

# MARIPOSA COUNTY GRAND JURY



# FINAL REPORT 2009-2010

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GRAND JURY

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June 2010

**Final Report**  
**2009-2010 Mariposa County Grand Jury**

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# Mariposa County Grand Jury

P.O. Box 789  
Mariposa, California

June 4, 2010

The Honorable F. Dana Walton  
Judge of the Mariposa County Superior Court  
Mariposa, CA 95338

Dear Judge Walton,

The content of the 2009-2010 Mariposa County Grand Jury Final Report has been approved and accepted by the Grand Jury.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Raymond Westmoreland".

Raymond Westmoreland  
Foreman 2009-2010 Mariposa County Grand Jury

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## Preface

The Mariposa County Grand Jury is a body of eleven citizens who volunteer and are appointed by the Presiding Judge of the Superior Court.

The United States Constitution, California State Constitution and Penal Codes authorize the Grand Juries activities, to insure that the best interests of the community are being served.

The Jury is impaneled for a period of one year beginning on July 1 and ending the following year on June 30.

The Grand Jury is an investigative body created to examine the workings of county government, special districts or joint powers agencies, and public officials. The Grand Jury also receives complaints from citizens alleging mistreatment, misconduct or governmental inefficiencies.

At the beginning of the term each member of the Grand Jury is sworn to uphold the confidentiality of its proceedings, both during and after his or her service.

The members of the Grand Jury are given two days of training, which helped with their understanding of the work and responsibilities of Grand Jury service.

The Presiding Judge appoints a jury foreman, who runs the meetings and signs letters on behalf of the Grand Jury, but has no more authority than any other juror.

At times in the past it has been customary for a member of the preceding year's Grand Jury to hold over and serve an additional term. This was not the case for the 2009-2010 Grand Jury.

Every decision the Grand Jury makes requires concurrence of at least 8 of the 11 jurors. In the case of conflict of interest, jurors are asked to abstain from the discussions and voting in regards to those matters.

The Grand Jury issues its Final Report at the end of its term. This report contains the findings and recommendations of its investigations. The Mariposa County Board of Supervisors must comment on the Grand Jury's recommendations within 90 days of the report being issued.

We certify that each investigation in this final report received the statutory required number of votes.

Bruce Carlton

Carol Hart

**Dorothy Bruen**

Herb Jones

Irma Keheley

Kathleen O'Shell

Raymond Colliver

Raymond Westmoreland

Tiffany Newberry

Tom Phillips

Thomas Margrave (moved and resigned April 2010)

CITIZEN COMPLAINT:  
Mariposa County Unified School District

DATE RECEIVED:

August 7, 2009

PURPOSE/OBJECTIVE OF THE COMPLAINT:

The 2009/2010 Grand Jury received a complaint from two members of the 2008 /2009 Grand Jury alleging that the MCUSD, when asked to provide the audit for the year ending June 2008, used “stalling tactics” and the Grand Jury was unable to thoroughly investigate the school district.

AUTHORITY FOR INVESTIGATION:

Penal Code Section 925

AVENUES OF INVESTIGATION:

- 1) Review of Mariposa County School Service Fund Audit Report for year ending June 30, 2008 submitted by Kemper CPA Group LP of Merced May 26, 2009.
- 2) Review of Unaudited Actuals dated 11/12/08
- 3) Review of School District’s Strategic Plan approved 12/11/08
- 4) Phone interviews with complainants
- 5) School District Business Office visit

FINDINGS:

- 1) The 2008/2009 Grand Jury would have had only a few weeks to review the audit under any circumstance. The issuance of the audit was under the control of Kemper not the School District.
- 2) Kemper findings: “The combined and individual non-major fund financial statements and schedules have been subjected to the auditing procedures applied in the audit of basic financial statements and, in our opinion, are fairly stated in all material respects in relation to the basic financial statements taken as a whole.”
- 3) The school District had been trying to fill the Business Office Chief’s position for over a year.

