2010-2011

GRAND JURY

RESPONSES

TABLE OF CONTENTS

OVERSIGHT & COMPLAINT REPORTS

1. MARIPOSA SENIOR SERVICES – Oversight report
2. MARIPOSA COUNTY HUMAN SERVICES – Oversight & Complaint reports
3. ASSESSOR-RECORDER – Oversight report
4 PUBLIC WORKS – Complaint report
5. BUILDING DEPT. - Complaint report
6 PLANNING DEPT. – Complaint report
7. MCUSD – Complaint report
8. MARIPOSA COUNTY AUDITOR – Oversight & Complaint reports
9 MARIPOSA COUNTY SHERIFF - Oversight & Complaint reports
10. MARIOSA COUNTY DISTRICT ATTORNEY – Complaint report
11. MARIPOSA COUNTY TECHNICAL SERVICES – Complaint report
12. MARIPOSA COUNTY TREASURER – Oversight report
13. LDPCS – Oversight & Complaint report
14. MARIPOSA COUNTY BOARD OF SUPERVISORS

County of Mariposa

Department of Community Services
Veterans Service Office, Senior Information and Assistance
Senior Congregate and Homebound Nutrition, Public and Medical Transportation

5246 Spriggs Lane
Mariposa, CA, 95338
(209) 966-5315
(209) 742-7405 Fax

Terri Haworth, BSW, MPA
Director

July 20, 2011

Mariposa County Superior Court
Honorable F. Dana Walton
Presiding Judge of the Superior Court
P.O. Box 28
Mariposa, CA 95338

Re: Mariposa County Grand Jury Final Report 2010-2011

Dear Judge Walton:

I am in receipt of the Court's letter, dated June 28, 2011, regarding the Mariposa County Grand Jury Final Report for 2010-2011. Please accept this letter in response to the report on behalf of the Mariposa County Department of Community Services, also known as Mariposa County Senior Services.

In accordance with Penal Code §933.05(b)(1), Mariposa County Department of Community Services agrees with all of the findings, one (1) through seven (7). Community Services also agrees with the recommendations as we have been following through with those suggestions of continuing community outreach— not only marketing all of our services available at the senior center to other community organizations, but also of our department's challenging needs regarding volunteerism.

The Mariposa County Department of Community Services greatly appreciates the conclusions, recommendations, and the recognition from the Grand Jury's Oversight Committee regarding our service and commitment to our community. I would personally like to commend the Grand Jury members for their hard work, dedication of time, and commitment in fulfilling such a vital role within our county.

Respectfully Submitted,

Terri Haworth
Director

cc: Mariposa County Board of Supervisors
Mary B. Hodson, Deputy County Administrative Officer

Reviewed:
Honorable F. Dana Walton, Per PC933

Empowering People
Mariposa County Human Services

MARIPOSA COUNTY
HUMAN SERVICES DEPARTMENT

James A. Rydingsword, Director
rydings@mariposacounty.org
(209) 742-0892

RECEIVED
JUL 8 2011
By

July 7, 2011

The Honorable Wayne R. Parrish
Assistant Presiding Judge of Mariposa Superior Court
P.O. Box 28
Mariposa, CA 95338

Re: Mariposa County 2010-2011 Grand Jury Final Report

Dear Judge Parrish:

The Human Services Department has reviewed the findings and recommendations of the 2010-2011 Grand Jury Final Report regarding the Behavioral Health and Recovery Services, Alcohol and Other Drug Program Oversight Report. We agree with the findings, conclusions and recommendation of the Grand Jury.

Sincerely,

James A. Rydingsword
Director

Reviewed:
Honorable F. Dana Walton, Per PC933

5362 Lemee Lane., P.O. Box 99, Mariposa, CA 95338
Social Services • Behavioral Health and Recovery Services • Fiscal Administration
Phone (209) 966-2000 • Fax (209) 966-8251

Assessor-Recorder

Assessor (209) 966-2332
Recorder (209) 966-5719

July 19, 2011

Mariposa County Superior Court
Honorable F. Dana Walton, Presiding Judge
P.O. Box 28
Mariposa, CA 95338

Re: Mariposa County Grand Jury Report 2010-2011, Response

I am in receipt of the 2010-11 Mariposa Grand Jury Report. Pursuant to Penal Code 933.05 (b) (4) (f), this shall serve as a response to the Grand Jury's recommendations.

I would like to thank the Grand Jury Members for their dedication and diligence in serving our community. I am proud of the professionalism and level of service to the public my Office has exhibited and is substantiated by this report. However the recommendations 1 and 2 are out of my control, and the CAO is very aware of my input on a new operating system regarding Recommendation 3.

I would like to express some concern over the actual printed report. Our county is in a time of budget woes. This report has 97 single sided pages and a cost of aprox. $875. Last year's report was 13 single sided pages and a cost of aprox. $217. I would like to see the report have double sided pages to cut costs and save trees.

Respectfully submitted,

Becky Crafts, Assessor-Recorder

Cc: Mariposa County Board of Supervisors

Reviewed:
Honarable F. Dana Walton, Per PC933

COUNTY of MARIPOSA

Peter M. Rei
Interim Director

4639 Ben Hur Road
Mariposa, CA 95338
Phone: (209) 966-5356
Fax: (209) 966-2828

DEPARTMENT OF PUBLIC WORKS
Divisions of:

Administration	Airport
Cemeteries	County Surveyor
Design & Construction	Engineering
Facilities	Parks & Rec.
Roads	Solid Waste
Transportation	Fleet Maintenance

August 25, 2011

The Honorable Judge F. Dana Walton
Judge of the Mariposa County Superior Court
5088 Bullion Street
Mariposa, CA 95338

RE: 2010-2011 Grand Jury Report

Dear Honorable Judge Walton:

Following is the Public Works Department's response to the 2010-2011 Grand Jury report:

Recommendation #1

This recommendation is partially implemented.

Public Works agrees that training of our Fleet Maintenance staff is essential to providing high quality service to the departments that we serve. The Fleet Maintenance Superintendent strives to provide the best training that his budget will allow. Unfortunately, the budget resources for training are quite limited. As a result, the level of training that the staff receives is not what we would like it to be. However, there is regular on-the-job training that is provided and staff are encouraged to read up on topics related to the work that they perform.

Recommendation #2

This recommendation is fully implemented.

The Public Works Director who was here when the Grand Jury performed their interviews is no longer here. The County has since hired an Interim Public Works Director. The Interim Public Works Director and the Fleet Superintendent meet on a weekly basis to discuss issues and work well together.

Recommendation #3

This recommendation has not been implemented.

The Fleet Superintendent and the Interim Public Works Director agree with the recommendation that there be a clear "second in command" identified in the Fleet Maintenance Division. The Fleet

Maintenance Superintendent has made efforts in the past to encourage staff to be trained to assume a Shop Supervisor role. Despite the efforts of the Fleet Maintenance Supervisor none of the existing staff members expressed any interest in becoming a Shop Supervisor. Public Works staff agrees that additional effort to accomplish this goal is desirable and will be pursued in the coming year.

Recommendation #4

This recommendation is partially implemented.

The Fleet Maintenance Division currently holds regular staff meetings. The Fleet Maintenance Superintendent is a manager and is present at these meetings. The Interim Public Works Director is currently contracted for three days a week. Considering the amount of responsibilities that the Interim Public Works Director has it is not feasible for him to attend each staff meeting for all nine divisions of the department. The recommendation for a suggestion box is easily accomplished and will be implemented immediately.

Recommendation #5

This recommendation has not been implemented.

Public Works staff is surprised at this recommendation. We agree that there are no clearly marked stalls for parking cars in the area near the Fleet Maintenance facility . However, Fleet Maintenance staff reports that this has never been a problem in the past and is not currently a problem. There is often a lot of activity with vehicles coming in and out of the facility for service, but this has been handled without incident for many years. Actually, the lack of marked parking stalls could be viewed as desirable as there are a wide variety of vehicle types and sizes that are serviced at the Fleet Maintenance facility. Many of these vehicle types would not fit easily into traditional marked parking stalls.

The Department of Public Works appreciated the opportunity to respond to the 2010-2011 Grand Jury report. If any additional information or clarification is required, please do not hesitate to contact me.

Sincerely,

Peter M. Rei
Interim Public Works Director

Reviewed:
Honorable F. Dana Walton, Per PC933

cc: Rick Benson
Board of Supervisors
Steven Dahlem

Mariposa County Building Department
Mike Kinslow, Building Director
5100 Bullion St., P.O. Box 1268, Mariposa, CA 95338
Phone (209)966-3934 Fax (209)742-5024

July 7, 2011

Honorable F. Dana Walton
Presiding Judge of Mariposa Superior Court
5088 Bullion Street
Post Office Box 28
Mariposa, CA 95338

Re: Mariposa County 2010-2011 Grand Jury Final Report
Complaint #1, Complaint #4, Complaint #11

Dear Honorable F. Dana Walton:

Please find my response to Complaints #1, #4 and #11 as follows.

Complaint # 1:

Findings: The respondent agrees with the findings.

Recommendations: No recommendations were made.

Complaint # 4:

Findings: The respondent agrees with the findings.

Recommendations: No recommendations were made.

Complaint # 11:

Findings: There were no findings.

