staff handles scheduling.
- F8. During the Holiday season the wait time for an appointment is usually three weeks. Current and average wait time for an appointment is approximately two weeks.
- F9. Two new Veterans Service Assistants (VSA) staff were hired in February 2019. This relieves the workload and streamlines the time needed to complete a Veterans' request for services. Calls handled by front office staff are now routed to a VSA who will triage the calls to determine the best course of action for the Veteran.
- F10. Walk-in Veterans are seen by the VSA who will determine what is required from the Veteran, the best course of action and explain the following:
- a. The claim process and how it works
 - b. What items are required
 - c. Provide a list of items needed (referred to as homework)
 - d. Answer questions
 - e. Schedule return appointments
- F11. If an appointment is scheduled with a VSR, a 40 minute time frame is allotted; however, an appointment can be extended when necessary.
- F12. Once the Veteran's application is complete:
- a. Information is entered digitally into the Veteran's Benefits Management System (VBMS).
 - b. The ability to input information digitally allows the VSR to track the application status and has helped to reduce processing time.
 - c. Although each claim is unique and processing times vary, the average VA claims are taking approximately six months.

- d. During the application and appeal process, if a Veteran and their family are in an emergency situation, the KCVSD will provide referrals to local resources to meet their needs.

F13. The Veterans Access Choice and Accountability Act signed by President Barack Obama in 2014, is more commonly known as Veteran's Choice Program (VCP):

- a. A program where an eligible Veteran can receive care from a non-VA facility, provided by a VA approved community provider and paid for by the VA.
- b. When a Veteran is enrolled in the Veterans Health Care program, a Primary Care Physician (PCP) is assigned.
- c. If a Veteran needs an appointment for a specific type of care, and the VA cannot provide the care in a timely manner (within 30 days) or the nearest VA medical facility is too far away (more than a total of 40 miles) or is too difficult to reach, then a Veteran may be eligible for care through the VCP.
- d. To use the VCP, Veterans must receive prior authorization from their assigned PCP for a provider that is part of VA's VCP network. The referral authorization is based on specific eligibility requirements.
- e. The KCVSD and the VA do not have the authority and cannot refer Veterans to the VCP program.

F14. The VA is the primary coordinator of benefit issuance for VCP:

- This has created issues as some Veterans do not understand the PCP referral process system.
- The VA has specific criteria that must be met prior to payment for services or reimbursement.
- Generally, a Veteran must already be in receipt of VA benefits and be pre-approved for services.
- Treatment sought without prior authorization will not be reimbursed.

F15. The VCP was implemented nationwide with little or no training, and informational publications were not easily available. The VA has additional detailed information at www.va.gov that KCVSD can obtain and provide at the facility to the Veterans who are seeking medical treatment.

F16. Veterans with Post Traumatic Stress Disorder (PTSD) or other disorders often receive treatment through the VA at the Veterans Center at the Community Based Outpatient Clinic. If they are not eligible, they are referred to the Kern County Behavioral Health Referral Services.

