

2021-2022

**TRACKING
AND
RESPONSE
REPORTS**

TRACKING 2021 – 2022 FINAL REPORTS

REPORT DATE	SUBJECT OF REPORT	TO COUNTY COUNSEL	FROM COUNTY COUNSEL	TO JUDGE	FROM JUDGE	TO ENTITY	RELEASE DATE
10/21/2021	CAWELO WATER DISTRICT	10/21/2021	10/25/2021	10/26/2021	10/28/2021	10/29/2021	11/3/2021
10/27/2021	CITY OF BAKERSFIELD	11/2/2021	11/15/2021	11/16/2021	11/29/2021	11/29/2021	12/2/2021
11/09/2021	RAND WATER DISTRICT	11/9/2021	12/6/2021	12/6/2021	12/9/2021	12/9/2021	12/15/2021
12/1/2021	CITY OF DELANO	12/1/2021	12/6/2021	12/6/2021	12/9/2021	12/9/2021	12/15/2021
1/31/2022	KERN COUNTY FIRE DEPT.	2/1/2022	2/6/2022	2/6/2022	2/8/2022	2/8/2022	2/14/2022
1/12/2022	BUTTONWILLOW PARK/REC DIST	1/13/2022	1/24/2022	1/24/2022	1/27/2022	1/27/2022	2/1/2022
2/23/2022	KERN COUNTY GENERAL SERVICES - GRAFFITI	2/28/2022	3/10/2022	3/10/2022	3/15/2022	3/16/2022	3/22/2022
3/23/2022	SISC – SELF-INSURED SCHOOLS OF CALIFORNIA	3/23/2022	4/4/2022	4/4/2022	4/4/2022	4/5/2022	4/12/2022
3/30/2022	FRAZIER PARK PUBLIC UTILITY DISTRICT	3/30/2022	4/5/2022	4/5/2022	4/7/2022	4/7/2022	4/14/2022
4/20/2022	CALIFORNIA. ATTORNEY GENERAL V. KERN COUNTY SHERIFF'S OFFICE	4/25/2022	5/11/2022	5/18/2022	5/19/2022	5/20/2022	5/25/2022
5/11 /2022	KERN VALLEY HEALTHCARE DISTRICT	5/26/2022	6/6/2022	6/6/2022	6/7/2022	6/7/2022	6/13/2022
5/25/2022	KERN COUNTY GENERAL SERVICES - PARK RANGERS AND SECURITY	5/26/2022	6/6/2022	6/6/2022	6/7/2022	6/7/2022	6/13/2022
5/31/2022	CITY OF CALIFORNIA CITY	6/6/2022	6/7/2022	6/7/2022			
5/31/2022	NORTH KERN CEMETERY DISTRICT	5/26/2022	6/6/2022	6/6/2022	6/7/2022	6/7/2022	6/14/2022

2021-2022 KERN COUNTY GRAND JURY

RESPONSE REPORT

The Kern County Grand Jury is mandated to aid the public in understanding local government, increasing transparency of operations in the County by conducting investigations and reporting the Grand Jury's findings and recommendations. Local agencies and elected officials identified in the findings or recommendations of a Grand Jury report are required, by law, to respond in writing to the Presiding Judge of the Superior Court. California Penal Code §§933 and 933.05 specify who must respond, what form the response must follow, and the deadline for submitting the response.

The 2021-2022 Kern County Grand Jury has reviewed the responses to the reports issued and offer this report on those received. All the information below is taken from the responses themselves, and in order of their receipt.

SUMMARY OF RESPONSES

CAWELO WATER DISTRICT **November 18, 2021**

RECOMMENDATIONS:

ALREADY IMPLEMENTED	WILL BE IMPLEMENTED	REQUIRES FURTHER ANALYSIS	WILL NOT BE IMPLEMENTED	TOTAL NUMBER OF RESPONSES
	R3	R1, R2		3

The District agrees with each of the Recommendations in the report. Recommendations R1 and R2: have been investigating water sources, whether the source is additional, recycled produced water, and/or other surface supplies. Recommendation R3 requires the district contacting Bakersfield City to again inquire as to the willingness to negotiate the potential acquisition of additional water supplies pursuant to the existing contract between the City and the District.