Recommendations: No recommendations were made.

Sincerely,

Mike Kinslow
Mariposa County Building Director

Reviewed:
Honorable F. Dana Walton, Per PC933

MARIPOSA PLANNING

COUNTY OF MARIPOSA
5100 BULLION STREET • POST OFFICE BOX 2039
MARIPOSA, CALIFORNIA 95338–2039
209 . 966 . 5151 • FAX 209 . 742 . 5024

Kris Schenk, Director
kschenk@mariposacounty.org

July 26, 2011

Honorable F. Dana Walton
Presiding Judge, Superior Court
County of Mariposa
Post Office Box 28
Mariposa, CA 95338

Subject: Mariposa County 2010-2011 Grand Jury Final Report

Dear Judge Walton:

The purpose of this letter is to respond to the Final Report of the Mariposa County Grand Jury, 2010-2011. The Grand Jury Final Report, on page 60, states:

MARIPOSA PLANNING DEPARTMENT

Complaint: On August 12, 2010 the Grand Jury received a complaint directed at the Public Works, Building and Planning Departments. The three complaints were received from the same person regarding possible irregularities in road maintenance in the Lake Don Pedro Special District in 2006:

1. **Earth work conducted by a private firm without a grading permit, resulted in erosion damage;**
2. **Failure of the Mariposa County Zoning Enforcement Office to conduct an investigation as required under Mariposa County Code;**
3. **A number of reconfigured roads were in non-compliance with the 1991 SRA Fire Safe Regulations.**

Findings: Complaints 1 and 2 have been previously adjudicated in the Mariposa County Superior Court. The Grand Jury has no authority to investigate matters previously adjudicated.

As the Mariposa County Planning Director, I concur with the findings of the Grand Jury. The Final Report does not contain recommendations for implementation by the Planning Department.

I thank you and the members of the 2010-2011 Grand Jury for the time and care that has been exercised in the resolution of these complaints.

Sincerely.

Kris Schenk

Kris Schenk
Planning Director

REVIEWED
Honorable F. Dana Walton, Per PC933

jm

cc: Board of Supervisors
Rick Benson, CAO
Mary Hodson, Deputy CAO
Sarah Williams
Steve Dahlem, County Counsel

MARIPOSA COUNTY UNIFIED SCHOOL DISTRICT

P. O. Box 8 Mariposa, CA 95338 * Phone (209) 742-0250 Fax (209) 966-4549

Aaron N. Rosander
Superintendent

August 19, 2011

Honorable F. Dana Walton
Presiding Judge of the Superior Court
County of Mariposa
P.O. Box 28
Mariposa, CA 95338

Dear Judge Walton:

Pursuant to the Court's request, this letter will provide our response to the Mariposa County 2010-2011 Grand Jury Final Report, as authorized by the Governing Board of Mariposa County Unified School District.

The enclosed document outlines the District's responses to each of the Findings relative to "Complaint 2," found on Page 61 of the report. Also noted are the District's responses to each of the Recommendations.

If you have any questions, or need further information, please do not hesitate to contact my office.

Sincerely,

Aaron N. Rosander
Superintendent of Schools

/vb
Enclosure

Reviewed:
Honorable F. Dana Walton, Per PC933

cc: Mariposa County Board of Supervisors

MARIPOSA COUNTY BOARD OF EDUCATION AND TRUSTEES

Kirstie Dunbar-Kari, District 1 | Eldon Henderson, District 2 | Judy Eppler, District 3 | Joe Cardoso, President, District 4 | Kimberly Forsythe-Allison, Vice President, District 5

Response to Mariposa County Grand Jury Report by
Board of Trustees of Mariposa County Unified School District

I. Introduction

The Board of Trustees for the Mariposa County Unified School District ("Board") hereby submits a response to the Mariposa County Grand Jury Report dated June 28, 2011. The Board responds to the findings and recommendations below.

II. Response To Findings

Finding F-1: The complainants had a rental home which the County Health Department had marked as Uninhabitable, and which the complainants had donated to the Fire Department to burn as a training exercise. The complainants voluntarily allowed the building to be demolished by fire in March 2009 before they inquired at the MCUSD office in 2010 as to whether Developer Fees would be owed on the new building. During a visit to the MCUSD office, the complainants claim they were told no fees would be owed because the rebuild is less than 500 square feet larger than the original building (the staff person may have been referring to Ed. Code 17620(a)(1)(c)). The complainants did not receive any verification in writing about the exemption, nor had they applied for an exemption at the time of the first visit. They have not been able to identify the staff member who offered the information, nor do they have the name of the staff person.

DISAGREE wholly or partially with Finding F-1. Said Finding involves factual contentions solely within the knowledge and/or belief of complainants. Accordingly, the District lacks sufficient knowledge or information to form a belief as to the truth or accuracy of Finding F-1.

Finding F-2: In 2010, when the building contractor went to the Building Department to apply for a building permit, he was told that a fee was owed and a permit would not be issued until the fee was paid at a rate of $2.97/square foot for the entire rebuild (approximately $3000).

DISAGREE wholly or partially with Finding F-2. Said Finding involves factual contentions solely within the knowledge and/or belief of the building contractor. Accordingly, the District lacks sufficient knowledge or information to form a belief as to the truth or accuracy of Finding F-2. The District agrees that Developer Fees are assessed at $2.97/square foot.

Finding F-3: Developer fees were started in 1986 and authorized under Education Codes 65995-65998. They apply to mobile homes as well as stick built homes, and the code is intended to apply to any new construction and remodels over 500 sq. ft. The exemptions can be complex. The application of the fees involves data and coordination between three key county government agencies: The Building Department, the Assessor's Office, and the MCUSD.

AGREE developer fees were started in 1986. They apply to mobile homes as well as stick built homes and the code is intended to apply to any new construction and remodels over 500 sq. ft. The exemptions can be complex. The application of the fees involves data and coordination

between three key county government agencies: The Building Department, the Assessor's Office, and the MCUSD.

DISAGREE developer fees are authorized by Education Code sections 65995-65998. Developer fees are authorized by Government Code sections 65995-65998 and are applied together with provisions in Education Code sections 17260-17262.

Finding F-4: The Building Department issues the building permits and checks whether the Developer Fee is due and has been paid at the School District office. Once a homeowner has a certificate from the MCUSD indicating the fee has been paid, or the fee has been exempted, the Building Department can issue a permit. The Building department determines the nature of the construction (new construction, remodel, tear down).

AGREE with Finding F-4.

Finding F-5: The Assessor is consulted by the School District to determine the status of buildings on site, or the existence of mobile homes, and when such structures were built or sited. The Assessor's office can look up how much tax is being assessed on Land and on Improvements.

AGREE with Finding F-5.

Finding F-6: The School District applies a developer fee and determines whether an applied for exemption is to be granted. Only the School Superintendent can sign off on an exemption. The maximum rate of developer fee, currently $2.87/sq. ft. is set by the state, and each county determines up to what rate (not the [sic] exceed the maximum) is appropriate for the county. The School District collects the Developer fee. During discussion with the staff at the school district, it was discussed that exemptions can be a gray area about which the Superintendent has the best knowledge.

AGREE the District applies a developer fee and determines whether an applied for exemption is to be granted. Only the Superintendent can sign off on an exemption. The maximum rate of developer fee is set by the state, and each school district determines up to what rate (not to exceed the maximum) is appropriate for the district. The District collects the developer fee.

DISAGREE the maximum rate of developer fees is currently $2.87/sq. ft. Developer fees are currently assessed at $2.97/square foot.

DISAGREE exemptions can be a gray area about which the Superintendent has the best knowledge. Although developer fee exceptions can be complex, responsible District personnel consult with legal counsel regarding complex exemption scenarios.

Finding F-7: There had been a problem with a staff member who insisted upon providing information regarding fees about which she did not have clear knowledge, but that source of misinformation has been corrected.

DISAGREE wholly or partially with Finding F-7. The staff member who provided information regarding fees about which she did not have knowledge has been corrected.

Finding F-8: The complainants met with the School Superintendent, and subsequently applied for an exemption from the developer fee first under Ed. Code 17620(a)(1)(c) ["other than new" residential construction with resulting increase of assessable space equal to or less than 500 square feet]: and then under Ed. Code 17626 [i.e. reconstruction due to destruction by an unforeseen disaster such as a fire, earthquake, landslide, etc...]. The Superintendent presented the exemption request citing the rebuild as a remodel (17620) to the MCUSD Board of Trustees at the Special Meeting; the Board unanimously agreed that the exemption was not warranted because there was no building on the site, so the rebuilding did not constitute as a "remodel". Because the Assessor verified a building did exist, they assigned a square footage of 0 (zero) to the previous structure. In addition, the Superintendent consulted with the school district's legal counsel who also agreed that an exemption was not warranted. Further, the Superintendent denied an exemption under 17626 because the code says the destruction needed to be due to a disaster and not a voluntary demolition even though the county fire department benefited from it.

AGREE with Finding F-8.