- F17. KCVSD does not have local transportation available for Veterans. However, the VA contracts with a bus company for daily transport to the Los Angeles, CA Veterans Services/Clinics. It is scheduled to depart Bakersfield at 7:30 a.m., leaving Los Angeles, for return to Bakersfield, at approximately 3:00 p.m.
- F18. The KCVSD was the start and end point for a van operated by the Disabled American Veterans (DAV), however, drivers are no longer available and new drivers have not volunteered. The DAV is in need of volunteer drivers.
- F19. Increased staffing is allowing KCVSD to expand services to the outlying areas of Kern County:
- a. Taft College is being contacted to determine if they can provide space and equipment for KCVSD on campus.
 - b. West Side Recreation and Parks District has provided space for KCVSD to see clients in the Taft area.
 - c. KCVSD has a strong presence at Bakersfield College, with six other agencies, Veterans attending classes are assisted with various services.
 - d. KCVSD is considering expanding their presence into Delano.
 - e. There is a part-time staff member who covers Tehachapi, Ridgecrest and Lake Isabella.
- F20. Kern Patriots Program, funded by a Corporation, works within KCVSD to help Veterans find employment.
There are two divisions:
- a. The first division works with employers.
 - b. The second division assists Veterans by teaching job seeking skills and helping the Veteran with applications and resumes that relate service skills to civilian use.
- F21. The Justice Involved Veterans Network is a pilot program where a representative and a VSR work with incarcerated Veterans and their families. They continue to work with the Veteran, the Kern County Sheriff's Office and the Kern County Probation Department when the Veteran is released.
- F22. CalVet conducts semiannual audits of KCVSD. The VA does not.
- F23. Representatives from KCVSD attend meetings to stay current with the program offerings. Other programs available to Kern County Veterans are:
- a. Kern County Veteran's Collaborative – an active group dedicated to finding resources for our Veterans
 - b. Wounded Hero's Fund (Iraq and Afghanistan) – a service organization for Veterans and their families affected by the war on terror with a

focus on facilitating a healthy transition to civilian life through support and appreciation

- c. Honor Flights Kern County – an all-volunteer non-profit organization to honor Veterans of Kern County and surrounding areas by escorting them to Washington D.C. to view the Veterans Memorial Wall
- d. Bakersfield Vet Center – designed for the combat Veteran and Veterans who have experienced military sexual trauma. Providing high quality readjustment counseling services for the Veteran and their family at no charge. Appointments and walk-ins are welcome at this facility

F24. KCVSD does not have a current Policy and Procedures Manual however; they are adapting a CalVet manual for Kern County usage.

COMMENTS:

The Kern County Grand Jury would like to thank the Director of Kern County Veterans Service Department and the staff for the informative interview and tour of the facility.

RECOMMENDATIONS:

- R1. The Grand Jury recommends that KCVSD continue their mission to advocate for Kern County Veterans and their families. (Finding 2)
- R2. The Grand Jury recommends that additional literature regarding the Veterans Choice Program be made available to Veterans at the KCVSD facility and at the local VA medical clinic. (Finding 14)
- R3. To provide local transportation, the Grand Jury recommends that KCVSD recruit volunteer drivers for the DAV. (Finding 17)
- R4. The Grand Jury recommends that KCVSD work with the Kern County Personnel Department to provide adequate staffing in outlying areas. (Finding 20)
- R5. The Grand Jury recommends the KCVSD complete a comprehensive Policy and Procedures Manual by August 1, 2019. (Finding 26)

NOTES:

- The Kern County Veterans Service Department should post a copy of this report where it will be available for public review.
- Persons wishing to receive an email notification of newly released reports may sign up at: www.kerncounty.com/grandjury.

- Present and past Kern County Grand Jury Final Reports and Responses can be accessed on the Kern County Grand Jury website: www.kerncounty.com/grandjury.

RESPONSE REQUIRED WITHIN 90 DAYS TO:

**PRESIDING JUDGE
KERN COUNTY SUPERIOR COURT
1415 TRUXTUN AVENUE, SUITE 212
BAKERSFIELD, CA 93301**


**CC: FOREPERSON
KERN COUNTY GRAND JURY
1415 TRUXTUN AVENUE, SUITE 600
BAKERSFIELD, CA 93301**



Appendix A:

Which VBA lane to choose?

Under Appeals Modernization beginning February 2019

	Supplemental Claim	Higher Level Review
When to choose	If your claim needs new evidence .	If you don't need new evidence, but think a mistake was made.
What will happen	VA will help you gather the evidence. A new decision will be made looking at the new evidence.	A higher-trained VBA employee will review your claim and make a new decision. No new evidence will be added.
How long	125 days (on average)	125 days (on average)



U.S. Department
of Veterans Affairs 2

Kern County Board of Supervisors
Response to Grand Jury Final Report
Kern County Veterans Service Department

Response to Findings:

The Board of Supervisors notes that the Grand Jury's findings are substantially correct with a minor correction to finding F20. The grant funded program operated through the Kern County Veterans Service Department (KCVSD) is the Kern Patriot Partnership Program.