CONCLUSIONS:

- 1) Lack of full-time department head may have contributed to the perception of “stalling tactics”. We did not find anyone who was uncooperative.
- 2) No malfeasance, errors nor omissions on the part of School Districts budget and financial reporting system were found.

RECOMMENDATIONS:

No further action needed.

CITIZEN COMPLAINT:  
Mariposa County Probation Office

DATE RECEIVED:

July 14, 2009 (letter dated June 20, 2009)

PURPOSE/OBJECTIVE OF THE COMPLAINT:

Investigate the Ignition Interlock Device

AUTHORITY FOR INVESTIGATION:

Penal Code Sections 925

AVENUES OF INVESTIGATION:

The Grand Jury voted to investigate the complaint and a committee was formed.

FINDINGS:

The Ignition Interlock Devices are selected and approved at the state level. The devices are mandated by state sentencing guidelines.

CONCLUSIONS:

Ignition Interlock Devices are not within our jurisdiction.

RECOMMENDATIONS:

No Recommendations.

CITIZEN COMPLAINT:  
J. C. Fremont Hospital and Mariposa County Sheriff's Dept.

DATE RECEIVED:

November 17, 2009

PURPOSE/OBJECTIVE OF THE COMPLAINT:

The complaint involved the violation of patient's rights and a breakdown in the patients' rights system.

AUTHORITY FOR INVESTIGATION:

Penal Code Section 925

AVENUES OF INVESTIGATION:

The Grand Jury voted to investigate the complaint and a committee was formed. A mental health worker on behalf of a client filed the complaint. The complaint involved the E.R. staff at J. C. Fremont Hospital and a Mariposa County Deputy Sheriff and the subsequent attempt to have the issue addressed.

The complaint was broken down into two different avenues of investigation:

1) Alleged patient's rights violation at the emergency room involving Hospital staff and a deputy sheriff.

# Investigation:

Interviews were conducted with the Mariposa County District Attorney and the responding Deputy Sheriff. Court documents containing hospital records, mental health records as well as hospital policies and procedure were reviewed.

2) The attempt by the mental health caseworker to address the alleged abuse through proper channels.

Investigation:

Interviews were conducted with the Deputy Director of Behavioral Health for Mariposa Co. and the long term care Ombudsman for Mariposa Co.

#### FINDINGS:

1) After interviewing the District Attorney we received from him a court document containing information about the client's mental state at the time of the hospital incident. The records showed that the client's mental state was compromised to the point that the client's recall of the incident was questionable. It was decided that the mental state of the client was too fragile to interview. The interview with the Deputy Sheriff confirmed much of what we learned from the report provided by the District Attorney.

2) After interviewing the Deputy Director of Behavior Health the Grand Jury learned that the state mandated position of Patients' Rights Advocate was and is presently filled by a volunteer who is a member of the County Mental Health Board. The Department has been trying to recruit an independent Patients' Rights Advocate for several years to no avail.

#### CONCLUSIONS:

1) After investigation, the Grand Jury concluded that the mental state of the client at the time of the alleged abuse was questionable enough to find that the complaint filed by the mental health caseworker was unsubstantiated.

2) After investigation, the Grand Jury found that the county lacks an independent State mandated Patients' Rights Advocate.

#### RECOMMENDATIONS:

The Grand Jury strongly recommends that Mariposa County continue to look for an independent Patients' Rights Advocate.

CITIZEN COMPLAINT:  
Lake Don Pedro Community Services District.

DATE RECEIVED:

March 30, 2010

PURPOSE/OBJECTIVE OF THE COMPLAINT:

Investigate water supplied by Lake Don Pedro Community Services District (LDPCSD) to Hidden Hills Golf Course and allegedly partial redirection to a private residence.

AUTHORITY FOR INVESTIGATION:

Penal Code Section 925

AVENUES OF INVESTIGATION:

The Grand Jury voted to investigate the complaint and a committee was formed. A resident and ratepayer of Lake Don Pedro Subdivision and Lake Don Pedro Community Services District (District) filed the complaint. The complaint involved the current and former Board of Directors (Board) of the District.