III. Response To Recommendations

Recommendation R-1: Although each department is clear about its own role in the developer fee assessment, there is no common source of information for the developer fee process available to the public. There is no direction on where to start and the public is left to find out on their own as to how to plan their construction to keep the fees at a legally allowed minimum. It is unfortunate that a customer needs to be more knowledgeable about a convoluted process than any of the county agencies involved in that process. Recommend that those agencies coordinate a public information document describing the process in detail with a point of contact at each step. This document should be readily available from all involved agencies.

AGREE that the county agencies involved in the developer fee process coordinate a public information document describing the process in detail with a point of contact at each step. The document should be readily available from all involved agencies.

COMMITMENT going forward: Recommendation R-1 has not yet been implemented but will be implemented in the future. During the 2011-12 school year, the District will invite the Building Department and Assessor's Office to collaborate on and participate in the development of a joint information document describing the process in detail with a point of contact at each step.

Recommendation R-2: The exemptions available can be complex. The school district, to their credit, created a FAQ in May 2010, for residents who happen to go to the school district first. However, there remains the problem of having only one individual with the most reliable knowledge (the Superintendent). No process or procedure should be dependent on any one individual. Recommend that a readily available source document with examples of different exemptions be created for the public.

AGREE a readily available source document with examples of different exemptions be created for the public.

COMMITMENT going forward: Recommendation R-2 has not been implemented but will be implemented in the future. During the 2011-12 school year, a source document with examples of different exemptions shall be created for the public.

Recommendation R-3: Regarding the specific complaint, we find that the complainants may have been able to avoid the developer fee if they had known clearly what constitutes a "remodel" rather than new construction, and had planned in advance to leave part of the original structure standing. A process needs to be put in place to ensure that each individual situation is clearly understood and acted upon accordingly.

AGREE a process be put in place to ensure that each individual situation is clearly understood and acted upon accordingly.

COMMITMENT going forward: Recommendation R-3 has not been implemented but will be implemented in the future. During the 2011-12 school year, the District will attempt to devise a procedure that ensures each individual developer fee situation is clearly understood and acted upon accordingly. However, the District questions whether any procedure can be devised that ensures developer fee situations are understood and acted upon before a customer inquires whether developer fees will be owed, as occurred in the complaint received by the Grand Jury.

Recommendation R-4: This complainants' experience was a source of frustration for all parties involved, which could have been avoided if all three departments had a common FAQ available to the public. The May 2010 document created by the MCUSD should be reviewed and complimented by the other two departments and made available on the county web site.

AGREE the May 2010 document created by the District be reviewed and complimented by the other two county departments and made available on the county web site.

COMMITMENT going forward: Recommendation R-4 has not been implemented but will be implemented in the future. The Building Department and Assessor's Office will be invited to compliment the District's May 2010 document which will be available on the county web site.

MARIPOSA COUNTY AUDITOR
POST OFFICE BOX 729
4982 10TH STREET
MARIPOSA, CALIFORNIA 95338

William E. Davis, County Auditor
Debbie Isaacs, Assistant Auditor

Office: 209-966-7606
Fax: 209-966-7810

E-mail:
wdavis@mariposacounty.org
disaacs@mariposacounty.org

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

The following is in response to the Final Report of the 2010-2011 Grand Jury regarding the office of the Mariposa County Auditor.

FINDINGS

I agree with all findings of the Grand Jury.

RECOMMENDATIONS

Recommendation
R-1 The County should support and enable the application of a generic chain of custody cash procedure to be implemented in all cash-handling departments as soon as is feasible. Further, spot audits of cash-handling departments needs to be conducted to see if the procedures are being followed.

Response
I concur with the recommendation of the Grand Jury regarding cash handling. As noted in their finding F-3 details, cash handling procedures were already being developed when the Grand Jury made their visit. In May the preliminary County Cash Handling Procedures were completed and distributed. The final version is expected to be issued in September, 2011. The final detailed procedures for each specific unit are expected to be completed and on file at the Auditor's office by the end of December, 2011.

Recommendation
R-2 It is recommended that the Auditor's Office be included in review of MOUs prior to submittal for approval by the BOS. The Auditor's Office would be charged to review MOUs for legality of payroll agreements to ensure that they are in line with Federal and State payroll laws.

Response
I concur with the recommendation of the Grand Jury regarding the review of MOUs. During the last negotiation cycle, in early 2011, the Auditor was included on an informal basis and did make some recommendations for changes. I will continue to work with the Administration Office as requested. However, any review by the Auditor on a more formal basis would require the cooperation of the Administration Office to adopt that policy.

William E. Davis

William E. Davis

Reviewed:
Honorable F. Dana Walton Per PC933

Office of the Sheriff-Coroner Public Administrator

Douglas A. Binnewies
Sheriff-Coroner-Public Administrator

Joel A. Bibby
Undersheriff

July 8, 2011

Mariposa County Superior Court
Honorable Dana Walton,
Presiding Judge of the Superior Court
P.O. Box 28
Mariposa, CA 95338

Re: Response to Mariposa County 2010-2011 Grand Jury Final Report

I am in receipt of the 2010-2011 Mariposa County Grand Jury Final Report. Pursuant to Penal Code 933.05(b) this shall serve as a response to the Grand Jury's findings and recommendations regarding the Adult Detention Facility, and three (3) Citizen Complaints.

Having reviewed the observations and conclusions of the 2010-2011 Final Report, I wish to make the following comments:

Adult Detention Facility Oversight Report

I first would like to recognize the continued focused dedication of Jail Lieutenant Rich Parrish and each and every staff member working within the Mariposa County Adult Detention Facility, Mariposa County Sheriff's Office. The professional staff at the Adult Detention Facility is committed to providing a safe and secure environment for inmates and visitors.

Upon review of the Grand Jury's Adult Detention Facility Oversight Report I agree with their findings. Low staffing levels within the jail facility has been an on-going problem. Although recruitment of prospective employees has improved over the last year, it continues to be difficult to attract candidates who are able to successfully pass the pre-employment process. This causes delays in filling needed positions. In addition, County budget fiscal restrictions and reductions in several years past has rendered the possibilities of newly created and funded jail officer positions out of reach. Even at full jail officer staffing strength, I support the Grand Jury's report that additional staffing is needed. I recognize, and concur, with the Grand Jury's concern of high inmate population to low jail officer percentages as it pertains to Inmate Safety and Officer

Safety. As the Grand Jury's report indicates, prior seated Grand Juries have recommended the same. This concern grows considering the near initiation of AB109 – Realignment which will impact our Adult Detention Facility and overall community. AB 109 – Realignment will shift local California state inmates from state prisons back to our local jail facility. As a result, it is predicted that our 58 bed maximum security facility will be operating at maximum capacity and the atmosphere within will be more prison like, as our jailer officers will be supervising potentially more aggressive inmates for longer periods. The Sheriff's Office Administration has discussed their plan to immediately increase jail officer staffing (additional two jail officer positions) at the jail facility with the Board of Supervisor's Chairman, the County Administrative Office and the County Personnel Office. The plan involves a slight reorganization to limit financial exposure to the County's General Fund and a limited, if any, affect to community public safety service. I believe this is a viable plan that shifts needed resources where most needed and will gain support at Mariposa County's FY11-12 Budget Hearings.

Citizen Complaints

As noted, the Grand Jury received three (3) citizen complaints relating to the Sheriff's Office. All complaints are addressed separately below:

1. Grand Jury Complaint 5: *The complainants felt that they and others were mistreated by arresting deputies.*
   - I agree with the Findings and Conclusions made by the Grand Jury in their report.

2. Grand Jury Complaint 8: *The complainants felt he was a victim of a crime and not afforded his rights under the Victim's Bill of Rights Act of 2008. Additionally, the District Attorney's Office did not include him in any aspect of the case and did not return his phone calls.*
   - I agree with the Findings and Conclusions made by the Grand Jury in their report.

3. Grand Jury Complaint 9: *Identical complaints were received from two complainants regarding unprofessional behavior on the part of two deputies during the course of an arrest.*
   - I agree with the Findings and Conclusions made by the Grand Jury in their report.

I would like to take this opportunity to publically thank the members of the Grand Jury for their willingness to serve and I appreciate their sincere interest, comments and support.

Respectfully submitted,

Doug Binnewies, Sheriff/Coroner/Public Administrator

Reviewed
HOnorable F. Dana Walton, Per PC933

CC: Mariposa County Board of Supervisors

P.O. BOX 276 Mariposa, CA 95338 209/966-3615 FAX 209/742-5090

COUNTY OF MARIPOSA
PROBATION DEPARTMENT

5091 Bullion Street, P. O. Box 76
Mariposa, California 95338
Phone: (209) 966-3612 FAX: (209) 742-5961
e-Mail: probation@mariposacounty.org

Pete Judy, Chief Probation Officer

Honorable F. Dana Walton
Presiding Judge of the Superior Court
PO Box 28
Mariposa, Ca 95338

Re: Mariposa County 2010-2011 Grand Jury Final Report

Dear Judge Walton,

I have reviewed the Mariposa County Grand Jury's report for the year 2010-2011. The report addresses a complaint toward the Revenue and Recovery division of the department stating that fines resulting from DWI convictions were not properly recovered.

The Grand Jury dismissed the complaint as no data was provided to substantiate the claim. As no information was provided as to the nature of the complaint I agree with their finding and no further action will be taken.