Response to Recommendation:

R1: *The Grand Jury recommends that KCVSD continue their mission to advocate for Kern County Veterans and their families.*

We concur with the Grand Jury's recommendation to continue advocating for Kern County's veterans and their families.

R2: *The Grand Jury recommends that additional literature regarding the Veterans Choice Program be made available to veterans at the KCVSD facility and at the local Veterans Affairs (VA) medical clinic.*

We concur with the Grand Jury's recommendation to better inform Kern County veterans about health care services. KCVSD will continue to answer questions about the Veterans Choice Program, but will also put its effort into informing veterans of new programs, as information becomes available. The recently passed VA MISSION Act directed the development of a new Veterans Community Care Program.

R3: *To provide local transportation, the Grand Jury recommends that KCVSD recruit volunteer drivers for the Disabled American Veterans (DAV).*

At this point in time, we do not concur with the Grand Jury's recommendation that KCVSD recruit volunteer DAV drivers since the DAV has not shown interest in revitalizing its van service. KCVSD will support the DAV, or another group, in this endeavor and be willing to allow them to use their location as a staging area to transport veterans.

R4: *The Grand Jury recommends that KCVSD work with the Kern County Personnel Department to provide adequate staffing in outlying areas.*

We concur with the Grand Jury's recommendation to provide adequate staffing. KCVSD is in the process of filling vacant positions. Once staff is fully trained, they plan to expand outreach to outlying areas.

R5: *The Grand Jury recommends the KCVSD complete a comprehensive Policy and Procedures Manual by August 1, 2019.*

We concur with the Grand Jury's recommendation that KCVSD complete a comprehensive Policy and Procedures Manual. KCVSD will strive to have it completed by the recommended date.

PARK RANGERS AND SECURITY

A DIVISION OF

KERN COUNTY PARKS - GENERAL SERVICES

PREFACE:

Rangers and Security personnel are an integral part of Kern County Parks. This includes over 720 acres of park grounds, eight regional and many local parks. The three primary areas requiring the most coverage are Buena Vista Aquatic Recreational Area (Buena Vista), Hart Memorial Park (Hart Park) and Lake Isabella. Other parks and buildings include the Veterans Hall, Senior Centers, Community and Sports Parks. Additionally, the Rangers and Security personnel are responsible for the security of Kern County (County) buildings and the enforcement of parking regulations in County parking areas.

PURPOSE OF INQUIRY:

The Administration and Audit Committee (Committee) of the 2018-2019 Kern County Grand Jury (Grand Jury) inquired into the operation and management of the Park Rangers and Security personnel pursuant to California Penal Code (PC) §925.

PROCESS:

The Committee conducted research on the internet, reviewed publications, departmental budgets and previous Grand Jury reports. The Committee conducted several interviews with Ranger staff, the Director of Kern County Parks and the Chief of General Services.

FINDINGS:

- F1. Rangers and Security Officers patrol on County land and lake waters to provide public safety, security and have a presence within parks to encourage compliance with regulations. Additionally, answering questions related to camping, fire, fishing and vehicle operations. The primary areas of responsibility are Buena Vista, Hart Park and Lake Isabella. Rangers and Security Officers will respond to other areas of responsibility as they are available.
- F2. Ranger positions require the completion of a Peace Officer Standard of Training (POST) and/or previous law enforcement experience. The POST training is recognized as the basic standard training for peace officers and is obtained after successful completion of a training academy curriculum provided by a POST approved training center.

