

SOUTHWEST HEALTH CARE DISTRICT
PO Box 717, Frazier Park, CA 93225 (661) 289-2297
southwesthcd@gmail.com www.swhcd.org

August 1, 2024

HONORABLE J. ERIC BRADSHAW, PRESIDING JUDGE
KERN COUNTY SUPERIOR COURT
1415 TRUXTUN AVENUE, SUITE 212
BAKERSFIELD, CA 93301

RE: June 11, 2024 Grand Jury Report

Dear Judge Bradshaw:

Southwest Health Care District submits the following responses to the Grand Jury Report, dated June 11, 2024 pursuant to Penal Code section 933.05

FINDINGS:

F1. District Board meetings were held at several different locations and on different days of the month in the past, making it difficult for the public to plan and attend meetings. The lack of transparency ended up with a lack of public input.

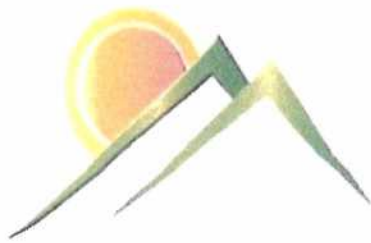
RESPONSE: The respondent disagrees partially with the finding. Although some meetings changed due to COVID-19, lack of a quorum, and weather that made meetings unsafe to attend, ALL meetings were duly noticed with the date, time, and location of the meeting in accordance with the Brown Act.

F2. Because of inconsistent posting of meeting times and locations, members of the public may be misinformed, especially if living outside the community of Frazier Park.

RESPONSE: The respondent disagrees wholly with the finding. Meeting agendas, which included the date, time, and location of meetings were posted 72 hours in advance at the United States Post Office locations located in the mountain communities.

F3. Proposed grants for funding were not always placed on the meeting's agenda for required public comment before acting on a request. Some grants were improperly approved without an application, letter of intent, or the knowledge of proposed expenses and/or expected outcomes.

RESPONSE: The respondent disagrees partially with the finding. Although grant awards were introduced before discussion items were placed on the agenda, no action was taken until there was an item placed on the agenda. All grant requests are presented in writing.



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F4 Minutes of Board meetings do not reflect any accountability of grant expenses or the proposed benefit to the community that would be provided by the grants. Minutes are very brief and do not name the Board Members present, resulting in the lack of public transparency.

RESPONSE: The respondent disagrees partially with the finding. Although most of the time minutes have only included a record of action taken by the board, all action awarding grants were recorded in the minutes.

F5. Board Members' stipends varied from member to member, and from year to year, without explanation, as per the State Controller's Reports. It is unknown if some of the dollar amounts include hours of labor paid to Board Members. The Monthly Board stipends were changed without being placed on the agenda or through the resolution process and without public input or explanation.

RESPONSE: The respondent disagrees partially with the finding. Board member stipends were consistent from member to member, paid per meeting attended.

F6. Without a written policy, resolution, or ordinance approved by the Board in a public meeting, paying a board member to work an hourly rate may violate Government Code and FPPC guidelines.

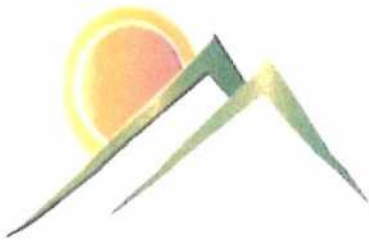
RESPONSE: The respondent agrees with the finding.

F7. District files including historical minutes, LAFCo documents, and Board Members' Form 700 documentation are currently stored in totes at the home of a Board Member. These District files are not open for public review, therefore lacking transparency.

RESPONSE: The respondent disagrees partially with the finding. District files are available via a Public Record Request.

F8. The District's website is under development. The webpage links to Bylaws are outdated and not complete. The Mission Statement is blank, and the FAQs appear to be generic. Many other links to sections are vague, confusing the public.

RESPONSE: The respondent disagrees partially with the finding. The District's website is up to date with links to the current Bylaws, and mission statement.