The complaint alleged partial redirection of raw water intended for golf course irrigation to private residential irrigation.

Investigation:

Interviews were conducted with current and former members of the District Board of Directors, current and past District operations managers, complainant, and golf course water system installer. Documents were reviewed regarding requests and denial for raw water access for residential use, and drilling and inspection of private well on private property. Members of the jury attended a portion of a monthly Board meeting.

FINDINGS:

- 1) Several requests for raw water were received and denied for subject residential property. We found no evidence of a raw water connection for residential irrigation use. Irrigation system in question appears to be from a private well.
  
- 2) Private wells are in conflict with the Lake Don Pedro Owners Association rules. The Lake Don Pedro Owners Association is a private entity, and not subject to Grand Jury inquiry.

CONCLUSIONS:

- 1) After investigation, the Grand Jury concluded that there is no evidence of raw water connection to private residential property.
- 2) After investigation, the Grand Jury found that there is no evidence that the District Board of Directors allowed an inappropriate raw water connection.
- 3) On observing the Board, the Grand Jury found that the casual style of the District Board of Directors Meetings contributes to suspicions regarding the ethical standards of the Board.

RECOMMENDATIONS:

The Grand Jury recommends that the Lake Don Pedro Community Services Board be more careful concerning rules of order. In particular the Board should respect the Brown Act rules. Compliance with the Brown Act is valuable for preserving the trust of the public.

OVERSITE  
Adult Detention Facility

DATE OF INSPECTION:

Nov. 4, 2009

PURPOSE/OBJECTIVE OF THE OVERSITE:

The Grand Jury is required to inspect all prison facilities in the county of Mariposa.

AUTHORITY FOR INVESTIGATION:

Penal Code Section 921

AVENUES OF INVESTIGATION:

The Law Enforcement / Probation Committee inspected the Mariposa County Adult Detention Facility.

INSPECTION REPORT:

Lieutenant Brent met us and gave us a very thorough introduction with an opportunity for questions followed by a walking tour of the facility.

We visited the kitchen facility, cafeteria, inmate cell blocks, inmate viewing area, security area, medical facilities, and prisoner initial entry area.

GENERAL OBSERVATIONS:

Lt. Brent is an informed, experienced, and professional leader of the jail facility.

Original jail design neglected to include solitary confinement cells which are necessary for efficient function. When an inmate must be held in solitary confinement, he or she is held in a cell designed for four or more individuals.

All facilities, including but not limited to medical and kitchen rooms were clean.

The facility maintenance department is understaffed.

The jail would function more efficiently with more officers on staff.

The facility was not overcrowded during our visit.

CONCLUSIONS:

The facility is well run, given the resources available.

OVERSITE  
Mariposa Country Solid Waste Facility

DATE INITATED:

Sept, 25, 2009

PURPOSE/OBJECTIVE OF THE OVERSITE:

Routine oversight of County Facility

AUTHORITY FOR INVESTIGATION:

Penal Code Section 925

AVENUES OF INVESTIGATION:

Facility was toured by the Grand Jury. Several areas of the facility were visited and an explanation of the operation of the facility was given by Michelle Miller, Ph.D.

FINDINGS:

- 1) The operation of the facility is hampered by lack of personnel.
- 2) Odor control with shredded almond roots has been effective.
- 3) The amount of plastic in the trash is much more than the preliminary studies had projected.

CONCLUSIONS:

- 1) The amount of plastic in the household waste hampers the efficient operation of the compost facility.
- 2) The facility is well managed, given the resources available.

RECOMMENDATIONS:

The public is the source of all materials going to the facility. With education of, and support from the public, the facility efficiency could be greatly improved. With increased amount of material recycled, the income would be increased and the expenses reduced. This could allow more staffing and increased pay to the workers doing the undesirable work in the composting facility, leading to higher quality and more useful finished product.



Finished Product from Compost Facility



Finished Product from Compost Facility