- F3. Security Officers are required to have a valid Guard Registration Card issued by the State of California, Department of Consumer Affairs, Bureau of Security and Investigative Services.
- F4. Rangers and Security staffing levels currently authorized are:
- Park Ranger Manager - 1
 - Supervising Park Managers - 2
 - Park Ranger II - 1
 - Park Ranger I - 1
 - Ranger Trainee - 5 (funded 2 / unfunded 3)
 - Extra Help (part time) Park Ranger II - 2
 - Security Attendant II - 3
 - Security Attendant I - 1 (unfunded)
 - Extra Help (part time) Park Security Officer - 8
- F5. A background check, Live Scan and psychological testing are conducted prior to hiring an applicant for a Ranger Position. Security positions use the basic Kern County background check procedures.
- F6. Procedures are in place to review and record changes in staff background information, expiration of driver's licenses and various certifications.
- F7. Rangers and Security Officers are certified to use the California Law Enforcement Tracking System (CLETS) and the Criminal Justice Information System (CJIS) as needed.
- F8. Watercraft and All-Terrain Vehicles (ATV) training is provided by a Ranger stationed at Lake Isabella.
- F9. In 2016, the Kern County Parks Department merged into General Services that resulted in a reorganization of the Ranger program. The goal is to create a more effective utilization of staff when completed.
- F10. In 2018, the Rangers instituted a program of issuing large trash bags to the public on Holiday weekends, in the hope of creating a better relationship with the public. This has resulted in much cleaner parks following the weekend.
- F11. Over the past year, a service organization donated 35 to 40 thousand volunteer hours; 4.5 days per week at Hart Park, 4.5 days per week at Lake Buena Vista and 2 half-days per week at Panorama Park picking up trash.
- F12. A Mounted Posse consisting of 4 to 6 volunteers create a presence of safety in Hart Park on Holiday weekends. The horses have a unique saddle blanket identifying the Volunteer Posse.

- F13. Ranger and Security personnel have a good working relationship with local law enforcement.
- F14. For emergencies in outlying areas, the recommendation is to call 9-1-1. All 9-1-1 calls go to the Kern County Emergency Call Center. Park Rangers are the first contact for all Ranger related emergencies. If Rangers are not available, the call will be routed to the first available law enforcement agency.
- F15. Security Officers are also responsible for the security of some County buildings.
- F16. All Security personnel are required to be certified by the successful completion of a PC §832 Arrest and Firearms Training Course (PC §832 Course), which is the minimum training standard for peace officers in California.
- F17. General Services funding for Ranger Staff in the Fiscal Year (FY) 2018-2019 is less than FY 2017-2018, due to County budget cuts. This decrease will make it difficult to fill unfunded positions necessary for the reorganization of the Ranger program.
- F18. Kern County Parks/Ranger Department was unable to provide a comprehensive Departmental Policy and Procedures Manual for Rangers and Security Officers as required by County Administrative Bulletin #9. Portions of the Procedures Manual were recently provided:
1. Use of Force, Control Holds, Capsicum Spray (pepper spray), Deadly Force, & Taser Protocols
 2. Security Field Training Program
- (See Attachment A)
- F19. Previously, the Rangers made arrests as needed including DUI. The arrest and booking process was time consuming which negatively impacted their small staff. Under the new guidelines, Rangers no longer make an arrest but detain an individual and call the CHP for arrest, transport and booking.
- F20. The Ranger's vehicle fleet is aging and in need of upgrading. With a lease program recently instituted, the County is replacing the aging and inadequate vehicles with vehicles that are better equipped for off road use.
- F21. The Rangers are responsible for patrolling the lakes within the County as needed. A Ranger, in residence, patrols Lake Isabella on a regular basis. This Ranger also helps train other Rangers as needed on Boating and Water safety.

- F22. Rangers in the field do not have computers or electronic tablets to research procedures or write reports.
- F23. The Rangers have recently contracted with a local civilian range facility for all of their range qualification needs at a reasonable fee.

COMMENTS:

The Grand Jury would like to thank the Chief of General Services, the Director of Kern County Parks, and the Ranger leadership for their courtesy, professionalism and cooperation.