Sincerely,

Pete Judy
Chief Probation Officer

cc: Mary Hodson, Deputy County Administrative Officer

Reviewed: _____
Honorable F. Dana Walton, Per PC933

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF MARIPOSA

ROBERT H. BROWN, District Attorney

Kimberly A. Fletcher
Deputy District Attorney

Robert T. Iwama
Deputy District Attorney

Stephen P. Mehlert
Deputy District Attorney

July 1, 2011

Honorable F. Dana Walton
Presiding Judge
Mariposa County Superior Court
5088 Bullion Street
Post Office Box 28
Mariposa, California 95338

Re: 20010-2011 Grand Jury Final Report

Dear Judge Walton:

This office concurs with the conclusion of the Grand Jury's final report.

Sincerely,

ROBERT H. BROWN
District Attorney

~b

cc: Board of Supervisors
Rick Benson, CAO

Reviewed:
Honorable F. Dana Walton, Per PC933

Criminal Division: 5101 Jones Street, P.O. Box 730, Mariposa CA 95338 (209) 966-3626 Fax (209) 966-5681

MARIPOSA COUNTY TECHNICAL SERVICES

July 25, 2011

Honorable F. Dana Walton
5088 Bullion Street
Post Office Box 28
Mariposa, CA 95338

Dear Honorable F. Dana Walton:

Pursuant to penal code §933.05(b)(4)(f), here are the responses to the Mariposa Grand Jury 2010-2011 Technical Services Oversight Report.

Findings:

The Technical Services Director agrees with the findings contained in the report but must clarify two items for the record.

F-4 Backup and Restore of County Data.

While it is true we do not routinely restore all county systems to test the reliability of the backup, we do regularly restore data per request from those same backup files. The data copy is verified through the backup process.

F-6 County employees have limited skill and knowledge about computer use. "Lack of knowledge results in many calls for support and unintentional introduction of viruses and worms into the system due to attempted uploads via USB (flash memory) devices".

I have no evidence that any infections to County computer equipment were the direct result of a contamination brought in from a USB drive, CD or foreign disk. However, that method, as well as through email and unprofessionally administered websites is a concern.

Recommendations:

The Technical Services Director agrees with recommendations contained in the Grand Jury Technical Services oversight report. However, some represent significant challenges in the current budget environment.

R-1 Preparation for a computer disaster / catastrophic data loss.

This recommendation has not yet been implemented but will be implemented in the future. The Technical Services Director will meet with department heads, gather requirements and perform a feasibility study for the various options and present a recommendation to the Board of Supervisors no later than January 24, 2011. Newer technology can provide an efficient cost effective strategy to recover quickly from a major outage.

R-2 Customer Complaint Tracking System.

This recommendation has not yet been but will be implemented in the future. The preferred option requires a software purchase that is unbudgeted. However, a tracking system can be designed to track current workload efforts in addition to tracking customer complaints.

R-3 Protect the County's Servers.

This will not be implemented but we will continue to pursue the approach to harden the existing facility. Moving the data center to a more secure location is certainly desirable. However, the options are limited due to budget constraints and would also result in the unreasonable displacement of the SCOPE volunteers. We expect to install outside wall protection by 12/31/11.

NOTE: While the existing structure and location are less than desirable, the data center does have electronic discharge protection and diesel generator power backup. It has reached its potential for electrical power.

R-4 Provide Technical Training to Staff.

This recommendation will be implemented given budget resources to upgrade the current IT infrastructure. Staff is competent on the current technical infrastructure. Once resources are available to upgrade our technology, staff will be trained on the operating systems and software configuration of that infrastructure.

The Technical Services Staff has long reached levels to the top of the salary step. However, annual reviews should be given to each staff member. These will re-commence at the next anniversary date for each staff member.

R-5 Make transition to a new financial system.

This recommendation has not yet been but will be implemented in the future. County departments have participated in modern application system review of one enterprise system. It is necessary for all departments to review at least two more to gain enough knowledge to make an informed decision that will impact the County for several years to come. We recognize the need to upgrade our enterprise computer systems and continue to try and find the resources to complete the transition. Also, implementation of a new enterprise application system does require a technical infrastructure upgrade.

R-6 Automate the backup process.

This recommendation has not yet been but will be implemented in the future.

For clarification, the backup process is fully automated using a disk to disk to tape methodology and does verify via computer software to indicate success or failure. The process uses less than state of the art software which does, on occasion, fail. New infrastructure will provide the necessary tools for a more robust and efficient backup process.

Sincerely,

Richard Peresan
Mariposa County Technical Services Director

Reviewed:
Honorable F. Dana Walton, Per PC933

CC: Mariposa County Board of Supervisors
Mary Hodson, Deputy County Administrative Officer

Keith M. Williams
Treasurer – Tax Collector and
County Clerk

Treasurer (209) 966-2830 - Tax Collector (209) 966-2621 - County Clerk / Registrar of Voters (209) 966-2007 - Fax (209) 966-6496

August 19, 2011

Mariposa County Superior Court
Honorable F. Dana Walton, Presiding Judge
PO Box 28
Mariposa, CA 95338

Dear Judge Walton;

I would like to thank the Grand Jury for the time they spent and I feel it was beneficial for both parties. Pursuant to Penal Code 933.05 I am providing my responses below.

I concur with the report with the exception of the following:

In the Findings section of the report F-2 states that employee reviews began in March 2011. This is a misunderstanding and the March date refers to a new review format adopted by the County and Union.

In Finding F-5 the report states that "other than Ethics and Sexual Harassment Training, there are no other training classes offered". I have been reminded that the County belongs to a consortium that offers various trainings from time-to-time at offsite locations.

With regards to the recommendations R-1, R-2, R-3, and R-4 the implementation of these are under the control of the Board of Supervisors. Recommendation R-1 does state that more cross training needs to done within the department and that will be addressed during the year.

Sincerely,

Keith M. Williams

Keith M. Williams
Treasurer – Tax Collector &
County Clerk

Reviewed:
Honorable F. Dana Walton, Per PC933

Cc: Board of Supervisors

Robert M. Dowd*
Robert W. Gin*
Randy L. Edwards
Jim D. Lee
Jeffrey L. Levinson*
Raymond L. Carlson
Ty N. Mizote*
Michael R. Johnson*
Steven S. Dias
Robin M. Hall
Mario U. Zamora
Laura A. Wolfe

*a Professional Corporation

Griswold LaSalle
Cobb Dowd & Gin L.L.P.

G·L·C·D·G

ATTORNEYS
A California Limited Liability Partnership including Professional Corporations
111 E. SEVENTH STREET
HANFORD, CA 93230
T (559) 584-6656 | F (559) 582-3106
www.griswoldlasalle.com

Lyman D. Griswold (1914-2000)
Michael E. LaSalle (Retired)
Steven W. Cobb (1947-1993)

September 21, 2011

VIA FAX 209-742-6860
VIA U.S. MAIL
Hon. F. Dana Walton, Presiding Judge
MARIPOSA COUNTY SUPERIOR COURT
5088 Bullion Street
P.O. Box 28
Mariposa, CA 95338

Re: Lake Don Pedro Community Services District Supplemental Response to the Mariposa County Grand Jury 2010-2011 Final Report

Dear Judge Walton:

This is a supplemental response of Lake Don Pedro Community Services District to the Findings and Recommendations in the Mariposa County Grand Jury 2010-2011 Final Report. The District previously responded by letter from this office dated August 26, 2011. The District hereby supplements that response. Director Keefe resigned from the District Board on September 8, 2011. The resignation was in writing and was effective immediately. The District's understanding is that the resignation is in response to the Grand Jury's referral to the District Attorney, and the proceedings instituted against Ms. Keefe resulting from that referral.

Very truly yours,

GRISWOLD, LaSALLE, COBB, DOWD & GIN, L.L.P.

By: Raymond L. Carlson
RAYMOND L. CARLSON

cc: Mariposa County Board of Supervisors
Dan Tynan
H:\KATIE\RAY\LAKEDON\Walton_9_21_11[1].wpd

Reviewed: D. Walton
Honorable F. Dana Walton, Per PC933

Robert M. Dowd*
Robert W. Gin*
Randy L. Edwards
Jim D. Lee
Jeffrey L. Levinson*
Raymond L. Carlson
Ty N. Mizote*
Michael R. Johnson*
Steven S. Dias
Robin M. Hall
Mario U. Zamora
Laura A. Wolfe

*a Professional Corporation

ATTORNEYS
A California Limited Liability Partnership including Professional Corporations
111 E. SEVENTH STREET
HANFORD, CA 93230
T (559) 584-6656 | F (559) 582-3106
www.griswoldlasalle.com

Lyman D. Griswold
(1914-2000)
Michael E. LaSalle
(Retired)
Steven W. Cobb
(1947-1993)

August 26, 2011

VIA FAX 209-742-6860
VIA UPS NEXT DAY AIR
#1Z F74 78R 01 9448 1761
VIA U.S. MAIL
Hon. F. Dana Walton, Presiding Judge
MARIPOSA COUNTY SUPERIOR COURT
5088 Bullion Street
P.O. Box 28
Mariposa, CA 95338

Re: Lake Don Pedro Community Services District Response to the Mariposa County Grand Jury 2010-2011 Final Report

Dear Judge Walton:

This office represents Lake Don Pedro Community Services District. The District responds to the Findings and Recommendations in the Mariposa County Grand Jury 2010-2011 Final Report, as set out below. At a special meeting on August 26, 2011, the District Board has approved the responses and has authorized this office to forward them to the Court, by the following vote: Ayes-Directors Skoien, Keefe, Ross; Noes-Directors Kinsella, Richardson.