The District agrees with all three Findings: F1 produced water from the two oil production companies; F2 the District needs to have an additional supply of surface water if drought conditions continue; F3 resolving the agreement between the District and the City.

CITY OF BAKERSFIELD
March 15, 2022

RECOMMENDATIONS:

ALREADY IMPLEMENTED	WILL BE IMPLEMENTED	REQUIRES FURTHER ANALYSIS	WILL NOT BE IMPLEMENTED	TOTAL NUMBER OF RESPONSES
R4, R5,	R1, R2		R3	5

Recommendations R1 and R2 are being implemented: The Technology Services Department has been developing a Security and Management Program. The Finance Department has also made the necessary changes to its procedures to prevent these types of filing errors and to notify affected parties if it should occur again. R3 will not be implemented as it is not feasible to appropriate new funding within three months to reach a recommended staffing level. Training and procedures have been developed and presented to staff to answer the R4 recommendation. R5 has been addressed by the City, which has issued a RFP to replace the current ERP.

The City agrees with Findings F1, F2, and F3. They do not agree with F4. The City states they were not made aware of the full extent of the IRS issue until May; letters were sent to all affected employees and retirees in July. The City stated no payments were made to the IRS regarding this matter. They are adamant that there was no data breach. The City partially disagrees with Finding F5 regarding the time it took to fully understand how this erroneous filing could have occurred. It was a function of a very slow response time from the IRS, misinformation from the current financial software provider, and a deficiency in that system due to its age. The City stated their staff worked continuously during the eight months to both assist affected individuals and worked with the IRS to understand how this happened. It took time to resolve. The City partially disagrees with F6, F7 and F8. The City's response to F6 stated, they were in the process of developing a formalized written security incident management program. F7, the City has been investing in the development of the Technology Services Department with the addition of 20 new staff positions over the last three years (a 52% increase). F8, on-going training for staff; training would have been unlikely to have prevented this specific issue; however, additional training is always preferable and beneficial.

RAND COMMUNITIES WATER DISTRICT
March 23, 2022

RECOMMENDATIONS:

ALREADY IMPLEMENTED	WILL BE IMPLEMENTED	REQUIRES FURTHER ANALYSIS	WILL NOT BE IMPLEMENTED	TOTAL NUMBER OF RESPONSES
R1	R3, R4, R5		R2	5

The District agrees with R1, the progress continuing to better serve the communities. The District referred the question of recusing oneself in R2 from a meeting to their attorney, who has determined a recusal is not necessary in this case; the Board Member has family ties to the litigant, and the recommendation for R2 will not be implemented. R3 will be implemented when the occasion arises for the Minutes to reflect that a recused member has left the meeting during discussion or action. The District, under R4, will seek assistance from project management to request a final date extension so no penalty fees are assessed by the end of March 2022. R5, while not yet implemented, will be as soon as empty board seats are filled and there is a full board to address an open form of communication to the customers to show progress and transparency.

The District agrees with F1, F3, F4, F6, F7, F8, F9 and F10. They disagree with F2, as the rate increase was reversed due to the lawsuit. The District agrees in part to F5, formally recusing oneself from any discussion involving litigation, however agrees this lends itself to the appearance of impropriety, but disagrees in this case, according to their attorney.

CITY OF DELANO
April 14, 2022

RECOMMENDATIONS:

ALREADY IMPLEMENTED	WILL BE IMPLEMENTED	REQUIRES FURTHER ANALYSIS	WILL NOT BE IMPLEMENTED	TOTAL NUMBER OF RESPONSES
R2, R3, R4	R1, R5			5

Recommendations R1 and R5 will be implemented; R2, R3 and R4 have been implemented as recommended.