RECOMMENDATIONS:

- R1. The Grand Jury recommends Kern County Parks Department coordinate with the Kern County Human Resource Department toward the completion of the reorganization/reclassification of the Ranger and Security positions by fiscal year 2020-2021. (Finding 9)
- R2. The Grand Jury recommends Rangers continue the program of issuing trash bags at Hart Park to the public on holiday weekends and look into the possibility of expanding the program to other parks. (Finding 10)
- R3. The Grand Jury recommends training be scheduled for a PC §832 Course for Security and Ranger staff who are not already PC §832 Course or POST certified. Following completion of classroom training the Security Field Training Program be initiated. (Finding 16)
- R4. The Grand Jury recommends that the Chief of General Services pursue additional funding to complete the reorganization of the Ranger program. (Finding 17)
- R5. The Grand Jury recommends completion of a comprehensive Procedures Manual and post it on-line for easy access by Ranger and Security personnel by the end of February, 2019. (Finding 18)
- R6. The Grand Jury recommends Rangers and Security Officers be issued laptop computers or tablets with a Procedures Manual and a current tracking application called "CopLogger 3" as soon as is fiscally feasible. (Finding 22)

NOTES:

- The Kern County; Board of Supervisors, County Administrative Officer, General Services, Park Rangers, and Security should post a copy of this report where it will be available for public review.
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**CC: FOREPERSON
KERN COUNTY GRAND JURY
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BAKERSFIELD, CA 93301**

Appendix A

ADMINISTRATIVE BULLETIN NO. 9

Originally Issued: September 15, 1998

Formerly: #300

Revised: August 3, 1999

(Number only)

SUBJECT: DEPARTMENT OPERATIONS MANUAL

Each department has its own internal requirements and methods of operation. As such, it is necessary that operating manuals be maintained by and for each department. The complexity of operating manuals will vary by department, depending on the scope and complexity of the work involved.

Suggested Contents of Operating Manual. Suggested contents for a typical departmental operating manual are shown below. These suggested contents have been revised to include procedures for operating County-owned and privately-owned vehicles in the course and scope of work.

I. Table of Contents

- A. Organization (Departmental Organization and Function)
 - 1. A functional description of department (purpose)
 - 2. Authority for department
 - 3. Organization or functional chart showing clear lines of authority
 - 4. Job description of each position
- B. Administration
 - 1. Correspondence procedures
 - a. Use of memoranda vs. letters
 - b. Authorized signatures
 - c. Mailing procedures
 - 2. Filing system and procedures
 - 3. Records disposition procedures
 - a. Legal authority
 - b. Designated storage areas
 - c. Designation of person(s) to authorize records destruction
 - 4. Departmental travel policy
 - a. Types of travel authorized
 - b. Procedures for monitoring validity of drivers licenses and insurance
 - c. Procedures for requesting travel authority
 - d. Preparation and filing of travel reports
 - e. Mileage claim procedure
 - f. Reporting mileage on county-owned vehicles

- g. A guideline for hierarchical assignments of County vehicles, if applicable. It is envisioned that the department's allocation of County vehicles is finite. Many departments rely upon employees to use their own vehicles to perform work, yet it may be to the department's advantage to encourage the use of County vehicles. In order to reduce exposure to liability, departments are encouraged to establish priorities for determining which employees get to use the County-owned vehicles on a regular basis. Higher priority for using County vehicles should be given to employees that:
 - (1) routinely are required to transport non-County employees in the course and scope of their work;
 - (2) have higher incidents of transporting non-employees in comparison to other staff members;
 - (3) do not have a private vehicle available for regular use;
 - (4) have a private vehicle available but it is not mechanically sound; and
 - (5) have an exemplary driving safety record (if such information is available).

By increasing the instances where employees use County vehicles to transport non-employees (clients/patients, etc.) the department is reducing the liability exposure to the County, the department and the individual employee. A conscious effort on the part of the departments to assign vehicles using this criteria, rather than strictly rank or seniority will ultimately benefit the department's operation.