The Court's June 28, 2011 letter directed the District to submit its response within 60 days. The District has determined that the 60 day response period would run to August 29, 2011 as determined under CCP §§ 12 and 12a(a). The District reserves the right to supplement this response up to 90 days after June 28, 2011, the time period provided in Penal Code § 933(c).

RESPONSES TO FINDINGS

F-1 Employees feeling uncertain and fearful.

Response: The District agrees with this finding as describing the results of the Grand Jury's employee survey.

F-2 General Manager's position is defined as interim, and without performance standards.

Response: The District agrees with this finding that the general manager's position is currently described as interim, and disagrees with the finding that the general manager's position is without performance standards.

In 2008 the Board terminated the District Manager and the District Treasurer, who subsequently filed two lawsuits against the District in which both are plaintiffs/petitioners. These lawsuits remain pending. The plaintiffs/petitioners seek various remedies including reinstatement. After the lawsuits were filed, the general manager's position was termed "interim" in case the former general manager obtained reinstatement. In all other respects the current general manager has all the authority of a general manager. The District disagrees that the general manager's position is without "performance standards." District policy 2300 sets forth the job duties of the general manager. The District disagrees that it has not had a general manager for several years prior to the promotion of the current interim general manager. In July 2008, Mr. Jason McCulloch was named Operations Supervisor with authority over all operational matters. On September 27, 2009, Mr. McCulloch left the District to accept other employment. On October 13, 2009, the District hired Mr. Jeff Mann as interim general manager. He was promoted to general manager in April, 2010, but in June, 2010, left the District to accept other employment. His position was filled by Mr. Tynan in November 2010 (orginally hired June 2010 as a plant operator).

Government Code § 61050 provides that a community services district have a general manager. The District has a general manager, which equates to compliance with the statute. The statute does not establish any type of restriction or prohibition regarding a community services district having an interim general manager.

The finding is unclear with respect to "performance standards." The position of general manager of a community services district is established by statute. Government Code § 61050. The general manager of a community services district serves at the pleasure of the Board. Government Code § 61050(d). Therefore the general manager of a community services district is an at will employee whose employment can be terminated at the will of either the employer or the employee, with or without notice. If "performance standards" means some set of goals, tasks, or objectives, which if reached, would create some form of "tenure" in the general manager's employment status, this transformation violate Government Code § 61050(d), which provides for at will employment of the general manager of a community services district.

The duties of a general manager are also established by statute. Government Code § 61051 provides as follows:

> The general manager shall be responsible for all of the following: (a) The implementation of the policies established by the board of directors for the operation of the district. (b) The appointment, supervision, discipline, and dismissal of the district's employees, consistent with the employee relations system established by the board of directors. (c) The supervision of the district's facilities and services. (d) The supervision of the district's finances.

As stated above, District policy 2300 sets forth the job description of the general manager. If "performance standards" means a job description of the general manager position, then the District has such standards. If "performance standards" means something other than a detailed job description, its meaning is unclear. Another way to look at it is that the Legislature has in essence stated such performance standards or job description in Government Code § 61051.

F-3 Falsified meter readings resulted in sudden increases in service charges to customers.

Response: The District agrees with this finding that there were falsified meter readings but disagrees with the finding that the meter readings "resulted in sudden increases in service charges to customers." A former employee reported meter readings that were not the result of having actually read certain meters. Based on investigation by District staff, it appears the subject former employee simply made up readings for meters he was unwilling to read. The District is in hilly terrain, and some meters are on slopes, etc., requiring effort to access the meter box to obtain a reading while being alert for spiders, snakes, etc. that may be in the meter box. See enclosed photograph showing rattle snake in meter box. The former employee was apparently unwilling to expend the needed effort and when the District learned what had happened, the subject employee was terminated. The District disagrees that this incident "resulted in a sudden increase in service charges to customers." Actually, the customers were under billed and the District lost revenue it cannot collect; what resulted was that the effected customers got free water to the extent of the under billing much as when an old meter under reads usage. The fact billings were restored to actual meter readings simply means the customers were billed what they should have been billed. There were no increases in service charges. Service charges are set by the District's rates, which are adopted through a Prop. 218 process.

F-4 Lack of customer feedback documentation and measurement

Response: The District does not agree with this finding. The District documents complaints and responses through the Springbrook utility software. Other complaints can be made at Board meetings as either agenda items or by open public comment and may later be agendized for discussion and possible action.

F-5 Large expenditures for meter reading system that didn't work.

Response: The District agrees with this finding in part as follows: The District purchased the components for a fixed network automatic meter reading (AMR) system. There are three types of AMRs: (1) touch read; (2) drive by; and (3) fixed network. The purpose of an AMR is to eliminate the manual reading of meters, reduce errors in reading meters and transcribing and inputting data into the utility billing software, and to save labor costs in meter reading and utility billing. An AMR helps to (1) save labor in meter reading; (2) save time in meter reading; (3) reduce errors in meter reading and data transcription and input; (4) more accurate measurement of actual water being used by service recipient; and (5) ensures integrity in meter reading (see F-3 above). The AMR provider recommended a fixed network system whereby the meters are part of a network that interfaces directly into the utility billing program via direct wireless transmission and download. The provider originally recommended a system of three towers due to the District's topography and service point dispersion. The District planned to install the three towers at suitable tank sites, and obtained title reports, site surveys, and went out to bid on a three tower system. No bidders responded. Later recommendations were for five (or more) towers but would still not provide an acceptable level of coverage. The District's position is that reliance on the representations and recommendations regarding the fixed network system caused damages to the District. The District and the provider entered into a written settlement agreement by which the fixed network components are being exchanged for drive by system components at no charge to the District. The finding is incorrect in that the District is not exchanging the meters themselves. The District is exchanging the endpoints which plug into the meters and the equipment for using fixed network endpoints for equipment using drive by endpoints. The endpoints are the sending units. The meters the District purchased give manual as well as digital readout and may be used with drive by as well as fixed network AMRs, and may also be used as conventional manually read meters. The District is gradually replacing older manual only read meters with the newer automatic read meters which also give a conventional read out. In this way the District intends to gradually convert to a drive by AMR system. The conversion to the new meters will result in more accurate readings of customer use. Older meters tend to under-read actual usage. If revenue allows, meter replacement may be accelerated.

F-6 Expenditures for growth that has not appeared.

Response: The District disagrees with this finding. The new raw water tank was an improvement to the District's capital facilities and was not undertaken solely or even primarily in view of anticipated development. The new raw water tank is very important to the District. Previously the District had less raw water storage at the water treatment plant. This meant that if there were outages at the Lake McClure

intake or the transmission main from the intake to the treatment plant, the treatment plant could not operate, and water in the District's seven tanks could not be replaced. The new raw water tank allows the District to hold about 1,000,000 gallons in readiness for treatment and delivery into the District's storage tanks. Thus, the District's system would retain functionality even in the intake transmission system suffered an outage. The storage tank allows the District to treat water and supply the distribution system tanks while the outage is repaired. The new raw water tank gives the District's system some back-up robustness it had not had before. Further explanation for the reasons for constructing the raw water tank are set forth in the letter from the District Engineer dated August 1, 2011 attached hereto. The District also notes that the finding seems to fault the District for being "wrong" about the pace and scope of development. The District notes that the comment ignores the fact that a utility system must be sized to accomodate growth regardless of the rate at which such growth occurs. A good example of the failure to do so are the electricity shortages of past years.

F-7 Lack of career path for employees.

Response: The District can neither agree nor disagree with this finding as "lack of career path" is unclear. The finding recognizes that the District is small in size. If "lack of career path" implies traditional "seniority based" civil service tenure rules used in larger governmental organizations, the District disagrees with the finding because seniority based civil service rules are not appropriate for the District, due to its small size and sole funding through water rates. The District does not offer "permanent" or tenured employment. Established District policy is that all employees are at will employees. The general manager and treasurer are at will employees by statute and therefore by law cannot be tenured. Government Code § 61050(d). However, nothing prevents a person from working for the District, making it a career, and retiring from the District, as some have.

F-8 Board of Directors not addressing policy review and revision in the [sic] timely manner.

Response: The District does not agree with this finding. On January 18 and April 7, 2011 the Board reviewed the 2000 series of policies dealing with personnel. On March 21, 2011, the 3020 policy was presented but not discussed. On May 4, 2011, the 1000, 2000, and 6000 series policies were discussed. On May 16, 2011, policies 2265, 2270, 2275, 2280, and 2290 were approved. The October 5, 2010 management letter from auditors Clendenin Bird & Company, which was not specific as to the particular policies at issue, has been and is being addressed as explained above through the policy reviews that have occurred.

///

F-9 Board of Directors lack knowledge of policies and procedures.

Response: The District disagrees with this finding. Directors have knowledge of policies and procedures, but differences in interpretation and application of policies may exist.

F-10 Board of Directors violating Ethics policies.