The City agrees with Findings F1, F2, F3 and F4. Finding F5 they agree, in part, there is a different ideology in the County but does not agree that the varying opinions of the Council threatens to stall City progress.

BUTTONWILLOW RECREATION AND PARK DISTRICT

April 19, 2022

RECOMMENDATIONS:

ALREADY IMPLEMENTED	WILL BE IMPLEMENTED	REQUIRES FURTHER ANALYSIS	WILL NOT BE IMPLEMENTED	TOTAL NUMBER OF RESPONSES
R3, R5, R7	R1	R5, R6, R7	R2, R4	7

Recommendation R1 will be implemented by the August 2022 date. R3, R6 and R7 have been partially or wholly implemented. They have already been seeking other sources of income, and discussions regarding issues with the swimming pool. R5, R6 and R7 require further analysis. They are conducting a study on solar.

Recommendation R2 will not be implemented, as they stated, “are not warranted and/or are not reasonable.” They will not do a parcel fee increase to be added to the bond debt. They are meeting with the Kern County Supervisor that represents the Buttonwillow District, discussing potential opportunities and partnerships to help with the viability of the District. R4 also will not be implemented. They do not feel it is reasonable at this time. It would be too costly to add a full-time (qualified) General Manager prior to the 2022-2023 budget year.

Findings F1, F2, F3, F4, F8 F10, F11 and F12 are agreed to by the District. However, they disagree wholly or partially with findings F5, F6, F7 and F9. Finding F5 they wholly disagree with, as the history of the oil industry and property tax revue is unpredictable. The District passed a limited tax general obligation bond. The municipalities are allowed to raise property taxes if it is essential to meet current debt obligations. The District wholly disagrees with F6, and does not believe it will exhaust its reserve fund in about five years at the current rate of withdrawal. They feel they have a vast record of community involvement. They will continue to develop a five-year Strategic Plan to ensure the viability (with community input) of its future. The District partially disagrees with F7. They believe the community and its partners will step up as they are doing. F9, points out the District’s need to increase revenue to hire a full-time General Manager as well as bringing a high level of recreation to the area would be an asset, however it cannot be supported at this time.

KERN COUNTY FIRE DEPARTMENT
May 2, 2022

RECOMMENDATIONS:

ALREADY IMPLEMENTED	WILL BE IMPLEMENTED	REQUIRES FURTHER ANALYSIS	WILL NOT BE IMPLEMENTED	TOTAL NUMBER OF RESPONSES
R2, R4	R1, R2, R8	R1, R6, R9	R3, R5, R7	9

The Board of Supervisors has responded to the Recommendations. While the Board concurs with R1, regular upkeep to aging stations will keep them maintained until such time as they are beyond repair, or unsafe, then they will be replaced. R2 stated the Fire Department has increased the amount of property tax share that is dedicated solely to the department's Fire Fund. The County has also continued to contribute discretionary General Fund dollars in order to prevent any reductions in service for the department. R3 will not be implemented, as the stations are not commercial kitchen settings and not a current fire code requirement. R4 has already been implemented, however the Department will continue to pursue funding opportunities to ensure critical fire department infrastructure and reliable backup power. While they concur with all the Recommendations, R5 will not be implemented. The Board has stated the department will work with necessary entities to establish and maintain the appropriate water supply for emergencies. Further analysis of funding to replace a helicopter requires careful planning and prioritization among the other needs of the department, therefore, R6 will also not be implemented. In response to R7, other sources of eradication will be used to eliminate the vermin surrounding Station 11. The department will enhance efforts to mitigate firefighters' exposure to diesel exhaust and particulate matter in response to R8. In response to R9, the department will review the Bipartisan Infrastructure Bill and evaluate how funding might be made available at the County level.

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