- h. Department-specific home-retention guideline for County vehicles (which shall not be more permissive than current Countywide policy - *Chapter 11, Sections 1111, 1112 and 1113 of the Administrative Procedures Manual*), if applicable
 - i. Process for notification to prospective employees of the department's expectation that the employee may be required to use their private vehicle for work, if applicable
 - j. Notification to current employees of the employee's and the department's rights and responsibilities regarding the operation of a vehicle in the course and scope of work (see Figure 1.)
 - k. Training standards and requirements for defensive driving and dealing with irate people, if applicable
5. Departmental meetings
- C. Personnel
- 1. Office hours
 - 2. Rest periods
 - 3. Policy and procedures concerning:
 - a. vacations
 - b. sick leave
 - c. overtime, the recording thereof, and who may authorize
 - d. compensatory time, the recording thereof, and who may authorize

4. Use of time cards
 5. Claims for loss of personal property
 6. Dissemination of conflict of interest ordinance information
- D. Physical Plant and Equipment
1. Security
 2. Maintenance to plant and equipment provided by department staff
 3. Inventory
 - a. records kept by departments
 - b. persons responsible
 4. Storage
 - a. supplies
 - b. capital items
- E. Operations
1. Include all internal operating procedures of a general nature:
 - a. departmental
 - b. divisional
 2. Each work station or division having a specialized operation should have a detailed set of procedures covering each task, thus insuring smooth workflow during vacations and illness. Such procedures should include operation of computer and/or work processing equipment in detail. Instructions or guides need not be placed in the manual, but should be readily available at the work station or division.
 3. Departmental Safety Program:
 - a. accident reporting
 - b. person(s) in department designated responsible for reviewing and recommending safety equipment or clothing.
 - c. designate person or position to perform as safety representative for department.

Employee Notification Rights and Responsibilities While Driving. Employees must be given notification of their and the County's rights and responsibilities while driving a county vehicle or private vehicle in the course and scope of work. Figure 1 is an example of a notification form departments may adapt for their use. Figure 1 contains the minimum information that an employee should be aware of if driving is a part of their work. Departments may add additional department-specific requirements/information, as needed.

AB-9

Kern County Board of Supervisors
Response to Grand Jury Final Report
Park Rangers and Security, a Division of
Kern County Parks – General Services

Response to Findings:

The Board of Supervisors notes that the Grand Jury's findings are substantially correct.

Response to Recommendation:

R1: *The Grand Jury recommends Kern County Parks Department coordinate with the Kern County Human Resource Department toward the completion of the reorganization/reclassification of the Ranger and Security positions by fiscal year 2020-2021.*

We concur with the Grand Jury's recommendation for the department to reorganize and reclassify the Ranger and Security positions.

R2: *The Grand Jury recommends Rangers continue the program of issuing trash bags at Hart Park to the public on holiday weekends and look into the possibility of expanding the program to other parks.*

We concur with the Grand Jury's recommendation for the department to continue providing enhanced services on holiday weekends at Hart Park and other parks as needed.

R3: *The Grand Jury recommends training be scheduled for a PC §832 course for Security and Ranger staff who are not already PC §832 course or POST certified. Following completion of classroom training the Security Field Training Program be initiated.*

We concur with the Grand Jury's recommendation for the department to provide training to staff not currently certified.

R4: *The Grand Jury recommends that the Chief of General Services pursue additional funding to complete the reorganization of the Ranger program.*

We concur with the Grand Jury's recommendation for the department to pursue funding to complete the reorganization of the Ranger program.

R5: *The Grand Jury recommends completion of a comprehensive Procedures Manual and post it on-line for easy access by Ranger and Security personnel by the end of February 2019.*

We concur with the Grand Jury's recommendation. The Security procedures were posted online and additional Ranger related procedures are expected to be posted online by the end of March 2019.

R6: *The Grand Jury recommends Rangers and Security Officers be issued laptop computers or tablets with a Procedures Manual and a current tracking application called "CopLogger 3" as soon as is fiscally feasible.*

We concur with the Grand Jury's recommendation for the department to issue electronic devices to access the manual and tracking software, as applicable, as soon as it is fiscally feasible.