Response: The District disagrees with this finding because it is based on characterizations of events that occurred in secret grand jury proceedings and does not identify any specific policies that were allegedly breached, or when, or by whom, or how.

F-11 General Manager position left unfilled for several years.

Response: The District disagrees with this finding. See Response to F-2.

F-12 Board Meeting minutes unapproved and unpublished for months.

Response: The District both agrees and disagrees with this finding. The District disagrees with the finding to the extent that it implies a requirement exists to post minutes on the internet, or that it implies a requirement exists that minutes must be approved within a fixed length to time. Draft minutes have been available in Board packets which are distributed both electronically and are made available in hard copy at the meeting. Therefore these minutes have been published and made available, albeit in draft form. The District agrees that some minutes are long.

F-13 LDPCSD forced to increase rates and reduce expenses after 2010 audit.

Response: The District agrees with this finding that the auditors in their 2010 report stated that the District did not have sufficient reserves to operate through FY 2011. The District agrees with the finding that the District subsequently raised rates. The Board has been aware of the need to increase revenues for several years. In 2005 the Board approved a 10 year rate increase intended to meet the needs of the District. In 2008 however the proposed budget showed a deficit. In 2009 the Board hired Bartle Wells Associates, independent public finance advisors, to do a rate study and recommend suitable rate increase(s). Bartle Wells submitted its report in September 2009 and found that the District's rates were substantially below the cost of providing service. Bartle Wells recommended a 5 year rate increase and a doubling of the annual standby fee. In November 2009 the District held a Proposition 218 hearing but the Board adopted only the first two years of the recommended 5 year rate increase. In 2010 the District proposed to raise the stand-by fee, and held a Prop. 218 hearing, but this proposal was not acted on in face of strong opposition from the hearing attendees. In November 2010, service rates were raised in response to the auditor's report and were effective January 1, 2011. The next increase will occur on July 1,

2012. The District disagrees with the finding to the extent that the phrase "forced to raise rates" is intended to have a negative connotation. As a self funding public entity, rates are increased from time to time to account for inflation, the increasing cost of compiance with federal, state, and local regulations, mandates and reporting requirements, the need to build reserves, the need to have bankable rates to qualify for loans to repair, replace, and improve infrastructure, and other needs.

RESPONSES TO RECOMMENDATIONS

R-1 The Board has demonstrated an inability to work as an effective government body. We strongly suggest the Board find and work with a mediator to work out the issues preventing them from governing.

Response: This recommendation requires further analysis. Any meeting of the Board with a mediator would be subject to the Brown Act. The recommendation is unclear. It is unclear whether the recommendation is that there should be a mediator at every board meeting. It is unclear whether the recommendation is for the mediator to conduct the meetings in the manner of a facilitator, or is to serve as an umpire of disputes involving the conduct of proceedings, in the manner of a parliamentarian. It is unclear how having a mediator at meetings would work but the District will investigate the feasibility and cost of having a mediator or other neutral at meetings.

R-2 Board members should educate themselves about existing policies and procedures. The Board needs to review and revise the documentation in a timely manner. If policies are not followed by any Director or the Board as a whole, then it is the community's responsibility to decide whether to recall or re-elect the Board or Director.

Response: This recommendation will be implemented and/or is being implemented, although it depends in part on the acts of the electorate. The District recognizes that the electorate have the remedy of recall that is available at all times. Regular elections are every two years. The current Board was elected in the past two elections. The Board has and will continue to review District policies. The Board reviewed the 2000 series of policies (containing the personnel policies) on January 18, 2011, and at a special meeting on April 7, 2011. On May 4, 2011, the Board discussed the 1000, 2000 and 6000 series policies. The Board approved new policies 2265, 2270, 2275, 2280 and 2290 on May 16, 2011.

R-3 The President of the Board should resign as President as he has voluntarily missed several meetings because of personal issues with other Board members according to his own testimony. Additionally, he is unwilling to follow policies and procedures regarding his responsibilities on the board. (The Grand Jury has subsequently learned that this Board President has resigned.)

Response: This recommendation has been implemented as the Board President has resigned as president. It is unclear which meetings are included in the "several" missed meetings. The District cannot comment on the reference to secret grand jury testimony. The policies and procedures claimed not followed are not identified.

R-4 The Board needs to hire a permanent GM as soon as possible.

Response: This recommendation requires further analysis. The District has an interim general manager who has an evaluation scheduled in November 2011. Under Government Code § 61050(d), the general manager serves at the pleasure of the Board and can be dismissed at any time, with or without cause. Therefore the position of general manager in a community services district is at will by statute, and is not a permanent position of tenured public employment.

R-5 Board members should stop publishing documents that do not promote or represent the Districts [sic] interest as a whole.

Response: This recommendation cannot be implemented because it is directed at "Board members" and not at the District. The District does not have jurisdiction or control over individual Board members' exercise of their free speech rights and any attempt to do so would be an illegal prior restraint on speech. This does not mean that free expression may not, under some conditions, give rise to liability or potential liability of the speaker for libel, slander, invasion of privacy, or under other legal theories. The First Amendment and free speech is not always a complete defense.

R-6 Board members should seek clarification of the financial statements and accounting from the District's Financial Officer until they understand the District's financial health.

Response: This recommendation has been or will be implemented. Monthly Board packets contain reports by the treasurer on the financial condition of the District. These reports are reviewed by Board members who will seek clarification from staff in event of questions.

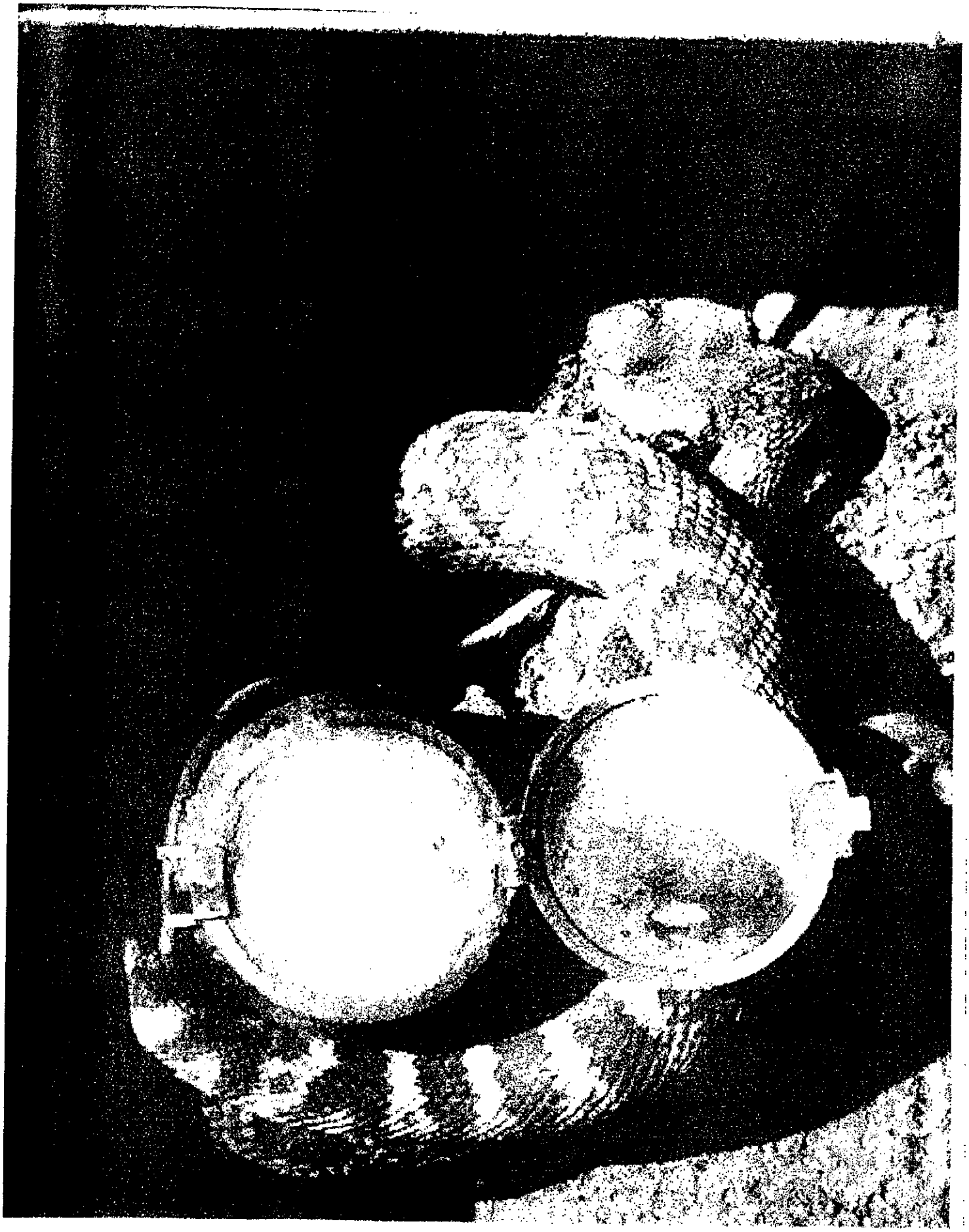
Very truly yours,

GRISWOLD, LaSALLE, COBB, DOWD & GIN, L.L.P.