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RECOMMENDATIONS:

The 2023-2024 Kern County Grand Jury recommends the District:

R1. Continue to update and maintain their website to meet all the requirements of California Health and Safety Code §32139, to include Board Members' contact information. This will be an on-going activity requiring monthly updates. (Finding 8)

RESPONSE: The recommendation has been implemented. The District website is updated monthly and contains the board members' names, positions, and contact information.

R2. Develop and publish a grant application form and the process for awarding annual grants. This application should explain the purpose of the grant, budget of expenses, and expected outcomes when the project is completed. The approved application form should be available to the public by September 1, 2024. (Findings 3 and 4)

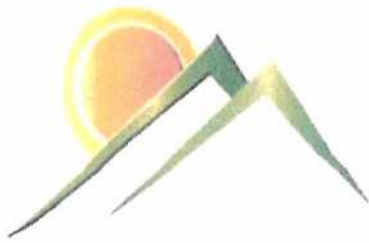
RESPONSE: The recommendation has been implemented. A grant application form with the recommended inclusions has been published on the District website.

R3. Develop and publish, with community input, District Bylaws and operation procedures that reflect the current operation of the District. Bylaws should be posted on their website by October 1, 2024. (Findings 6 and 8)

RESPONSE: The recommendation has been implemented. The District Bylaws have been updated and posted on the District website. The discussion and amendment of the bylaws was noticed on the agenda, which was posted in accordance with the Brown Act.

R4. Seek an official legal opinion on the process of hiring a Board Member to perform work for the District, and update the Rules and Regulations' requirements for hiring Board Members. If needed, seek the return of funds paid for hours of work performed by Board Members. Bylaws and/or Rules and Regulations should reflect the process to hire Board Members to do work by November 1, 2024. (Finding 6)

RESPONSE: The recommendation has been implemented. The District has passed a Resolution which includes the requirements to receive a District paid stipend or reimbursement. These requirements have also been included in the Bylaws.



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R5. Develop an Annual Budget with income, expenses, and expected grants for the year. Explore budget options to provide for an office, a secure storage space, access to legal counsel, and a part-time clerical employee to respond to public inquiries and perform day-to-day activities by December 31, 2024. (Findings 1 and 7)

RESPONSE: The recommendation has not yet been implemented, but will be implemented in the future. The District has contracted with a Bookkeeper who will assist the District in developing an annual budget. This budget will be produced by December 31, 2024.

ADDITIONAL RESPONSE: A portion of the recommendation will not be implemented because it is not reasonable. Hiring a clerical employee, renting an office, and staffing and office with someone to perform day-to-day activities is cost prohibitive. The expenditure of limited funds are best used to improve the health and wellbeing of our mountain communities' residents as described in the District's mission statement.

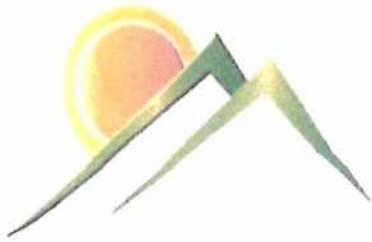
R6. Post agendas and important District related notices in all (three) US Post Offices within the District boundaries, other visible public locations, and publish a copy in the local newspaper's calendar of events. This process should be in place by September 1, 2024. (Finding 2)

RESPONSE: The recommendation has been implemented. Agendas and District related notices are posted in all of the two US Post Offices within the District boundaries, and other visible public locations. The mail center in Pine Mountain Club is not a US Post office and will not allow the District to post information.

ADDITIONAL RESPONSE: A portion of the recommendation will not be implemented. The mail center in Pine Mountain Club is not a US Post Office and will not allow the District to post information.

R7. Locate and rent/lease a facility to be used as the District's Office with a phone, email, secure file storage capabilities, and a place to hold monthly public meetings at the same location. The public should be informed of the office location by December 31, 2024. (Findings 1 and 2)

RESPONSE: The recommendation will not be implemented because it is not reasonable. Renting/Leasing a facility and staffing that office with someone to perform day-to-day activities is cost prohibitive. The expenditure of limited funds are best used to improve the health and wellbeing of our mountain communities' residents as described in the District's mission statement.



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Respectfully,

Cheryl Bert

Cheryl Bert
Southwest Health Care District
Board President

CC: FOREPERSON
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