By: Raymond L. Carlson
RAYMOND L. CARLSON

Enclosures
cc: Board of Supervisors; Dan Tynan
E:\KATIE\RAY\LAKEDON\Walton_8_26_11[1].wpd

Reviewed: F. Dana Walton
Honorable F. Dana Walton, Per PC933



Binkley Associates, Inc.

CONSULTING ENGINEERS

HYDRAULICS · WATER RESOURCES · WATER AND SEWAGE FACILITIES

August 1, 2011

VIA EMAIL ONLY: carlson@griswoldlasalle.com

Mr. Raymond Carlson
Griswold, LaSalle, Cobb, Dowd, & Gin, L.L.P.
311 North Douty Street
Hanford, CA 93232

RE: Lake Don Pedro CSD – Grand Jury Report

Dear Raymond:

Following is our response to you for your reference regarding the Grand Jury Report Item F-6 "Water Treatment Plant Upgrade Project" which included both some modifications to the treatment plant itself, and replacement of the raw water storage facility. Current staff and Board are not familiar with the project since they were not involved or employed during the mid-decade period when it was planned.

Grand Jury Item F-6 is inaccurate. It implies that "future growth" was the only reason for the project. In actuality, the project was triggered by growth that had already happened, but the actual sizing of facilities is much more complex and partially due to ongoing operational issues unrelated to growth.

The District experienced significant growth during the first half of the 2000's (see attached graph titled "LDPCSD Population Growth") such that the treatment plant had to run 24 hours per day, everyday, at its full permitted capacity during a portion of summer of 2005 and was not able to produce the maximum day demand as is required by California regulations. Capacity of the plant needed to be increased before the next summer and permitted by the State Department of Public Health to stay in compliance and safely meet demand. So, the project was triggered by the growth that had already happened and, upon engineering consideration and estimation of the alternatives, the chosen method was to simply max out the original design capacity of the existing plant without adding on to it or building another plant. Basically, the bottlenecks in the existing treatment process stream were eliminated. Increasing to the original design capacity of the plant would be adequate to meet the maximum demand per code even if it continued to increase for some time, and provide an additional safety cushion even if growth stagnated so the plant would not need to be run continuously in summer, allowing for normal operations such as backwashing and maintenance, power outages, and the ability to replenish water during emergencies such as fire.

In addition, it should be noted that there was no concrete indication at that time (2005-6) that growth would slow or stop soon.

7246 SHARON DRIVE SUITE J • SAN JOSE • CALIFORNIA 95129 • (408) 257-9252 FAX: (408) 257-9102

The raw water storage was replaced and increased as part of the project. but not only to match the increased plant capacity. It is important to realize that the raw water tank is not just "storage" but is also "regulation" of water, e.g. pacing between intake pumps and plant pumps, and the times of days and durations that those pumps are run, in addition to the golf course taking water from the system. The following items were factored into the replacement and sizing of the raw water storage:

1. The old 1969 open raw water reservoir had reached the end of its useful service life, was leaking badly, could no longer be filled to capacity, had been repaired multiple times, and we recommended replacement with an enclosed structure, seismically designed to code, as the best solution.
2. The increase in safety (terrorism, drowning) and water quality provided by an enclosed structure versus an open reservoir was also a significant concern at that time.
3. A major reason for the size increase is to provide a safer "buffer" from the Lake McClure intake. This is to allow some operational flexibility and provide reliability. It is important to know that the District runs the Lake McClure intake pumps off-peak during normal operations on "time of use" PG&E schedule for considerable cost savings, but the plant runs both day and night.
4. In addition, the District experiences power supply problems at the intake, which was a major concern for management, and the larger storage allows the District more time to address power outages and shut-downs at the intake without impacting the community's water supply.

In summary, the treatment plant was modified because maximum demand had <u>already</u> surpassed the permitted capacity. These modifications bumped the treatment plant up to a higher capacity than what was immediately needed because technically it was the most feasible incremental jump in capacity for that plant. The replacement and increase in the size of the raw water tank was triggered by the new plant capacity in addition to addressing the above operational issues and concerns.

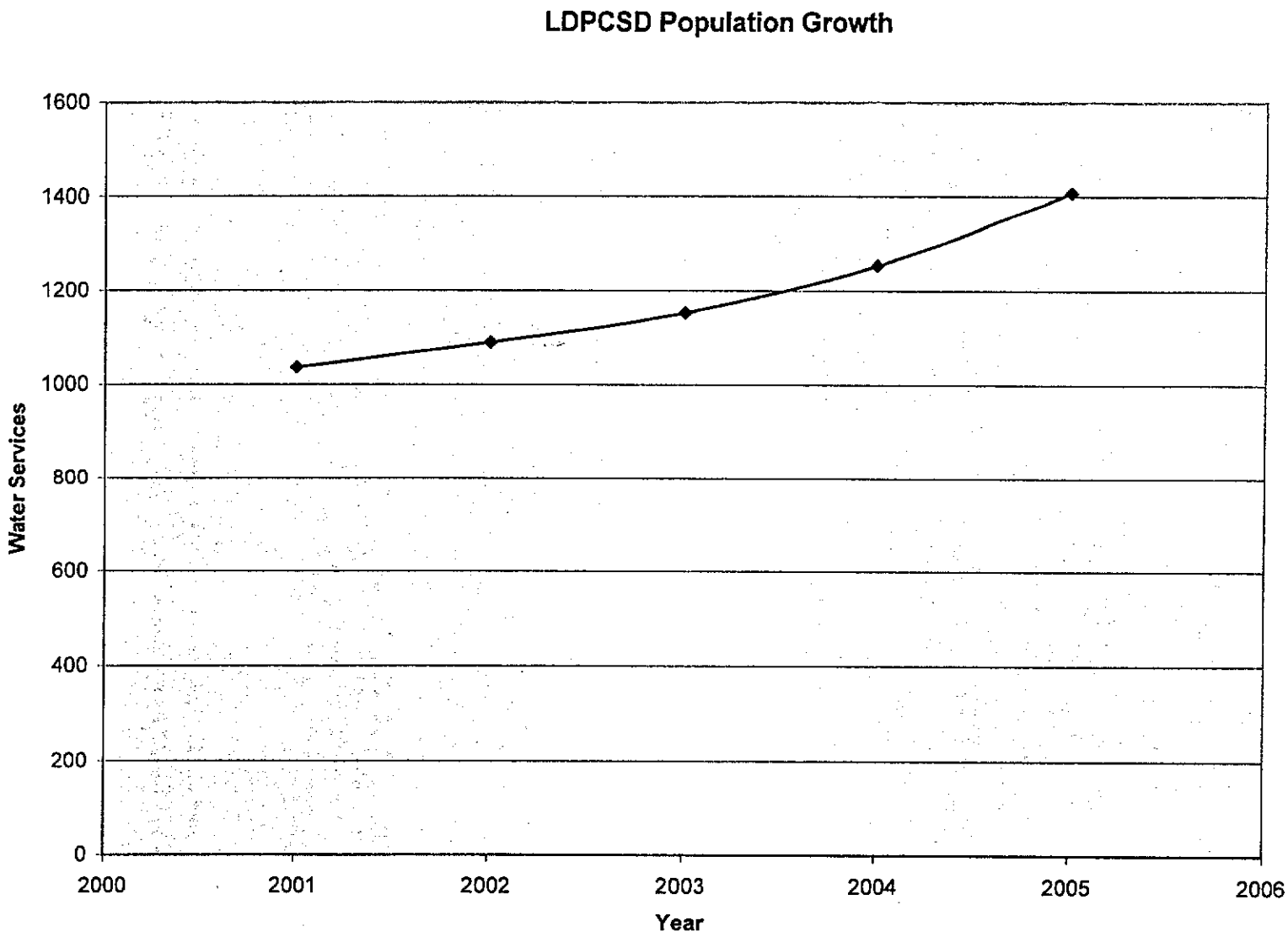
On a separate note regarding the Grand Jury report, in Item F-11, it appears that the Grand Jury is not aware of the employment of Jeff Mann as a (interim?) General Manager for a portion of the time between Bob Kent and Dan Tynan.

If you would like additional information, please let me know.

Very truly yours,
Binkley Associates, Inc.
Engineer for Lake Don Pedro Community Services District

By:_____
Elizabeth A. Binkley, P.E.
Senior Engineer

enclosure


LDPCSD Population Growth
1600
1400
1200
1000
800
600
400
200
0
Water Services
2000
2001
2002
2003
2004
2005
2006
Year

Mariposa County Board of Supervisors

District 1 ..... LEE STETSON
District 2 ..... LYLE TURPIN
District 3 ..... JANET BIBBY
District 4 ..... KEVIN CANN
District 5 ..... JIM ALLEN

RICHARD J. BENSON
County Administration Officer

MARGIE WILLIAMS
Clerk of the Board

P. O. Box 784
Mariposa, CA 95338
(209) 966-3222
(800) 736-1252
Fax (209) 966-5147
www.mariposacounty.org/board

August 25, 2011

Honorable F. Dana Walton
Presiding Judge
Mariposa County Superior Court
Post Office Box 28
Mariposa, California 95338

Dear Judge Walton:

Enclosed is the Mariposa County Administration response to the 2010-2011 Mariposa County Grand Jury Final Report. This response is in regards to the recommendations under the "Employee Survey" section.

Please contact me if you need additional information.

Sincerely,

RICHARD J. BENSON
County Administrative Officer

RB/mbh
Enclosure

Mariposa County Administration
Response to 2010-2011 Mariposa County Grand Jury Final Report

This is in response to the section under "Recommendations from the Employee Survey."

Recommendations:

- R-1
  Staff concurs that cross-training is an effective way of ensuring mission continuity and functional flexibility within a department. The ability to and the amount of cross-training necessary within a specific department/division is a discretionary decision of the responsible Department Head/Manager. Consideration must be given to the unique job responsibilities/duties within each county department. It is the Department Head's decision on whether to include this as a consideration in a division manager's evaluation.

- R-2
  Staff agrees that evaluations are a critical component of effective job performance and currently sends out reminders to departments on a monthly basis notifying Department Heads of pending evaluations due for their employees. A follow-up process will be developed in the coming year to remind Department Heads that annual evaluations must be completed. This may also be an area to consider when the Board of Supervisors conducts Department Head performance reviews. Staff appreciates that the Grand Jury recognizes the implementation of Department Head performance evaluations and the importance this has in the effectiveness of county operations.

- R-3
  The County currently participates in a regional consortium that provides bi-monthly one-day training sessions on a myriad of personnel and leadership matters. There is no charge to departments wishing to attend these sessions (other than travel expense) and email notifications are sent to all Department Heads and Division Managers notifying them in advance of these sessions.

Reviewed: _____
Honorable F. Dana Walton, Per PC933

Mariposa County
Board of Supervisors

District 1 ..... LEE STETSON
District 2 ..... LYLE TURPIN
District 3 ..... JANET BIBBY
District 4 ..... KEVIN CANN
District 5 ..... JIM ALLEN

RICHARD J. BENSON
County Administration Officer

MARGIE WILLIAMS
Clerk of the Board

P. O. Box 784
Mariposa, CA 95338
(209) 966-3222
(800) 736-1252
Fax (209) 966-5147
www.mariposacounty.org/board

September 27, 2011

Honorable F. Dana Walton
Judge of the Superior Court
County of Mariposa
Post Office Box 28
Mariposa, California 95338

Dear Judge Walton:

Enclosed is the response of the Mariposa County Board of Supervisors to the 2010-2011 Mariposa County Grand Jury Final Report. The Clerk of the Board of Supervisors and the County Clerk will keep copies of the report and this response on file. A file copy will also be submitted to the 2011-2012 Grand Jury.

We at the County appreciate the quality of the 2011-2012 Final Report and the many hours of work that it represents.

Sincerely,

RICHARD J. BENSON
County Administrative Officer

RB/mbh
Enclosure

Reviewed:
Honorable F. Dana Walton, Per PC933

cc: Board of Supervisors
Affected Department Heads
Keith Williams, County Clerk
2011-2012 Grand Jury
Margie Williams, Clerk of the Board

Mariposa County Board of Supervisors
Response to the 2010-2011 Mariposa County Grand Jury Final Report

Oversight – Mariposa County Arts Council
The Mariposa County Board of Supervisors has no authority or jurisdiction over the Mariposa County Arts Council.

Oversight – Assessor/Recorder
The Mariposa County Board of Supervisors has reviewed the Grand Jury Final Report and the response from Becky Crafts, Assessor/Recorder, dated July 19, 2011, and concurs with her response with the following comments.
R-1: Any awards/incentives program for employees should be developed on a county-wide basis and not on a departmental basis, and must be done in accordance with any criteria contained in Memorandums of Understanding (MOU) with employee unions.
R-2: This recommendation was addressed in the Administration response.
R-3: During this last fiscal year county staff has reviewed software systems to identify which system will best satisfy the County's requirements. Once an operating system has been identified, staff will develop a method to finance the purchase. Input from all departments has been solicited, with special consideration given to "financial" departments – Auditor, Treasurer/Tax Collector, Assessor/Recorder, and Administration.

Oversight – Auditor
The Mariposa County Board of Supervisors has reviewed the Grand Jury Final Report and the response from William Davis, Auditor, received August 25, 2011, and concurs with his response.

Oversight – Adult Detention Facility
The Mariposa County Board of Supervisors has reviewed the Grand Jury Final Report and the response from Doug Binnewies, Sheriff/Coroner/Public Administrator, dated July 8, 2011, and concurs with his response with the following comment.
R-1: Administrative staff will continue to work with the Sheriff to identify a staffing solution within the current budgetary constraints.

Oversight – Lake Don Pedro Community Services District
The Mariposa County Board of Supervisors has no authority or jurisdiction over the Lake Don Pedro Community Services District. Their response dated August 26, 2011, is included only for informational purposes.

Oversight – Fleet Maintenance – Public Works
The Mariposa County Board of Supervisors has reviewed the Grand Jury Final Report and the response of Peter Rei, Interim Public Works Director, dated August 25, 2011, and concurs with his response.

Oversight – Senior Services
The Mariposa County Board of Supervisors has reviewed the Grand Jury Final Report and the response of Terri Haworth, Community Services Director, dated July 20, 2011, and concurs with her response.

Oversight – Technical Services
The Mariposa County Board of Supervisors has reviewed the Grand Jury Final Report and the response of Rick Peresan, Technical Services Director, dated July 25, 2011, and concurs with his response.

Oversight – Tax Collector
The Mariposa County Board of Supervisors has reviewed the Grand Jury Final Report and the response of Keith Williams, Treasurer/Tax Collector/County Clerk, dated August 19, 2011, and concurs with his response with the following comments.
R-2: Any awards/incentives program for employees should be developed on a county-wide basis and not on a departmental basis, and must be done in accordance with any criteria contained in Memorandums of Understanding (MOU) with employee unions.
R-3: This recommendation was addressed in the Administration response.
R-4: During this last fiscal year county staff has reviewed software systems to identify which system will best satisfy the County's requirements. Once an operating system has been identified, staff will develop a method to finance the purchase. Input from all departments has been solicited, with special consideration given to "financial" departments – Auditor, Treasurer/Tax Collector, Assessor/Recorder, and Administration.

Citizen's Complaint – Mariposa County Unified School District
The Mariposa County Board of Supervisors has no authority or jurisdiction over the Mariposa County Unified School District. Their response dated August 19, 2011, is included for informational purposes only.

Recommendations from Employee Survey – Administration
The Mariposa County Board of Supervisors has reviewed the Grand Jury Final Report and the response from Richard Benson, County Administrative Officer, dated August 25, 2011, and concurs with his response.

Oversight Report – Behavioral Health & Recovery Services, Alcohol & Drug Program
The Mariposa County Board of Supervisors has reviewed the Grand Jury Final Report and the response from James Rydingsword, Human Services Director, dated July 7, 2011, and concurs with his response.

Complaint 1
The Mariposa County Board of Supervisors has reviewed the Grand Jury Final Report, the response of Mike Kinslow, Building Director, dated July 7, 2011, and the response of Kris Schenk, Planning Director, dated July 26, 2011, and concurs with their responses.

Complaint 2
The Mariposa County Board of Supervisors has no authority or jurisdiction over the Mariposa County Unified School District.

Complaint 3
The Mariposa County Board of Supervisors has reviewed the Grand Jury Final Report and the response of William Davis, Auditor, dated August 25, 2011, and concurs with his response.

Complaint 4
The Mariposa County Board of Supervisors has reviewed the Grand Jury Final Report and the response of Mike Kinslow, Building Director, dated July 7, 2011, and concurs with his response.

Complaint 5
The Mariposa County Board of Supervisors has reviewed the Grand Jury Final Report and the response of Doug Binnewies, Sheriff/Coroner/Public Administrator, dated July 8, 2011, and concurs with his response.

Complaint 6
The Mariposa County Board of Supervisors has reviewed the Grand Jury Final Report and the response of Pete Judy, Chief Probation Officer, received August 25, 2011, and concurs with his response.

Complaint 7
The Mariposa County Board of Supervisors has reviewed the Grand Jury Final Report; no findings or recommendations were made.

Complaint 8
The Mariposa County Board of Supervisors has reviewed the Grand Jury Final Report, the response of Robert Brown, District Attorney, dated July 1, 2011, and the response of Doug Binnewies, Sheriff/Coroner/Public Administrator, dated July 8, 2011, and concurs with their responses.

Complaint 9
The Mariposa County Board of Supervisors has reviewed the Grand Jury Final Report and the response of Doug Binnewies, Sheriff/Coroner/Public Administrator, dated July 8, 2011, and concurs with his response.

Complaint 10
The Mariposa County Board of Supervisors has no authority or jurisdiction over the Lake Don Pedro Community Services District.

Complaint 11
The Mariposa County Board of Supervisors has reviewed the Grand Jury Final Report; no findings or recommendations were made.

Complaint 12
The Mariposa County Board of Supervisors has no authority or jurisdiction over the Lake Don Pedro Community Services District.

Complaint 13
The Mariposa County Board of Supervisors has reviewed the Grand Jury Final Report; this complaint was held over for the 2011-2012 Grand Jury.